

## **Online Infringement of Copyright: Implementation of the Online Infringement of Copyright (Initial Obligations) (Sharing of Costs) Order 2012**

### **Creative Coalition Campaign submission**

1. The Creative Coalition Campaign (CCC) welcomes the opportunity to submit comments on Ofcom's consultation on the 'Implementation of the Online Infringement of Copyright (Initial Obligations) (Sharing of Costs) Order 2012', referred to as the 'Costs Order' hereafter.
2. The CCC is a partnership comprising trade unions representing workers in the creative industries and businesses in the music, video, film, TV, publishing and sports sectors. We have come together to articulate our member organisations' shared view of the threat that online copyright infringement poses to jobs in the creative industries and to promote the continued success of the sector.
3. A number of the CCC's individual member organisations will be making individual submissions in greater detail. The CCC supports the sentiments expressed in the responses made by the Motion Picture Association, the BPI and the Alliance for Intellectual Property.
4. The passage of the Costs Order will represent another important step towards full implementation of the Digital Economy Act. Following two years of delay caused largely by a mis-guided Judicial Review the CCC welcomes that progress is now being made towards implementing this vital legislation.
5. However, CCC members have concerns that, as currently proposed, the cost of participating in the notice sending system will exclude participation by smaller and independent rights holders for a significant length of time if not permanently. Whilst we acknowledge that the costs incurred by Ofcom and qualifying ISPs must be recouped in the first notice sending period, we believe there are steps that could be taken to alleviate the cost of participation for smaller and independent rights holders.
6. The CCC would endorse an alteration which allowed rights holders to commit to sending notifications during specific, short timeframes to coincide with set piece events or launches. The CCC also proposes Ofcom should introduce a shorter initial notice period of six to nine months. This would allow costs that are likely to be higher in the initial few months of the process but lower thereafter, such as appeal costs and the use of ISPs' call centres, to be loaded into that initial period.
7. Finally, in addition to the other points made in this submission, the CCC strongly recommends that, as the implementation process continues and once the notice sending process is underway, Ofcom seeks at every opportunity to explore options for helping to keep the costs of the system to a minimum.
8. We are hopeful that Ofcom, working with rights holders and ISPs, will be able to find ways of making the system more cost efficient and therefore affordable for a wider variety of rights holders to participate. Ultimately this will maximise the impact of notice sending on consumer behaviour and better realise the ultimate aim of drastically reducing online copyright infringement.