

**Name**

Kasandra O'Connell

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

rights-holder

collection society

heritage institution

**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)].**

It could be made clearer. there is a need for a copyright council in Ireland with a remit to provide clarity to organisations in the State who are unclear where they sit , within the current legislation.

**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?**

There is quite a bit of overlap in many cases between these categories. It would be useful to identify how the clauses would work in any instances where an organisation or person can be defined under more than one category.

**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?**

It should be state recognised or 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?**

It should be broadly based representing those who create, hold interests in or manage rights in literary, dramatic, musical and artistic works, films, sound recordings, broadcasts and other material in which there are rights of copyright or related rights; and those who perform such works.

**What should its principal objects and its primary functions be?**

To work as a consultative and advisory body to ensure copyright legislation is understood ational As a liaison committee and pressure group for change in copyright law at UK, European and international level, the BCC provides its members with a forum for the discussion of copyright matters.

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

Yes

**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

(f) religious or official celebrations? - no

(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? - no

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

yes, but education should be more clearly defined

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

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

**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

**How, if at all, should legal deposit obligations extend to digital publications?**

If a digital copy is produced of a work that falls within statutory deposit, the provision of a digital copy should be mandatory

**Would the good offices of a Copyright Council be sufficient to move towards a resolution of the difficult orphan works issue, or is there something more that can and should be done from a legislative perspective?**

EU proposal on this subject is helpful and should be considered in an Irish context

**Should there be a presumption that where a physical work is donated or bequeathed, the copyright in that work passes with the physical work itself, unless the contrary is expressly stated?**

No, physical ownership and copyright are very different and should not be confused in this way.

**Should there be related exceptions to permit computer security assessments?**

Yes

**(a) What EU law considerations apply? (b) In particular, should the Irish government join with either the UK government or the Dutch government in lobbying at EU level, either for a new EU CD exception for non-consumptive uses or more broadly for a fair use doctrine?**

Yes we need a clearer definition of Fair Use that allows heritage institutions to engage publicly with the material they hold.

**Do you have any comments on the work of the Copyright Review Committee or on the consultation process generally?**

I welcome it, copyright is a serious issue for many smaller heritage organisations, especially those that do not have National Cultural Institution status, as they often are unsure of their status. I personally have found it incredibly difficult to get clarity from the Department with regard to which aspects of the Copyright legislation would apply to an organisation such as the IFI, which has a strong Educational remit, is a heritage organisation and a collecting body.

**There will be a public meeting from 10:00am until 12:00 noon, on Saturday 24 March 2012, in the Robert Emmet Lecture Theatre, Room 2037 Arts Block, Trinity College Dublin. Attendance is free and open to anyone interested in the work of the Committee, but registration is necessary. If you would like to attend this public meeting, please tick "yes" to this question, and you will be registered for attendance.**

Yes