

Name

Kevin Fahy

Of the six categories into which the Paper classified the first round of submissions, which one (if any) best describes you?

User

If so, should it be an entirely private entity, or should it be recognised in some way by the State, or should it be a public body?

If a Council is established it should be a public body.

Should its subscribing membership be rights-holders and collecting societies; or should it be more broadly-based, extending to the full Irish copyright community?

If a Council is established it should extend to the full Irish copyright community.

From the perspective of innovation, should the definition of “originality” be amended to protect only works which are the author’s own intellectual creation?

Yes

Should the sound track accompanying a film be treated as part of that film?

No

Should section 24(1) CRRA be amended to remove an unintended perpetual copyright in certain unpublished works?

Yes

Is it to Ireland’s economic advantage that it does not have a system of private copying levies; and, if not, should such a system be introduced?

Yes

Is there any good reason why a link to copyright material, of itself and without more, ought to constitute either a primary or a secondary infringement of that copyright?

No

If not, should Irish law provide that linking, of itself and without more, does not constitute an infringement of copyright?

Yes

If so, should it be a stand-alone provision, or should it be an immunity alongside the existing conduit, caching and hosting exceptions?

It should be a stand-alone provision.

Does copyright law inhibit the work of innovation intermediaries?

Yes

Is there a case that there would be a net gain in innovation if the marshalling of news and other content were not to be an infringement of copyright?

Yes

In particular, should Irish law provide for a specific marshalling immunity alongside the existing conduit, caching and hosting exceptions?

Yes

Should the definition of “fair dealing” in section 50(4) and section 221(2) CRRA be amended by replacing “means” with “includes”?

Yes

62. Should all of the exceptions permitted by EUCD be incorporated into Irish law, including:

(a) reproduction on paper for private use? - Yes

(b) reproduction for format-shifting or backing-up for private use? - Yes

(c) reproduction or communication for the sole purpose of illustration for education, teaching or scientific research? - Yes

(d) reproduction for persons with disabilities? - Yes

(e) reporting administrative, parliamentary or judicial proceedings? - Yes

(g) advertising the exhibition or sale of artistic works? - Yes

(h) demonstration or repair of equipment? - Yes

(i) fair dealing for the purposes of caricature, parody, pastiche, or satire, or for similar purposes? - Yes

Should CRRA references to “research and private study” be extended to include “education”?

Yes

Should the education exceptions extend to the (a) provision of distance learning, and the (b) utilisation of work available through the internet?

(a) Yes (b) Yes

Should broadcasters be able to permit archival recordings to be done by other persons acting on the broadcasters’ behalf?

Yes

Should there be a specific exception for non-commercial user-generated content?

Yes, definitely.

Should there be an exception permitting format-shifting for archival purposes for heritage institutions?

Yes

Should the occasions in section 66(1) CRRA on which a librarian or archivist may make a copy of a work in the permanent collection without infringing any copyright in the work be extended to permit publication of such a copy in a catalogue relating to an exhibition?

Yes

Should the fair dealing provisions of CRRA be extended to permit the display on dedicated terminals of reproductions of works in the permanent collection of a heritage institution?

Yes

Should the fair dealing provisions of CRRA be extended to permit the brief and limited display of a reproduction of an artistic work during a public lecture in a heritage institution?

Yes

Should there be exceptions to enable scientific and other researchers to use modern text and data mining techniques?

Yes

Should there be related exceptions to permit computer security assessments?

Yes

Do you have any further comments on the Consultation Paper?

- Shorter copyright duration terms are needed. - Mandatory registration and renewal required for copyrighted works, otherwise a work should be regarded as being in the public domain.