

**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?:**

name and email address to be kept confidential

**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:**

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**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.

Under no circumstances should corporations / copyright claimants be privy to any information of any ISP customer whatsoever.

Nor should any ISP provider be forced to reveal any information whatsoever of any of

its customers or its business practices which compromises its customers rights to privacy.

The proposed legislation violates the civil and human rights of UK citizens, as well as their rights to privacy / data protection.

The proposed legislation would also hamper UK business' to the point of ruin by forcing them to subsidise foreign entertainment corporations, in addition to leaving them exposed to civil litigation by their customers due to irresponsible/ illegal dispersal of their private (financial) data.

The burden of proof on the copyright claimants that any illegal activity has been carried out by UK citizens is also far to low, to the point of being non-existent.

**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. it is not an appropriate lead time.

The lead time should be an absolute minimum of 1 year; preferably much longer, if indeed ever.

The cost and time burden placed on ISP's by requiring them to monitor any and all data transfer by their customers would be so massive as to make said ISP financially non-viable.

ISP's are not a policing body and are not able or required by any law or tradition to act as one, nor are ISP customers, UK taxpayers, or governments.

Such financial / time / man hour burden are squarely placed on copyright claimants if any litigation is ever to take place. This is however a moot point as no copyright violation is ever able to be proven.

**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.

The current code is unnecessary, unworkable, illegitimate and illegal under EU law.

Given that British / UK ISP customers sharing private digital information is in no way illegal, any potential legal action (if any) should be taken out on a case by case basis by the copyright claimant.

UK ISP customers are in no way subject to any foreign copyright law (US / Canada etc), and as such Ofcom has no responsibility to whatsoever to act on their behalf's.

**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?:**

No.

Threatening legal letters / Cutting off of ISP services / civil / criminal litigation are in no way necessary just, legal, or proper for the reasons given in previous answers.

**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?:**

No.

Ofcom should take a much more 'light touch' / 'hands off' / or possibly an opinion / advice based approach only to ISP regulation (not withstanding pricing and service quality regulation).

**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?:**

See 3.5

**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.

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**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.:**

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**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.

The the copyright claimant would be ineligible to send one as no legitimate evidence would have been produced.

If any were to be produced, an absolute maximum of 24 hours between Proof and CIR sending should be imposed.

**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.:**

Invalid CIRs should result in a counter civil case against the original claimant to the sum of ten times the original amount / sentence sought.

This would dissuade vexatious claims being brought forward (as with FOI claims) and reduce wasted time and financial resources for Ofcom.

**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.:**

Yes, in part.

IPS customer identifying robustness should be as stringent as identifying defendants in the most serious crimes under UK law, i.e. murder, robbery.

**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. :**

Yes, if sufficient standards of proof are given by the copyright claimants and brought forward by them, with claimants incurring the legal and financial risks of any following legal action, not the ISP provider / customer / UK government or taxpayer.

**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?:**

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**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. :**

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**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.:**

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**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.:**

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