

Title:

Mr

Forename:

Surname:

Jordan

Representing:

Self

Organisation (if applicable):

What do you want Ofcom to keep confidential?:

Keep nothing confidential

If you want part of your response kept confidential, which parts?:

Ofcom may publish a response summary:

Yes

I confirm that I have read the declaration:

Yes

Ofcom should only publish this response after the consultation has ended:

You may publish my response on receipt

Additional comments:

you can't ask members of the public for evidence to support their input to a consultation; they don't have time to do your scientific research for you.

there should be a separate form for individuals and organisations in future consultations.

Question 3.1: Do you agree that Copyright Owners should only be able to take advantage of the online copyright infringement procedures set out in the DEA and the Code where they have met their obligations under the Secretary of State's Order under section 124 of the 2003 Act? Please provide supporting arguments.:

It is not new provision to allow Copyright Holders (CHs) to find out the IP addresses of possible copyright infringers and report them to either law enforcement or ISPs; the procedure is not what I disagree with.

Question 3.2: Is two months an appropriate lead time for the purposes of planning ISP and Copyright Owner activity in a given notification period? If a notification period is significantly more or less than a year, how should the lead time be varied? Please provide supporting evidence of the benefits of an alternative lead time.:

ISPs are trying to provide a service in a competitive market, and should not have to bear the cost of administering Law and Order (which should fall on the state, in this case the Police). Two months is far too short to build a suitable administrative system to cope with the floods of requests they will no doubt receive, and complying with the new provision will harm the market positions.

It will be especially hard for very small ISPs like internet cafes, and may risk damage to that sector of the economy at a fragile economic time, also cutting off many low income people from their only source of internet access.

Question 3.3: Do you agree with Ofcom's approach to the application of the Code to ISPs? If not, what alternative approach would you propose? Can you provide evidence in support of any alternative you propose?:

ISPs are trying to provide a service in a competitive market, and should not have to bear the cost of administering Law and Order (which should fall on the state, in this case the Police). Parents to provide a similar service to their children should also neither be accused of committing the offence without sufficient evidence, nor similarly required to enact justice by cutting off service to their children (in their role as ISPs), as could be argued under the act.

The requirement should be for the Copyright Holders to prove infringement, for example by obtaining a search warrant and scanning the suspects hard disk to evidence of the supposedly stolen work; not (as the new provision states) to allow Copyright Holders to assume that the subscriber's account holder (which may be the head of a family or the owner of a small business or similar) to be guilty of the alleged offence.

Question 3.4: Do you agree with the proposed qualification criteria for the first notification period under the Code, and the consequences for coverage of the ISP market, appropriate? If not, what alternative approaches would you propose? Can you provide evidence in support of any alternative you propose?:

I believe that Copyright Infringers should be taken to court, where proper innocence or guilt can be determined and more serious monetary reparations ordered. The

notification period does not allow for an appeal against the initial implied and assumed conviction of a criminal offence, which is entirely unsatisfactory.

Question 3.5: Do you agree with Ofcom's approach to the application of the 2003 Act to ISPs outside the initial definition of Qualifying ISP? If you favour an alternative approach, can you provide detail and supporting evidence for that approach?:

define your terms or provide adequate URL references. I have no idea how you choose to define a Qualifying ISP, but any definition other than charging individual persons (and treating everyone in the chain e.g. superISP, Reseller, Parent as ISPs) is inadequate and falls short of due legal procedure.

Question 3.6: Do you agree with Ofcom's approach to the application of the Act to subscribers and communications providers? If you favour alternative approaches, can you provide detail and supporting evidence for those approaches?:

"Subscribers" (which are an equivalent set to UK home IP Addresses) do not commit crimes, people do. Charge the person with the crime, don't harm the set of people behind the IP address arbitrarily.

Question 4.1: Do you agree with the proposed content of CIRs? If not, what do you think should be included or excluded, providing supporting evidence in each case?:

CIRs are entirely inadequate as they do not prove the guilt of a person of copyright infringement. they should be replaced with an appropriate legal action administered by a judge.

Question 4.2: Do you agree with our proposal to use a quality assurance approach to address the accuracy and robustness of evidence gathering? If you believe that an alternative approach would be more appropriate please explain, providing supporting evidence.:

There is no quality assurance as the evidence is never assessed by a judge, in a court.

Question 4.3: Do you agree that it is appropriate for Copyright Owners to be required to send CIRs within 10 working days of evidence being gathered? If not, what time period do you believe to be appropriate and why?:

There is no time limit for charging someone with a criminal offence; I don't see why there should be a time limit on CIRs (not that they are in any way adequate).

Question 5.1: Do you agree with our proposals for the treatment of invalid CIRs? If you favour an alternative approach, please provide supporting arguments.:

Again, not sure how you arbitrarily decide that some CIRs are not valid without Judicial review; what ever your approach is, it is wrong (please provide adequate URL references to your definitions in future, it is ridiculous having to rebut things I can't read.)

Question 5.2: Do you agree with our proposal to use a quality assurance approach to address the accuracy and robustness of subscriber identification? If not, please give reasons. If you believe that an alternative approach would be more appropriate please explain, providing supporting evidence.:

Question 5.3: Do you agree with our proposals for the notification process? If not, please give reasons. If you favour an alternative approach, please provide supporting arguments. :

notification should be a writ summoning someone to a criminal hearing, or an arrest warrant and seizing of computer equipment (if you really think they have broken the law).

Question 5.4: Do you believe we should add any additional requirements into the draft code for the content of the notifications? If so, can you provide evidence as to the benefits of adding those proposed additional requirements? Do you have any comments on the draft illustrative notification (cover letters and information sheet) in Annex 6?:

Question 6.1: Do you agree with the threshold we are proposing? Do you agree with the frequency with which Copyright Owners may make requests? If not, please provide reasons. If you favour an alternative approach, please provide supporting evidence for that approach. :

Question 7.1: Do you agree with Ofcom's approach to subscriber appeals in the Code? If not, please provide reasons. If you would like to propose an alternative approach, please provide supporting evidence on the benefits of that approach.:

again, what is your proposal for this? there are no references so I don't know what you are proposing.

Subscribers should be allowed to defend themselves in a court where innocence is assumed. your appeals process will no doubt fall short of this and thus be inadequate.

Question 8.1: Do you agree with Ofcom's approach to administration, enforcement, dispute resolution and information gathering in the Code? If not, please provide reasons. If you favour an alternative approach, please provide supporting evidence on the benefits of that approach.:

No, it should all follow due legal process, administered by the normal procedure for criminal prosecutions.