

Representing:

Self

Organisation (if applicable):

What do you want Ofcom to keep confidential?:

Keep name 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:

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.:

No, the code as it stands is too blunt when applied to households with shared internet activity

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.:

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?:

There needs to be more proof required. it's fairly easy to spoof an IP address, and the serious copyright infringers will just use proxies and encrypted connections to get around this. there have already been cases where the music and film industries have sent letters demanding damages to laser printers, hospitals and elderly peoples homes - the IP address may have been correct, but you have to assume they failed to include regional time differences, or the person actually doing the infringing had spoofed their IP address. Also take into account that IP addresses are not static - each time you connect you are given an unused one from the ISP's pool of IP addresses - it is possible for you to be given one that only seconds before was being used to download copyrighted material, which opens innocent people up to the possibility of being wrongly accused even with the correct date/time and IP provided. How is the average non-technical person meant to prove their innocence of this?

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?:

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?:

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?:

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?:

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.:

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?:

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.:

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. :

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.:

No, it will be very hard for someone to prove they did not download something they were accused of downloading. How can they? Tracking IP addresses back to who was using them at the time is complex, and if there's an error in the logging your average person won't be able to spot it. The alternative would be to hand over your PC to the courts to scan it for the material allegedly downloaded - but that is a huge invasion of privacy.

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 will be too hard for innocent people to prove their innocence, and it has already been shown that mistakes identifying who downloaded something can be made. The law will also punish people who do not have secured wifi (the default of the last router sent to be by an ISP was set for the weaker encryption that can be broken in a couple of minutes with a password cracker). unless you are technically knowledgeable, you won't be able to secure your wifi enough to stop others using it. It will also prevent people from offering free wifi as if anyone connects and downloads something the wifi owner will be responsible. this is the same as saying ISP's are

responsible for the infringement done by their users. the implementation will affect whole households for the acts of one - I rely on the internet to work, this law could see me unemployed if anyone in my home were to be accused of copyright infringement. at the end of the day, copyright infringement is a civil offence, not a criminal one, and it should be dealt with using normal court procedures ie the copyright holder should sue the individual responsible. there should not be blanket banning of households from the internet which is a valuable resource that has been declared a human right by the EU. if a child cannot use the internet at home, they are at a disadvantage when it comes to completing their homework. Without access to the internet you cannot get the best deals on insurance.