

The draft code fails to take proper account of non-commercial sharing of Internet connections.

It is quite normal for domestic connections to be shared with tenants, housemates and visitors; for libraries, cafes and pubs to provide 'free' wifi access points to their customers; and for businesses to provide general Internet access to their employees. None of these subscribers appear to be likely to qualify as 'downstream ISPs' and therefore may be penalised for a small number of alleged infringements by the potentially large number of end users their connection is shared with. They may not be practically capable of identifying which user was responsible for the information transfer that is alleged to be infringing.

In order to protect themselves from such allegations, subscribers in this position might seek or be advised to use some kind of network filtering to prevent copyright infringement. But it is not possible to determine whether each attempted transfer of information on the Internet would or would not be a copyright infringement (which is why no such demand has been made of the large ISPs). A subscriber who has received infringement claims based on the behaviour of unidentified end users is likely to end or severely restrict sharing of their Internet connection. It seems almost inevitable that any subscriber with many end users, such as a cafe or library, will find itself in this situation. The resulting clampdown on Internet access would be a great step backward for the development of the information society in this country.