[IE] Copyright Review Committee Recommends Forming a Copyright Council of Ireland

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On 29 October 2013, the Copyright Review Committee published its final report entitled Modernising Copyright. The Minister for Jobs, Enterprise and Innovation had established the three-member Committee on 9 May 2011 to examine current Irish copyright legislation, identify potential barriers to innovation, and present reforms to remove these barriers while protecting rightsholders (see IRIS 2012-4/30).

Highlighted recommendations of the 180-page report include: broadening the jurisdiction of the District Court, the lowest court in the Irish court system, to include intellectual property cases up to a EUR 15,000 threshold; graduated civil sanctions for copyright law violators; providing a legal definition for “innovation”; creating an Irish definition of “fair use” distinct from the current US doctrine; expanding protections for photographers, including copyright licenses for metadata and digital watermarks; providing exceptions for individuals with disabilities to create accessible copies of copyrighted materials; and making a clear distinction between online linking and infringement.

However, the report’s most transformative recommendation centres on the proposed creation of a Copyright Council of Ireland. The Committee hopes that the creation of such a Council will encourage transparency in the creation of copyright policy and open dialogue among members of the copyright community. Given the rapid expansion of data accessibility in the digital era, such a body would help address evolving issues regarding the use and ownership of intellectual property. Forming the Copyright Council will, according to the report, ensure the protection of copyright and freedom of expression while encouraging innovation.

The Council will be similar to the Irish Press Council in that it will be an independent, self-funded organisation supported by legislative structures. Funding for the Council will come from members’ subscription fees, gifts and donations, service fees, EU funding, and National Lottery funding. One unique aspect of the Council will be its broad membership base. Rather than only allowing select stakeholders to participate in the Council, the Committee recommends that membership consist of all interested parties from the Irish copyright community. Subscription fees will be graduated to further encourage

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membership diversity. A Chairperson and 13-member Board of Directors will lead the Council, which will act on consensus when possible.

Once founded, the Council will serve as the primary copyright policy organisation in Ireland. Its chief charge will be promoting awareness of the importance of copyright through education and legislative advisement. Additionally, the Council will advocate domestically and internationally for copyright policy developments. The Council will also research the social and cultural consequences of copyright law, provide policymakers with insight into technical issues, and draft potential copyright codes.

The Council will also implement a number of the Committee's primary proposals. Firstly, the Council will create and oversee a Digital Copyright Exchange to expand and simplify copyright and digital license administration. Participation in the Exchange will be voluntary for prospective rightsholders, but it will simplify the copyright registration process. Secondly, the Council will also establish a voluntary alternative dispute resolution service as a means of resolving copyright and intellectual property disputes before they reach the formal legal system. Finally, the Council will operate the Irish Orphan Works Licensing Agency. The use and management of orphan works have been a source of contention for copyright analysts. The Agency will provide domestic management of orphan works whose rightsholders cannot be found or identified. Under the proposed system, a person wanting to use an orphan work must seek a license from the Agency.

The report concludes with draft legislation, which would amend the Copyright and Related Rights Act 2000 to include the Committee's proposals.

Copyright Review Committee, Modernizing Copyright: A Report Prepared by the Copyright Review Committee for the Department of Jobs, Enterprise and Innovation (Committee Report, 2013)

http://www.enterprise.gov.ie/en/Publications/CRC-Report.pdf

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