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Dear Minister,

As the organisation representing Internet Service Providers in Ireland, we must express our concerns about the consequent legal uncertainty in the event of the Statutory Instrument amending the Copyright and Related Rights Act 2000 being introduced. The wording of the S.I. published yesterday by Minister Sean Sherlock TD is vague and overly broad. It creates further business uncertainty for those running or considering establishing Internet services from Ireland; a sector crucial to our economic recovery.

It has always been our belief that when the European Directive was drafted, in the context of injunctive recourse for rightsholders, lawmakers intended the term 'intermediary' to refer to operations which actively facilitate copyright infringement (an example being the recent closure of Megaupload). It was not intended to encompass legitimate business like Internet access providers, who merely provide the technical infrastructure over which the information flows, or hosting providers who simply offer server space to online service companies over which the host has no oversight or direct control. Moreover, it is not inconceivable that this could be applied to search engines such as Google and other similar services that merely refer to where content may be found on the Internet.

This S.I. apparently gives "carte blanche" for injunctions against any type of intermediary with discretion purely lying with the judiciary. This could have drastic consequences for Internet services companies which already employ many thousands of Irish citizens and offer enormous opportunities for further job creation.

We respectfully request that you reject this S.I. and consider alternatives in light of the imminent report of the "Consultation on the Review of the Copyright and Related Rights Act 2000" currently being run by the Department of Jobs, Enterprise and Innovation.

Yours sincerely

<PD Signature>

Paul Durrant
General Manager