

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?:

My Email address please

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:

I am one of the many people that has an open WiFi network. If I check my router admin I can see a couple of people using my network. Its the students that live in the flat below me.

I have no desire to encrypt my connection (for all the good it does) as its impolite. The question is do you offer someone a cup of tea / coffee when they enter your home, or knock on your door. I certainly do. Its polite, and being a good neighbor.

Non-withstanding I was a CISCO engineer, so I know that if I wanted to hack a wireless network (even WPA2) its relatively easy. All you need is a couple of hours, a little patience, and little know-how (available via Google search).

How will an ISP know that it is me that has infringed any copyright? The answer is that they wont. Until we have a technology step change, where downloaded files can be associated to a specific PC mac address, there is no way to identify a file-sharer. This regulation needs to be much tighter, putting the onus on the rights company making the charge. Rather than the consumer to prove their innocence.

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 - As there is no way to determine if a specific customer has downloaded any data without a thorough hard disk scan.

A good analogy is do we prosecute the owner of a car who left their car unlocked, who's car was subsequently stolen and was involved in a further crime (burglary etc)?

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.:

No this should reflect current UK criminal law. Again with the onus on the accuser to provide evidence and prove the offense.

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?:

I do not. Why should smaller broadband providers be omitted? Deregulation has resulted in many more ISP's. It should be one rule for all.

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.:

No - There is no qualitative evidence gathering that could implicate a consumer for copyright infringement without examination of the consumers equipment

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?:

The requirement should be as per the DPA - 7 days

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.:

No - Where a CIR is invalid the consumer should be allowed to request compensation for loss of earnings and additional stress

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.:

No - As above there is NO way to currently identify a specific user within a wireless network

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.:

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.: