

Mr Campbell Cowie  
Director  
Policy Development, Strategy and Market  
Developments  
Ofcom Riverside House  
2A Southwark Bridge Road  
**London SE1 9HA**

28 July 2010

Dear Mr Cowie

**Online Infringement of Copyright and the Digital Economy Act 2010 – Draft Initial  
Obligations Code**

**University of Reading response to the Ofcom consultation**

The University of Reading is highly regarded nationally and internationally, for the quality of its research and is committed to enhancing its position as a leading research University. The 2008 Research Assessment Exercise recognised over 87% of the University's research to be of international standing, the work of over 600 research active staff having been submitted. We have established a number of specific research centres, including an Institute for Cardiovascular and Metabolic Research, a Centre for Integrated Neuroscience and Neurodynamics and The Walker Institute for Climate Systems Science.

Universities are increasingly seen as the power-houses of the regional, national and international knowledge economy, acting as the catalysts for development and exchange of ideas and people, leading to innovative businesses and economic prosperity. As a research-intensive university, Reading is already a key partner for businesses of all sizes, from multi-nationals to thriving SMEs in the Thames Valley region. The University is a major contributor to the regional, national and international knowledge economy. We plan to expand our contribution to the region through the establishment of a Science and Innovation Park. In addition, the Henley Business School at Reading is one of Europe's leading business schools.

The University is consistently one of the most popular higher education choices in the UK. We receive, on average, eight applications for every undergraduate place. People choose to study with us because of the exceptional quality of our delivery, our innovative teaching informed by the latest research, the rich diversity and flexibility of our provision, our highly supportive, state-of-the-art learning environment and an inclusive, international culture.

The University has approximately 14,000 undergraduates, 6,000 postgraduates and 3,000 staff. Our campus network supports over 10,000 devices, including widespread WIFI facilities and additionally all our 5,000 study bedrooms have network connections. We are connected to the

national research and education network, JANET, via the Thames Valley regional network, which is also managed by JANET(UK). The JANET network is our predominant route to the Internet.

The University considers that it offers its members connections to JANET rather than to the Internet and so the University is not an *Internet Service Provider* (ISP). Given the numbers of users we offer communication facilities to, the University cannot however consider itself a *subscriber* as defined in the *Initial Obligations Code*.

It is our assumption that, when the code is implemented, universities and colleges will either be regarded as *communications providers* as defined in the *Communications Act 2003* or as *ISPs*. If this is the case then the University of Reading will continue to develop our current effective policies and procedures for minimizing copyright infringement. All users of our networks are bound by conditions of use; which are based on the Universities and Colleges Information Systems Association's model regulations, incorporate JANET's Acceptable Use Policy and form part of the student regulations and staff conditions of employment. These conditions of use are rigidly enforced; as a consequence the level of copyright infringement remains relatively low. The effectiveness of policies and procedures of this type has been recognised by rights holders and in the Parliamentary debate of the Digital Economy Act. We are deeply concerned that implementing the Code with universities and colleges regarded as *subscribers* would require us to abandon those policies and procedures and replace them with something rather less effective and disruptive to the operation of our networks.

The classification of institutions under the Act's terms will determine the practical effects of the legislation on the University of Reading. If defined as an ISP, provision will need to be made to monitor and report on our IP addresses, and to enforce technical sanctions against copyright infringers. Monitoring internet access and the storage of traffic data for extended periods will cause considerable cost to the University and technical sanctions potentially disrupt teaching, research and administration. If defined as subscribers, the University may be liable for the alleged copyright infringing behaviour of staff and students, and face technical measures relating to internet access, which would adversely affect the legitimate use of JANET and the Internet. In either case, the application of the Code's proposals would be disproportionate to the levels of copyright infringement, which are low and appropriately managed.

In conclusion the University notes the consultation response of the Universities and Colleges Information Systems Association (UCISA) and endorses its comments.

Yours sincerely

Keith Hodgson  
University Secretary