

The very existence of ATVOD itself must be questioned. This makes it difficult to respond sensibly to the consultation.

ATVOD was clearly set up in a rush, without proper consultation at the outset, and without proper consideration by Ofcom staff as to just how it might actually operate.

The preamble to the parliamentary regulation setting up ATVOD suggested that a mere 150 or so organisations in the UK would fall within the ATVOD remit. (The EC directive explicitly suggested it would NOT apply to small organisations). Yet in its early days, ATVOD has been aggressively pursuing organisations without any regard for size, and apparently with little real motive other than the collection of fees. That even the initial annual fee for 'licensing' by ATVOD is set at a level higher than that for a TV broadcaster licence exemplifies ATVOD's lack of grasp of its own remit.

The Criteria for assessment as to whether a 'service' falls within ODPS definition were drawn from the EC definition - but without regard for the context set by the EC Directive. ATVOD's criteria potentially make tens of thousands of services within the UK 'in remit'. Indeed, the average schoolchild is eminently capable of (and many actually are) creating 'services which fall under the strict definition of ATVOD's remit.

ATVOD has only BEGUN to explain just what its 'standards' will be - it is therefore impossible to comment properly on plans for sanctions. [Bizarrely, I note that an ATVOD licensee must seek ATVOD permission before CEASING to provide service...]

Finally, it seems ludicrous that this Consultation is not even referred to on the ATVOD website. The Consultation is therefore fatally flawed, as visibility of it is denied to all who are, or are considering, licensing by ATVOD.

We contend that if ATVOD has any meaningful role at all, it should simply be to emulate the role of the Data Protection Authority - simply providing a single database of those providing ODPS services, in order that consumers can find out who actually controls any service. Regulation of them, sanctions for illegal services, and every other aspect of 'control' of ODPS are already well catered for in other areas of regulation and law.

Our contention is that ATVOD's very operation is fundamentally misconceived, and that Ofcom should 'take back' its obligations and reconsider precisely how it will ensure that the UK should comply with the AVMS Directive.