

Thank you for the opportunity to respond to the OFCOM consultation on Copyright Infringement and the Digital Economy Act – July 2010. I am pleased to present a summary of this University's recommendations in relation to the proposals contained in that document.

I note that the impact of the Act on Universities will depend on their classification as either "Subscribers", "ISPs" or "Communication Providers". In its current form, the code does not state which of these classifications would apply to Universities, if at all. While it would be possible to paint 'what-if' scenarios for each of the cases above, we believe it would be better to first seek clarity about the treatment of Universities within the Act before commenting on the implications of each case.

However, if Universities are to fall within the Act then of the three classifications, we believe the most appropriate is as an ISP. However, the relationship that a University has with its staff and students on one side, and JANET on the other, is very different to that of a commercial ISP and its customers, and this difference would warrant treatment of Universities in a different way to commercial ISPs.

Universities connect to the internet via the private academic network JANET and are already contractually obligated under the JANET Acceptable Usage Policy (AUP) to administer policies and procedures for copyright infringement. We believe that these policies already create an appropriate balance between the deterrent they create, as evidenced by the volume of notifications received, and the cost of administering infringement notifications. It is unlikely that additional measures would significantly reduce the number of infringements while placing potentially significant costs and liabilities upon the Universities. It would therefore be preferable for Universities to maintain their existing arrangements with JANET for the provision of Internet access.

In light of the above, I would recommend that OFCOM and the Department for Business, Innovation and Skills should agree how Universities will be treated within the Act and recognise within associated legislation the specific issues that are raised in this response.