

The proposed 'DEA' cannot be enforced unless the common-law burden of responsibility for an action is removed from the individual carrying out that action and placed upon another individual, at which point it most probably falls foul of basic human rights laws.

This is simple logic as an IP address is not an identifiable person. At best it may be (assuming IP spoofing isn't being employed by someone on another connection) indicative of a particular gateway to the internet. It cannot identify which computer (or other device) on a network is sending and receiving data through the gateway and even if it could it cannot identify who is using the computer or device.

If a subscriber is expected to monitor any and all activity logged on their network and accessing the internet via the IP address assigned to them by their ISP, then they themselves essentially become an ISP to every other person who can gain access to their network, authorised or not and as such should be offered the same legal protection from direct liability that their parent ISP is.

The widespread use of wireless networks and the ineffective security enabled as standard (WEP, WPA) on the vast majority of these will result in thousands of subscribers being held liable for activities they have no way of monitoring or indeed controlling.

ISPs should not be burdened with the task of policing their subscribers or enforcing dubious legislation to protect the copyrighted works of others. Laws already exist to protect those copyrighted works and it should remain the responsibility of the rightsholders to protect their works using the existing laws.

In addition to these main contentions there exists another set of issues relating to who has the power and authority to invoke CIRs upon which ISPs must act.

If these powers are available to one organisation then they should be equally available to all. For instance, if the BPI has this power then independent artists should also have this power. In this scenario the way evidence is gathered to be deemed sufficient for an ISP to send a CIR needs to be publicised to enable fair use of the new powers by everybody who may find themselves affected by it.

These proposed laws cannot be allowed to be the domain of special interest groups alone (which they currently appear to be) as this runs counter to the best interests of society and the development of cultural works whilst consolidating monopolistic control of the flow of information. With this in mind, the best way to deal with the proposals of the DEA is to reject them entirely.