



Trinity College Dublin
Coláiste na Tríonóide, Baile Átha Cliath
The University of Dublin

TRINITY
Long
Room
HUB
Arts & Humanities
Research Institute

**Irish Centre for European Law and the School of Law
Trinity College Dublin**

Copyright Workshop

Modernising Copyright in the EU Digital Single Market:

Current and future prospects for individual creators, content producers, online intermediaries and society at large

Friday 12th February 2016, Neill Lecture Theatre, Long Room Hub, TCD

5 CPD points

This workshop will consist of four panel discussions on still unsettled issues of European and national copyright laws. The workshop will provide a refreshing and up-to-date overview and analysis of various problems the European Union and its member states are currently facing in order to modernise the existing law and make copyright fit for purpose in the Internet age. The programme seeks to balance the views of practitioners, academics, industry and copyright holders.

09:30-10:00	Registration
10:00-10:10	<p>Welcome – Gary Fitzgerald BL Director, ICEL</p> <p>Dr Oran Doyle Head of the School of Law, TCD</p>
10:10-11:25	<p>Panel One: Digital Single Market - Multi-territorial licensing - Cultural diversity</p> <p>Moderator: Dr Eoin O'Dell</p> <p>Panellists:</p> <p>Dr Eleonora Rosati, University of Southampton <i>The Digital Single Market Strategy: Just a Dream?</i></p> <p>Dr Felice Simonelli, Centre for European Policy Studies, Brussels <i>The why and how of a Digital Single Market in the field of copyright</i></p> <p>Dr Giuseppe Mazziotti, School of Law, TCD <i>Digital Single Market for Multiple Audiences? Multi-territorial licenses and the</i></p>

	<i>issue of cultural diversity</i>
11:25-11:45	Coffee break
11:45-13:00	<p>Panel Two: Exceptions and uncertainties about the scope of digital copyright</p> <p>Moderator: Dr Eleonora Rosati, University of Southampton</p> <p>Panellists:</p> <p>Linda Scales, Solicitor <i>A practitioner perspective on copyright exceptions</i></p> <p>Dr Cedric Manara, Google <i>Google's Perspective</i></p> <p>Sarah Faulder, Publishers Licensing Society <i>Uncertainties? Why licensing trumps exceptions</i></p>
13:00-14:00	Lunch (not provided)
14:00-15:15	<p>Panel Three: The copyright liability of online content platforms and social networks</p> <p>Moderator: The Hon. Mrs Justice Fidelma Macken</p> <p>Panellists:</p> <p>Dr Eoin O'Dell, School of Law <i>Proportionality, rights, and injunctions against intermediaries - why enforcement needs a Total Perspective Vortex</i></p> <p>Glen Gibbons, BL <i>Damages and other remedies arising from copyright liability of online content platforms/social networks</i></p> <p>Vishnu Shankar, Mason Haynes Curran <i>Trends in Commercialisation and the Copyright Liability of Online Services Platforms</i></p>
15:15-15:30	Coffee break
15:30-16:45	<p>Panel Four: Fair remuneration of individual authors and artists</p> <p>Moderator: Dr Giuseppe Mazziotti</p> <p>Panellists:</p> <p>Allen Bargfrede, Berklee College of Music - via Skype <i>Towards a Fair and Transparent Digital Content Marketplace</i></p> <p>Victor Finn, IMRO <i>The balance between fair remuneration and innovation</i></p> <p>David Kavanagh, Writers' Guild of Ireland <i>The Creators Perspective</i></p> <p>Dr Mira Sundara Rajan, University of Glasgow <i>Justice for Authors: What role can Europe play?</i></p>

Panellists, Moderators and Organisers

Allen Bargfrede



Based in Paris and Boston, Allen Bargfrede is the Founder and Executive Director of Rethink Music and associate professor of music business/management at Berklee College of Music. As an American attorney, Allen is also a recognized expert on content distribution, copyright law, and business environments for the music and technology industries. He also advises European startups and cultural SME's on entry into the North American market, and recently launched an investment fund for music, Blue Tile Media Partners.

From 2013 to 2014, Allen was a Fellow at the Berkman Center for Internet and Society at Harvard University, where he researched new business models for the music industry. From 2011 to 2013, he founded and launched Berklee's first music industry master's program, located in Valencia, Spain.

Sarah Faulder



Sarah was appointed Chief Executive of Publishers Licensing Society in October 2010. She had previously specialised in copyright at city law firm, Taylor Joynson Garrett (now Taylor Wessing), where she was a partner for ten years, before working in the music industry.

Her music industry roles included nine years as Chief Executive of the Music Publishers Association, Chargée de Mission at BIEM and CISAC, the Paris based umbrella organisations for collecting societies from all over the world, and latterly Public Affairs Director for PRS for Music.

Sarah has served on several industry boards and is currently on the boards of the British Copyright Council and the Copyright Hub Foundation.

Victor Finn



Victor Finn, BBS, FCMA, was appointed CEO of IMRO (the Irish performing rights organisation) in 2008. A Chartered Management Accountant with a degree in Business Studies from the University of Limerick, Victor was previously Managing Director of MCPS (Ireland) (the Irish mechanical rights society). Following his appointment as CEO in 2009, IMRO took on the administration of mechanical rights on behalf of MCPS, creating one central royalty collection and licensing agency in Ireland. This facilitated seamless online licensing, allowing music services easier access to both repertoires. In January 2016 IMRO commenced the licensing and collection of sound recording rights on behalf of the record industry further streamlining the copyright licensing process.

He is a founding director of IMIR, the lobbying and advocacy group, which brings together authors, composers, music publishers, artists and record labels to promote intellectual property rights in Ireland and of the Creative Industries Forum in Ireland, highlighting the value of Ireland's creative industries to the Irish economy. A leading advocate for music creators in particular, he has played a leading role in championing fair and balanced improvements to copyright law in the digital economy and pursuing fair remuneration for creators. In 2015 he commissioned Deloitte to undertake a major new music industry study, The Socio-Economic Contribution of Music to the Irish Economy, which highlights the considerable opportunities for Ireland's vibrant music sector and sets out a number of recommendations to maximise the contribution of music in Ireland.

Glen Gibbons



Glen Gibbons is a barrister practising in commercial litigation a particular expertise in IP Litigation and EU Law. He is a graduate of NUI Galway and Cambridge University and was called to the Irish bar in 2004.

Glen has acted in a number of important recent IP cases in Ireland including acting as counsel for BMW in successful infringement High Court proceedings: BMW v Ronayne [2014] ETMR 29 and for the Irish Government and the Attorney General in case relating to EU Copyright law litigation.

He is the author of recently published 2nd edition of Trade Marks Law (Clarus Press 2016).

David Kavanagh

David Kavanagh is the Chief Executive of the Writers' Guild of Ireland and Executive Officer of the Federation of Screenwriters in Europe. He has been Film Officer of the Irish Arts Council, Chief Executive of the Irish Film Institute and General Secretary of the European Script Fund. David was a board member of the Light House Cinema and is currently a member of the Policy Review Group of the International Affiliation of Writers' Guilds. He is a member of the Irish Film and Television Academy and of the European Film Academy.

The Hon. Mrs Justice Fidelma Macken



The Honourable Mrs. Justice Fidelma Macken was educated at Trinity College, and at King's Inns in Dublin, and holds an LL.M. from London School of Economics. In 2002 an Honorary Doctorate was conferred upon her by Trinity College Dublin to mark her contribution to the law. She was called to the Bar of Ireland in 1973, and subsequently to the Bar of England and Wales. She worked as legal counsel in a firm of patent and trade mark agents from 1973 to 1979. From 1979 to 1998 she practised as a barrister, becoming a Senior Counsel in 1995, and specialised in commercial and chancery work, intellectual property, environmental and administrative law, as well as in European Union and Irish constitutional law.

Mrs. Justice Macken was appointed a Judge of the High Court in 1998, and in 1999 became the first woman appointed a judge of the European Court of Justice (ECJ), Luxembourg, becoming the president of the third and sixth chambers, and where she served until October 2004. She was during that time, the judge rapporteur in many seminal cases, covering a wide area of EU law. From 2004 to 2005 she again served as a judge of the High Court in Ireland, and was appointed to the Supreme Court in May 2005, where she served until her retirement in 2012.

Mrs. Justice Macken is a Bencher of the Honourable Society of King's Inns and an Honorary Bencher of Middle Temple, London. She was the first Averil Devereil Lecturer in Law at Trinity College Dublin, and has been a guest lecturer at many universities including King's College London, University College London, the University of Pittsburgh and at Georgetown University Law School. She has been a Global Hauser Fellow at New York University and has been elected one of the 50 most influential people in the world, in the field of intellectual property. She is Chair of the Irish Centre for European Law, based at Trinity College, Dublin. Mrs. Justice Macken joined Brick Court Chambers in London in 2013.

Dr Cédric Manara



Dr Cédric Manara, PhD, has lost his hair teaching, writing or consulting. He has been a full time law professor at EDHEC Business School (France) and held visitorships in Finland, Italy, Japan and the USA, published a lot on intellectual property and internet legal issues, and also was a consultant for e-commerce companies or law firms. He joined Google's wonderful legal team as copyright counsel in 2013.

Dr Giuseppe Mazziotti



Dr Giuseppe Mazziotti is an Italian academic and legal advisor specialising in intellectual property law, media law, antitrust law and information technology law. Since October 2014, he has been an Assistant Professor of intellectual property law at Trinity College Dublin. Previously, from 2009 to 2011 he held the same position at the University of Copenhagen, where he also worked as a research projects leader funded by the EU Commission on EU media policy and legal aspects of public sector information. Giuseppe was also a Visiting Scholar at the University of California, Berkeley (2004/2005); Columbia Law School, New York (2010/2011); and a Fellow at both the Harvard Berkman Center for Internet and Society (2011/2012) and Instituto de Tecnologia & Sociedade do Rio de Janeiro (2015).

He is currently Associate Fellow at the Centre for European Policy Studies (CEPS) in Brussels, where he co-managed the CEPS Digital Forum from August 2012 until December 2013. Prior to joining CEPS, Giuseppe advised IFPI (Representing the Recording Industry Worldwide), the European Commission (DG CONNECT), the European Parliament (DG for Internal Policies and the European Parliamentary Research Service), and the Italian Ministry for Cultural Heritage and Activities on various intellectual property law and information technology projects. From December 2012 onwards, he has worked as an independent consultant with his firm 'Mediartis', partnering with individual authors and performers; associations of intellectual property right-holders; start-ups; Internet and media companies; and, in Italy, as 'Of Counsel' with Nunziante Magrone in Rome. Giuseppe holds a summa cum laude Juris Doctor degree (2001) from the University of Perugia, a Master of Research (2003) and a PhD in Law (2007) from the European University Institute in Florence.

Dr Eoin O'Dell



Dr Eoin O'Dell is an Associate Professor of Law in Trinity College Dublin. He researches and publishes primarily in the fields of freedom of expression, and private and commercial law - and especially where they overlap in IP, IT and cyberlaw.

He has been Chair of the Fellows in Trinity College Dublin, President of the Irish Association of Law Teachers, a Member of the Council and Executive of the Society of Legal Scholars in the UK and Ireland, and Editor of the Dublin University Law Journal. He was a member of the group which advised the Department of Justice on the Defamation Act, 2009; he was a member of the Advisory Group on a European Civil Code which advised the EU Commission on common principles of European private law; and he was a member of the Statute Law Revision Committee advising the Department of Public Service and Reform on the process of revising the Irish Statute Book. He was Chair of the Copyright Review Group which presented its final report to the Minister for Jobs, Enterprise and Innovation in October 2013. He is a member of the Government Data Forum, established by the Minister of State with responsibility for Data Protection to advise Government on the challenges that arise from the growth in the digital economy.

He is legal advisor to the Digital Repository of Ireland. He blogs at <http://www.cearta.ie> and tweets @cearta

Dr Mira Sundara Rajan



Mira is currently Professor of Intellectual Property Law at the University of Glasgow and the CREATE copyright research centre. She is the director of the Glasgow/CREATE LL.M. in "Intellectual Property in the Digital Environment."

Mira is also an Honorary Member at Magdalen College, Oxford University, where she held a Visiting Fellowship in 2009. Mira completed her doctorate in IP law at the Oxford IP Research Centre, St. Peter's College, Oxford, in 2003.

Prior to coming to Glasgow, Mira held the Canada Research Chair in Intellectual Property Law at the University of British Columbia in Vancouver, Canada, where she was also a tenured Associate Professor of Law and Founding Director of the IP Law Program at UBC.

Mira became interested in copyright issues because of the unusual copyright situation surrounding the works of her great-grandfather, Indian National Poet C. Subramania Bharati (1882-1921). Bharati's works were purchased by the Indian government and given to the people of India as a "gift" in the early period of Indian independence.

Mira's website can be viewed at professormira.com.

Dr Eleonora Rosati



An Italian-qualified lawyer (avvocato), Eleonora Rosati runs her own copyright law and policy consultancy (e-LAWnora). She is a lecturer in intellectual property (IP) law at the University of Southampton, a guest lecturer in copyright law at EDHEC Business School, and an Editor of the Journal of Intellectual Property Law & Practice (Oxford University Press). Previously she was a post-doctoral legal research associate at the University of Cambridge, and worked in the IP departments of Bird&Bird LLP in Milan and London. Eleonora has authored several contributions on IP issues, and regularly contributes to specialist blogs The IPKat and The 1709 Blog, for which she reports and comments on IP-related news from all over the world.

Linda Scales



Linda Scales is a solicitor with a particular interest in copyright. She represents a wide range of clients in the cultural, media and content sectors, from national cultural institutions and international creative industry bodies, to individual artists and publishers, across all disciplines and media platforms. She lectures and writes on her areas of specialisation and is an enthusiastic observer of the evolution of copyright and related rights law as it applies in the online environment. Linda is also an accredited expert in copyright and related rights law for the purpose of a variety of EU-funded consultancy programmes and in that capacity has both led and participated in projects to develop the law in a number of Eastern European and Central Asian countries, in harmony with the EU acquis.

Vishnu Shankar



Vishnu Shankar is a Senior Associate at Mason Hayes & Curran's Dublin office, working in the area of Technology, Media and Communications. Vishnu's clients have included leading international technology companies in the US, Europe and Asia. He draws from his prior experience at a leading international law firm in their New York City and London offices, and legal experience in India.

Vishnu advises clients across a broad range of technology, commercial, intellectual property and privacy matters in Europe, North America and Asia. He was educated at Harvard Law School, the University of Oxford and the National Law School of India University, Bangalore.

Vishnu's regulatory practice focuses on creating and implementing effective global intellectual property and privacy and cyber-security strategies. His transactional practice focuses on drafting and negotiating complex technology, outsourcing (ITO and BPO), intellectual property licensing, commercial, strategic alliances and joint ventures agreements. Vishnu will be attending in his personal capacity, and his views do not necessarily represent those of Mason, Hayes & Curran or any of its clients.

Vishnu can be contacted at: vshankar@mhc.ie

Dr Felice Simonelli



Felice Simonelli is a Research Fellow at the Centre for European Policy Studies (CEPS), where he conducts research and consultancy projects in the fields of better regulation and analysis of EU public policies within the Regulatory Policy Unit. He is also a Research Fellow at the Italian Space Agency, where he works on EU innovation policies in the space domain, and an Associate Researcher at the Industrial and Financial Research Centre of LUISS “Guido Carli” University (Rome), where he focuses on the interplay between regulation and industrial policy. He completed several projects on impact assessment, ex post evaluation and analysis of public policies for the European Commission and the European Parliament. With respect to copyright and the digital single market, in 2015 he was the coordinator of

CEPS’ research team responsible for carrying out a European Implementation Assessment of the EU copyright framework for the European Parliament and in 2013 he was part of the research team drafting CEPS’ Task Force Report on Copyright in the EU Digital Single Market. Felice was a Visiting Ph.D. Student at The Buchmann Faculty of Law (Tel Aviv University) and a Visiting Researcher at Berkeley Law (University of California) and published several papers on refereed journals. He holds a Ph.D. in Law and Economics from LUISS University, an LL.M. cum laude in Law and Economics from Erasmus University of Rotterdam and from Ghent University, a M.Sc. cum laude in Law and Economics and a Bachelor cum laude in Economics and Business from LUISS. Native Italian speaker, he is fluent in English and has some knowledge in Spanish. He enjoys cooking Italian food and travelling around the world.

Workshop Organisers

Elizabeth Farries



Elizabeth Farries is a Canadian lawyer with a practice and publication background in copyright, patent, and trademark litigation. She is currently researching the intersection between copyright, cyber crimes, and civil rights as a Frances E Moran Doctoral scholar at the School of Law, Trinity College Dublin.

Gary Fitzgerald



Gary Fitzgerald is the Director of the Irish Centre of European Studies, Trinity College Dublin and a barrister specializing in Information Law. He has previously worked in the European Parliament and held a number of senior positions in the Irish Green Party.

Dr Giuseppe Mazziotti



Also a speaker and moderator, see above.