Welsh Language
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The proposal does not seem to match the requirements of the Welsh Language (Wales) Measure 2011.

Schedule 6 of the MWA (2011) includes
"Persons exercising, on behalf of the Crown, functions conferred by or under an Act or Measure ("Personau sy'n arfer, ar ran y Goron, swyddogaethau a roddir gan neu o dan Ddeddf neu Fesur")"

Furthermore one of the purposes of the notifcations and copyright procedure is clearly

"to support, improve, promote or provide access to heritage, culture, sport or recreational activities,"

and also

"Persons overseeing the regulation of a profession, industry or other similar sphere of activity."

for the purpose of schedule 5. Therefore any notifications should not just be in plain English they must be bilignual as must any tribuneral.

The ISPs are also "Qualifying persons who provide the public with telecommunications services."

Appeal Time
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This is unworkable. The timesacale for receiving a CIR is going to be

- Review material
- Send data protection demand to the ISP involved
- Wait 40 days
- Potentially raise each case with the information commissioners office

before it is possible for the subscriber t make an imformed decision as to wherher they should appeal and to posess the neccessary information for the case. Failing to allow this is asking cases to be dragged off under HRA 'right to a fair trail' clauses.

Therefore at minimum the timer must stop at the point the consumer is waiting for further information from the ISP, rights holder or any other appropriate body. That should not be *after* an appeal is filed but before the decision is made ot make one. The DP and other inquriies will eliminate many mistakes and reduce the number of tribunerals that are required - saving time and money and promoting a better process.

Protection Of Public Services
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The code still fails to distinguish between different userbases and userbase sizes. Operators of free wifi services will be sysematically punished to tbe benefit of large corporations such at BT and Virgin. Nothing in the DE Act gave Ofcom permission to attack open wifi networks and distort competition, so the code creates intentional effects outside of OFCOMs permitted remit.

Open wifi networks, and any public networks such as Universities and Libraries should not accumulate CIRs in the normal way as they are service *providers* and should full under the ISP rules. Those filing CIRs will be aware if a large number of them are going to a particular location such as a Wifi operator and that provides them the same evidence they have when dealing with smaller ISPs where they will also need to pursue a Norwich Pharmaceutical order.

Fraud
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The code entirely fails to consider the resulting fraudulent activity (fake notices, fake tribunerals, increased fake threats from alleged rights holders to 'pay up or we send a CIR' . Lists of those notified will inevtiably leak and will allow the targetting of those who have most to fear.

There needs to be an effective strategy to mitigate these risks, prevent fraudulent notices and avoid this kind of abuse.

Costs
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The £20 fee is basically an invitation to the copyright companies to conduct legalised protection rackets. It also discriminates against the poorer, and owing ot the current economic patterns in the UK also therefore discriminatory against women and minority racial groups. If there is a need to avoid gratuitious appeals then the tribuneral should have the right to assign costs to the appelant if they bring a case without merit, rather than if they bring a case they lose which had merit.

There is an additional major cost implication for telecommunication providers you have not factored into the analysis. Any user receiving a notification and disagreeing wit ith may open a dispute under the existing telecom arbitration arrangements. This imposes a large cost on the telco provider each time, and it would be reasonable to expect many customers to take this free path in preference to an appeal.

In addition publication on a list could be defamatory to the person accused if the list is not clearly *alleged* infringers. As the dafamation law is the express will of parliament and the DE act is subsiduary to this OFCOM have no ability to change this fact. Likewise unless so marked it would breach EU data protection law requirrements to keep accurate data.