

**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.:**

Copyright owners should accept that some copyright infringement is inevitable. Despite the new powers. If they followed consumer demand and moved to a new business model they would see their profits increase. Which would be good for all. I suggest a new peer to peer network with a nominal monthly membership fee paid to ISPs and distributed to the PRS.

**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?:**

The code should be applied to all ISPs large and small, or preferably none at 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?:**

Frankly this code is unpopular and ill- conceived. It will be expensive to administer and will not benefit our digital economy, ISPs, consumers, copyright holders, ofcom or the government. Big waste. I propose putting it on the back burner and focusing on real issues for the future - improving our aging network, encouraging ISPs to bill for the actual speeds delivered, supporting innovation and competition in this area, encouraging copyright holders to let go of their old business model (cartel) of selling records and videos in shops and join us in the digital age.

**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?:**

No. The essence of the internet is the free and almost unregulated way it operates. Trying to control it by intruding on peoples privacy will be unpopular and futile. Recent history teaches us that trying to stop file sharing or any other form of copyright infringement is a waste of time. It should also be noted that record labels, distributors and studios are posting admirable profits. It is doubtful that this act will improve them so in whose interest is it?

**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.:**

It does concern me that use of p2p networks for legitimate file sharing of non-copyright material, or streaming video from sites such as the BBC will be mistaken for copyright infringement. Setting up wireless networks is a dark art that many cannot master, and we all know someone who is using their neighbor's unsecured internet connection. Well I do anyway. It seems the only defence against accusations of copyright infringement will be the handing over of expensive computer equipment. Hardly a fair scenario.

**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.:**

**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.:**

Going to be an expensive waste of time. Impossibly cumbersome bureaucracy attempting ineffective enforcement of a poorly conceived, badly written law. Good luck with that...