



**DACS submission to Ofcom's proposal to make by order a code for regulating the initial obligations under the Digital Economy Act 2010**

1. DACS (the Design and Artists Copyright Society) is the UK's leading visual arts rights management organisation representing nearly 80,000 visual artists. Established by artists for artists in 1984 as a not-for-profit organisation to promote and protect the copyright and related rights of visual artists, DACS is constituted as a company limited by guarantee under UK law, and is currently governed by a board of non-executive directors comprising representatives from a range of artistic disciplines alongside others drawn from business and the legal profession. In 2011 DACS paid royalties of £8.2 million to visual artists.
2. DACS provides three rights management services for artists and their beneficiaries:
  - a. Collective rights management (Payback)
  - b. Copyright licensing
  - c. Artist's Resale Right
3. DACS is a member of the Alliance against IP Theft and supports as such the Alliance's submission to the notice of Ofcom's proposal to make by order a code for regulating the initial obligations under the Digital Economy Act 2010 (DEA 2010). In particular we support the Alliance's comments about the future extension of the Code to cover non-fixed line ISP's as the growing use of Wi-Fi and Smart Phone internet access makes it necessary to provide for an equal playing field and to not unduly prejudice against certain forms of internet access. The growing importance of mobile technology means that online infringements will be made predominantly on mobile devices and to restrict the application of the Code to fixed line ISPs therefore risks the Code being outdated very quickly.
4. We would also highlight the importance of avoiding an overburdening of rights holders financially and also procedurally in order for the Code to provide for meaningful enforcement tools.