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George S. Ford. 'A Counterfactual Impact Analysis of Fair Use Policy on Copyright Related Industries in Singapore' – A Critical Review of a Pseudo Critical Review.

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George S. Ford. 'A Counterfactual Impact Analysis of Fair Use Policy on Copyright Related Industries in Singapore' – A Critical Review of a Pseudo Critical Review. by Benjamin Gibert and Roya Ghafele

Keywords: Public Policy Advocacy, Copyright, Piracy, Fair Use, International Federation of Reproduction Rights Organizations, Motion Picture Association, New Zealand Association of Authors, Recorded Music NZ- RMNZ, Unfair Competition

An article Benjamin Gibert and I elaborated and drafted together nearly a decade ago came under attack by George S. Ford from an industry-funded organization named the Phoenix Centre for Advanced Legal and Economic Public Policy Studies.

Our article "*A Counterfactual Impact Analysis of Fair Use Policy on Copyright Related Industries in Singapore*", which Ford comments in denigrating terms, has been peer reviewed by LAWS. It can be construed as support of the hypothesis that a more flexible fair use policy is correlated with faster growth rates in private copying technology industries and fewer negative consequences than copyright holders may wish. In other words, the findings of our article displease those supporting and funding Ford, the Phoenix Centre managed by Ford and his financial backers.

An earlier version of Ford's "Comment" is still available on the Phoenix Center's website. Ford heavily marketed these "Comments" through a press agency in an effort to influence public opinion. This earlier version uses unacceptable insults as well as defamatory and slanderous expressions. The expressions contained in this earlier violate applicable law, damage our reputation, and are entirely unsupported and false from a scientific perspective. The insulting language used in these "Comments" provide the impression that Ford was paid for his derogatory campaign against our work and persons.

We observe that Ford's disrespectful campaign over the internet was well received by the copyright holders' Associations, such as the International Federation of Reproduction Rights Organizations (IFFRO) which, as a pressure group and trade organization, represents the interests of collective management organizations, authors & publishers or the Motion Picture Association (MPA), which undertakes policy advocacy for the film and television industry.

Explicit statements by IFFRO's CEO in 2016 offer shocking insights on the brutality of Ford's denigration campaign. He applauds literally the "slaughter" Ford committed through his comments.¹ For transparency purposes, we recall that the MPA offered Ford many opportunities to testify in public hearings to -what are in our view nothing but industry biased views- on Fair Use to various Asian countries. The MPA for example reports also on Ford's efforts to influence law makers and government officials with the backing of the Recorded Music New Zealand (RMNZ), which represents the trade interests of record producers, distributors and recording artists, notably the pressure group New Zealand Society of Authors (NZSA),²

Ford was unable to publish with LAWS the original draft of his "Comments" for over two years due to language that manifestly violates Swiss unfair competition and copyright legislation. This behaviour is not compliant with elementary rules of decency that should govern any intellectually honest scientific discourse and dialogue.

¹See Access to and usages of copyright works in the digital world. IFFRO. 7th publishing Assembly of Turkey, 12th of May 2016, p. 2f.

²The Motion Picture Association Asia-Pacific Reporter. Issue January-June 2017. Promoting and Protecting the Screen Community, p. 20; Issue July-December 2016, pp. 11, 19, 26, 27 and 31.

We shall draft a rebuttal to Ford's "Comment" within the next months and require its publication by LAWS. We invite readers to critically assess Ford's contents in the light of our rebuttal. In our view, Ford's "Comments" are devoid of serious scientific arguments and are biased by a partisan approach to the issues at stake.

Dr. Roya Ghafele