

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:

The DEA should be repealed. We have been promised less big government and yet are being forced to live with Orwellian attitudes towards personal and private data. If the ISPs were treated similarly to the post office, then scanning "mail" would be treated as interfering with the post and be illegal. Instead you are proposing that people using large ISPs have their personal information scanned for an open ended reason (itself illegal under the DPA) and in the end it is those who do not break any law that will end up paying the extra costs for this.

It is badly thought out, and pretty much unworkable as any person determined to illegally download will bypass any data scanners by either using tunnels or traffic obfuscation.

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.:

Yes, to intercept internet traffic without prior evidence or due cause is tantamount to invasion of privacy and in clear breach of the data protection act. If you applied the proposed actions to the postal service as a comparative means of transmitting and receiving data via an alternative

medium then intercepting post on the basis that some people may be sending illegal materials would be illegal in itself.

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, without a clearly defined period then planning and action would be futile leading to dissatisfaction of any proposals put forward.

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?:

No i do not. I beleive that the onus should be purely on the copyright holder to prove that any infringement has taken place. Asking ISPs to inspect data increases the cost to both them and us as end users and this in turn means that people who have committed no offence are paying for something which can be easily circumvented by people who are committed to illegally downloading copyright material.

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 do not agree with any of the provisions made under the DEA

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?:

Deciding to force the cost and responsibility of deciding who is and is not breaking the law on 7 isps is both short sighted and redundant.

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, these actions are pervasive and indicitive of an orwellian attitude to our liberties.

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?:

No

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.:

As the onus is on the subscriber to prove innocence then no i do not agree. Proof of as connection being used is not proof of illegal downloading. If a car was stolen then the owner of the car would not be held responsible if it was used in a hit and run.

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?:

No, if they have proof then it should be sent immediately.

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.:

I disagree with the entire DEA

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.:

As stated, proof of a connection being used is not proof of who is using the connection. Holding the person who pays for the connection responsible is draconian.

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. :

No, email and recorded post must be used to ensure receipt.

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?:

no

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. :

i disagree with the entire approach of the dea

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 as subscribers are considered guilty and have to prove their innocence which in many cases is irrelevant and in most cases impossible due to the structure of networking used in most peoples homes

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, ofcom should not have anything to do with this. We have been promised less "big government" and yet we find our liberties being eroded by large companies forcing us to pay more for basic services due to the fact they can no longer control their own product streams. The fact these Orwellian measures mean that if i use a large provider then everything i send will be inspected disgusts me and indeed the fact that ofcom is proposing ISPs scan data to provide evidence, should to my mind, be treated similarly as someone tampering with the post.