

Online Infringement of Copyright and the Digital Economy Act 2010 - Notice of Ofcom's proposal to make by order a code for regulating the initial obligations

Sport and Recreation Alliance Response

July 2012

Introduction

The Sport and Recreation Alliance is the umbrella organisation for the governing and representative bodies of sport and recreation in the UK and represents more than 300 members – organisations like The FA, the Rugby Football Union, UK Athletics and British Cycling.

Protecting sports intellectual property is vital to sustain not only elite performance in the UK, but also for grassroots funding. The Alliance runs a voluntary code for UK sport broadcasting rights in the UK which sees 30% of UK TV rights reinvested in grassroots sport; some £250m per year. Sport's business models are under threat from online piracy and the Alliance urges OFCOM to ensure that sports rights are protected in order to safeguard this investment in sport.

1. New technologies

Sports business models must change in the coming years. More and more people are consuming sport via the internet and more of them on the move; be it through Wi-Fi, smart phones or tablets. It is therefore a concern that there is a lack of evaluation of infringement over public Wi-Fi and mobiles. It is also important that the code is future-proofed and protects against infringement via smart phones and other mobile devices.



2. Notifications

The Alliance believes that Ofcom should be able to stipulate the content of notification letters. It is a concern that the very important message contained in notification can be diluted by other messages which can even look like promotional material. Ofcom should be able to mandate the content of letters in order to prevent consumer confusion and ensure that consumers not only receive, but digest vital information.

Ofcom should review this element and it should be clear that Ofcom will use its enforcement powers should it be found that ISPs letters do not address the spirit of the consultation.

3. Appeals

The Alliance supports Ofcom's decision to limit the grounds for appeal to those contained in the DEA and to introduce a fee which is refundable on success. This will help deter appeals with limited basis.

