

This is the response of UCISA to Ofcom's consultation on the revised draft Initial Obligations Code under the Digital Economy Act 2010. UCISA is the Universities and Colleges Information Systems Association, a membership organisation representing those responsible for information management systems and technology services in universities, colleges and other institutions.

We are grateful for the clarification given in Annex 5 of Ofcom's notice on the status of universities and colleges with regard to the Code's implementation. We believe this acknowledges the work of our members and our colleagues at Janet to reduce copyright infringement on institutional networks. This work is underpinned by codes of conduct tied to institutional regulations and conditions of employment which facilitate instigation of disciplinary action in the event of breach of such codes. Many institutions have based their codes of conduct on UCISA's model regulations for the use of computers and the network ([link](#)).

Although all of our institutional members acquire network services from Janet, the UK's National Research and Education Network, institutions may obtain additional internet services from Qualifying ISPs. We note that these institutions may have to negotiate with their ISP to ensure that they are treated as ISPs or Communications Providers rather than subscribers. We hope that Ofcom will be able to provide further assistance should these negotiations founder.

We are concerned that, in the event of an organisation becoming a Qualifying ISP in the second or subsequent years of operation of the Code, that the period allowed to establish a system to receive and process Copyright Infringement Reports is not sufficient for an organisation to ensure that it has a robust, fully functioning system in place. This would be an issue for our members should individual universities or colleges become Qualifying ISPs. We note that the responses to previous consultations have agreed that an ISP would need a longer period between its first estimate and first CIR than for subsequent estimates when systems for handling CIRs would be in place. We believe that the same arrangements should be extended to newly qualified ISPs as will be extended to those included in the first notification period.

We remain concerned that section 18 (circumstances where notification requirements do not apply) will not assist reporters to improve their CIR processes. UCISA has produced a number of template reports ([link](#)) to give additional information to reporters where notification requirements do not apply. We believe this approach will help identify systemic problems earlier to the benefit of both reporters and ISPs.

Peter Tinson