

Mr Cathal Goan,  
Director General,  
Radio Telefís Éireann,  
Donnybrook,  
Dublin 4.

10 May 2007

**Re:** *Prime Time* debate

Dear Director General,

I write to request that Radio Telefís Éireann give content to its public service ethos and its commitment to freedom of expression in a very specific way during this election season.

As a non-profit organisation owned by the Irish people, and as Ireland's cross-media leader, RTÉ is in a unique position to take a crucial step in the fostering of political debate in Ireland, in particular during this election, and especially online. As yesterday's web debate on RTE.ie demonstrates, the Internet revolution has the potential to deepen democratic participation, to bring politicians closer to the people, and to make the government more accountable to the governed.

I commend RTÉ for its electronic and web initiatives, and in particular for yesterday's web debate. Now, however, it is time to take the next step (with apologies to Fianna Fáil for appropriating this slogan). This morning brings the news that a television debate between Fianna Fáil leader Bertie Ahern and Fine Gael leader Enda Kenny will take place on *Prime Time* on 17 May 2007. I write to ask that all video footage from this debate is able to be shared and re-used online (whether on video sites like YouTube, or on websites, blogs, or the like) without any uploader, user, downloader or commentator being deemed to have infringed copyright or otherwise to have acted unlawfully simply for having done so.

In other words, and for a change (with apologies to Fine Gael for appropriating this slogan), I write to ask RTÉ not to insist on its copyright in next week's *Prime Time* debate, so as to encourage and enable the fullest possible discussion – especially online – about this very important debate. One way for RTÉ to do this would be to make the full video of the programme available via RTE.ie, making it clear that it is in public domain or at least available under an appropriately wide licence. Another would be to make it available via YouTube, and the BBC is beginning to do. I am sure that there are still other

ways. The point is that it is an easy thing to do in technological terms; moreover, it is the right thing to do in democratic terms.

As Prof Lawrence Lessig of Stanford University wrote in various calls to US political parties and television networks to do something similar in the context of party debates among US presidential candidates:

... in the age of online video sharing, corporations retaining exclusive rights to debate footage is an obvious barrier to democratic participation. No concerned voter should ever be labeled a lawbreaker for wanting to share video of a presidential debate with others.

The point applies equally to the debate between the candidates for Taoiseach on *Prime Time* on May 17. Moreover, the main US political parties and most of the networks responded positively to his appeal. I would hope that RTÉ can do likewise to the similar request in this letter.

I would be delighted to discuss this matter further with you at your convenience, and I look forward to your reply.

Yours sincerely,

Dr Eoin O'Dell.  
Fellow and Senior Lecturer in Law.

Mr Bertie Ahern, TD,  
Fianna Fáil,  
65-66 Lower Mount Street,  
Dublin 2.

10 May 2007

**Re:** *Prime Time* debate

Dear Taoiseach,

I write to you in your capacity as Leader of Fianna Fáil, and therefore as a candidate to be Taoiseach in the incoming 30<sup>th</sup> Dáil, ask for your public support for my request that Radio Telefís Éireann make the video of your forthcoming debate on *Prime Time* widely available online, to promote and foster the widest possible dissemination of and discussion about, that debate.

I have written to Cathal Goan, the Director General of RTÉ, to request that Radio Telefís Éireann give content to its public service ethos and its commitment to freedom of expression in this very specific way during this election season; and I have also written to Enda Kenny, TD, the Leader of Fine Gael, asking him to support it as well.

In my letter to Mr Goan, I argued that, as a non-profit organisation owned by the Irish people, and as Ireland's cross-media leader, RTÉ is in a unique position to take a crucial step in the fostering of political debate in Ireland, in particular during this election, and especially online. As yesterday's web debate on RTE.ie demonstrates, the Internet revolution has the potential to deepen democratic participation, to bring politicians closer to the people, and to make the government more accountable to the governed.

In my letter to Mr Goan, I commended RTÉ for its electronic and web initiatives, and in particular for yesterday's web debate. However, I argued that it was now time (with apologies for appropriating your slogan) to take the next step. This morning brings the news that a television debate between you as leader of Fianna Fáil and Fine Gael leader Enda Kenny will take place on *Prime Time* on 17 May 2007, and I therefore requested of Mr Goan that all video footage from this debate would be able to be shared and re-used online (whether on video sites like YouTube, or on websites, blogs, or the like) without any uploader, user, downloader or commentator being deemed to have infringed copyright or otherwise to have acted unlawfully simply for having done so.

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I would be delighted to discuss this matter further with you at your convenience, and I look forward to your reply.

Yours sincerely,

Dr Eoin O'Dell.  
Fellow and Senior Lecturer in Law.

Mr Enda Kenny, TD,  
Fine Gael,  
65-66 Lower Mount Street,  
Dublin 2.

10 May 2007

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Dear Mr Kenny,

I write to you in your capacity as Leader of Fine Gael, and therefore as a candidate to be Taoiseach in the incoming 30<sup>th</sup> Dáil, ask for your public support for my request that Radio Telefís Éireann make the video of your forthcoming debate on *Prime Time* widely available online, to promote and foster the widest possible dissemination of and discussion about, that debate.

I have written to Cathal Goan, the Director General of RTÉ, to request that Radio Telefís Éireann give content to its public service ethos and its commitment to freedom of expression in this very specific way during this election season; and I have also written to the Taoisheach, Bertie Ahern, TD, the Leader of Fianna Fáil, asking him to support it as well.

In my letter to Mr Goan, I argued that, as a non-profit organisation owned by the Irish people, and as Ireland's cross-media leader, RTÉ is in a unique position to take a crucial step in the fostering of political debate in Ireland, in particular during this election, and especially online. As yesterday's web debate on RTE.ie demonstrates, the Internet revolution has the potential to deepen democratic participation, to bring politicians closer to the people, and to make the government more accountable to the governed.

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