

Name

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

rights-holder

Is our broad focus upon the economic and technological aspects of entrepreneurship and innovation the right one for this Review?

No, there appears to be dearth in consultation at the level of technological and artistic innovation. There are small right-holders who are totally unaware of the effects of copyright law reviews and indeed in their own rights with regard licensing such as Creative Commons. The fact that artists can and do use CCs, Commons, and other structures to set licences is practically silent in media. There are two chapters dedicated to surrounding issues in CRC12, yet debate here appears dedicated to streamlining business and large stakeholder responses, such as in CH10 (Fair Use) Para 4, the only named group in this paragraph is the Press Council of Ireland : <http://ht.ly/9H3gB> .

Is there sufficient clarity about the basic principles of Irish copyright law in CRRA and EUCD? [Note: CRRA is the Copyright and Related Rights Act, 2000; and EUCD is the European Union Copyright Directive (Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society)].

Yes

Should any amendments to CRRA arising out of this Review be included in a single piece of legislation consolidating all of the post-2000 amendments to CRRA?

There appears to be an indecent haste in consolidating copyright review law, which does not bring in all aspects of this discussion at a fair level. There is afaik, maybe, one planned public meeting on the issue. My question regarding stakeholders is insufficiently replied to: Have government depts. such as 'Arts and Heritage' advised their members fully regarding this review and thus notified them via the Arts Councils, and other councils/advocacy Organisations ?

Is the classification of the submissions into six categories – (i) rights-holders; (ii) collection societies; (iii) intermediaries; (iv) users; (v) entrepreneurs; and (vi) heritage institutions – appropriate?

Again, the issue of 'Rights-holders' barely touched on licensing (such as creative-commons) and the ability of the artist/innovator to create and designate permissions for their works. Business may not wholly understand the issues of derivatives in artistic activity, including inspiration (pictorial/ musical/theatrical adaptations) and more fundamental approaches to the arts including collaborative translations and other forms of work which use the idea of artists. The fact that business wholly interprets a Fair Use doctrine as something that is threatening disregards the work of the artist and their ability or desire to collaborate across media! Leaving out this aspect of art-activity through lack of adequate widespread consultation with arts advocacies limits any debate on Irish Copyright laws to a wary pragmatism.

In particular, is this classification unnecessarily over-inclusive, or is there another category or interest where copyright and innovation intersect?

Copyright and Innovation intersect in the Arts. Thus Chapter 10 and Chapter 3 are fundamentally flawed unless the discussion is increased and recognises that stakeholders/rights-holders exist at all levels of artistic activity. Not all bloggers, artists and innovators desire the protection of a bunch of corporate lawyers (nor can they access them as readily as an entity)

What is the proper balance to be struck between the categories from the perspective of encouraging innovation?

Rights-holders (that is innovators) should be fully aware of how proposed changes to copyright laws can impinge on their original works. The original work forms the basis of their rights and they should decide how the work is shared or disseminated in an era of multi-media.

Should a Copyright Council of Ireland (Council) be established?

Yes.

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?

No. It should be statutory and independent of the State. Members should be appointed on the basis of their expertise, as opposed to weighted by their ability to influence through their wealth or power.

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

It should be broadly based but expert in areas of innovation, most especially in intellectual property rights and artistic-activity.

What should the composition of its Board be?

answered above here. There is a need of expertise in all aspects of copyright and intellectual property-right. Business represents one entity, but current reviews tend to look at business for answers to complex questions which are not necessarily in their field of expertise.

What should its principal objects and its primary functions be?

An Independent Statutory Body with expertise on issues of copyright that can be called upon by the relevant minister to advise on legislation. The fact that there is not such a council was starkly shown in the recent SI which had unnamed parties to it, and that left out innovation/arts in it's detailing.

How should it be funded?

How is the Arts and/or Press Council funded ? A Copyright advisory Council could be weighted and funded similarly to these bodies ?

What other practical and legislative changes are necessary to Irish copyright licensing under CRRA?

Wider use of technology to ensure that information on copyright and licences is available to all rights-holders.

Should the Council include the establishment of a Copyright Alternative Dispute Resolution Service (ADR Service)?

Might be an idea, criminalisation of the youth seems to be a government hobby in Ireland/UK. Isp- blocking is as close to censorship that Ireland has gotten since De Valera. Proper use of fair-use and licensing doctrine would help innovation.

How much of this Council/Exchange/ADR Service architecture should be legislatively prescribed?

Little. It is possible to set up statutory advisory panels based in expert opinion without constantly drawing legislation into it. The Irish Arts Council being an exemplar, despite some difficulties with ministerial appointments, it functions pretty well and includes expertise in the important areas of arts activity. this should not be beyond the intellect of legislators to set up.

Should the statutory licence in section 38 CRRA be amended to cover categories of work other than “sound recordings”?

Sound-recordings can now be uploaded on audio-boo etcetera. There is , and I am reiterating this again, a severe lack of consultation with innovators in areas that include recording, artistry, poetry and dissemination.

Furthermore, what should the inter-relationship between the Controller and the ADR Service be?

There shouldn't be one, Unless the Controller is invited at consultative level to address meeting of an advisory council.

Should there be a small claims copyright (or even intellectual property) jurisdiction in the District Court, and what legislative changes would be necessary to bring this about?

Cannot see that working at all. Why is there always a desire for court-remedy in the absence of both fair-use doctrine sharing using simple attributions ?

Should there be a specialist copyright (or even intellectual property) jurisdiction in the Circuit Court, and what legislative changes would be necessary to bring this about?

Not yet.