

Virgin Media's response to Ofcom's consultation document on Online Infringement of Copyright and the Digital Economy Act 2010 – Draft Initial Obligations Code (28th May 2010)

30TH July 2010

A. Background

Virgin Media welcomes the opportunity to respond to Ofcom's consultation on the draft initial obligations code (the **Code**) under the Digital Economy Act (the **Act**).

Virgin Media appreciates that drafting the Code is a challenging task given the unprecedented nature of the initial obligations, and the wide-ranging (and often fluctuating) interests of various stakeholders. In light of that, Virgin Media recognises Ofcom's attempt in the Code to strike a fair and balanced approach.

In finalising the Code and, in the process, balancing different stakeholders' views and interests, Virgin Media urges Ofcom to take note of some key principles:

- Minimising costs. Every aspect of the Code will have cost implications, significant in some cases given the technical and operational complexities of ISPs' systems and processes. Virgin Media urges Ofcom to assess carefully the potential cost of each requirement in the Code, and to ensure that the benefits of any requirement justify the cost of implementing it. We strongly encourage Ofcom to engage with ISPs in doing so to ensure that Ofcom is fully informed in making its assessment.
- Fairness and proportionality. Virgin Media is conscious that the Code will potentially have wide-reaching effects on the broadband sector and, ultimately, consumers – whether directly in terms of residential connections, indirectly in terms of public WiFi access, or otherwise. Ofcom must therefore ensure that the Code does not place unduly burdensome obligations on ISPs which will have knock-on consequences for consumers – including through increased costs being passed on to subscribers - and the broadband sector more generally. If the burdens of the initial obligations are not shared equitably across the industry, then there is a real risk of distorting competition.
- Promoting new services. Virgin Media has consistently argued that a sustainable response to online infringement requires as a central pillar a new set of transformative, great-value content services that offer mainstream consumers with attractive, compelling alternatives. It is critical therefore that the Code does not dis-incentivise copyright owners (**CROs**) from developing new commercial models, nor alienate consumers away from new services and drive them towards encryption or other non-commercial technologies. An online arms race would not serve any industry players well.
- Clarity. It is essential that the rights and obligations of all stakeholders – CROs, ISPs and consumers – are set out clearly in the Code. Minimising confusion will ultimately help maximise the effectiveness of the initial obligations by helping CROs and ISPs streamline the detection and notification processes, minimising appeals and disputes, and building overall consumer confidence in the regime. Virgin Media encourages Ofcom to supplement the Code with practical and accessible guidance on any areas of potential confusion.
- Flexibility. Given the unprecedented nature of the initial obligations, Virgin Media recommends that Ofcom maintains enough flexibility within the Code to enable it to react and adapt to issues that arise following the introduction of the Code.

In light of the principles above, Virgin Media has a number of concerns with the Code, including the following material concerns:

- Launch date. For the initial notification period, ISPs will need a great deal longer than two months from adoption of the Code to build new systems and scale their existing systems to comply with the Code. Virgin Media currently estimates that approximately 12 months' lead time will be required to develop new systems and scale existing systems to cope with the volumes of CIRs currently being anticipated. Given that the Act does not require the initial obligations to commence in January 2011 (only that the Code be adopted by

that date), Virgin Media urges Ofcom to set out expressly in the Code a reasonable and appropriate timeframe for the Code to take effect.

- Qualifying ISPs criteria. Virgin Media has serious underlying concerns about any criteria (whether for the initial or for subsequent notification periods) that adversely affect ISPs' businesses, particularly in the form of customer churn, and potentially affect consumers in some shape or form, whether through reducing widespread internet access, increased broadband access fees or otherwise. Virgin Media recommends that Ofcom monitors closely the impact of the initial criteria during the initial notification period and takes appropriate action to address that impact in criteria for subsequent notification periods.
- Evidence gathering. Virgin Media believes that targeting detection of infringements on specific ISPs' networks could unfairly prejudice customers of targeted ISPs. ISP-targeting is also likely to result in customer churn on those ISPs' networks increasing significantly and the per notification fee will not sufficiently compensate ISPs for the impact of such churn. Furthermore, targeting of certain ISPs could skew the per notification fee and lead to operational difficulties for ISPs' systems that have limited volume capacities.

In addition, Virgin Media has some comments regarding the quality assurance process for ISPs, liability for ISPs in subscriber appeals being limited, and CROs' indemnity in favour of ISPs applying in the context of Ofcom enforcement proceedings as well as disputes.

Virgin Media encourages Ofcom to continue engaging actively with stakeholders in finalising the Code for the initial notification period and, going forward, developing the Code as we anticipate that changes will be required in a number of areas to address issues arising during the initial notification period.

Set out in section B below are further details of Virgin Media's key concerns and some suggestions for resolving them. In section C we have provided responses to the specific questions in the consultation, and in section D we have made some comments on specific provisions in the Code.

B. Key concerns

Launch date

Virgin Media believes for a number of reasons that, for the initial notification period, two months is wholly insufficient time for ISPs to process meaningful volumes of CIRs:

- A significant amount of time is required to build and test automated systems that can accurately and efficiently process substantial volumes of CIRs and notifications.
- In addition, significant time is required to adapt and test other existing systems that need to interact with those automated systems – e.g. billing.
- In any event, as a matter of principle, Virgin Media strongly believes that all stakeholders should have some assurance from CROs that they are committed to processing a meaningful volume of notifications during the initial notification period.
- Without knowing the volumes of CIRs / notifications anticipated, ISPs do not know the capacity for which they need to build new systems or scale existing systems.

Based on the above factors, Virgin Media estimates that a lead time of 12 months will be required to have in place efficient, fully tested automated systems.

For notification periods after ISPs' automated systems have been built, however, we believe two months' notice of CIR volumes should be sufficient.

Virgin Media recommends that Ofcom explicitly sets out in the Code a sensible timeframe for ISPs to process substantial volumes of CIRs / notifications on an automated basis. For example, the timeframe could be triggered by Ofcom having assurance of the quality of both CRO and ISPs' processes (including matters such as agreement between both industries as to the format for CIRs). In the interim, Virgin Media would support a "soft launch" phase

during which CIRs can be processed manually, provided that the period for assessment by Ofcom of the initial obligations in progress reports (including measurement of infringement on ISPs' networks) does not end until at least 12 months after full launch.

Qualifying ISPs criteria

Recognising the challenge Ofcom faces in setting the qualifying ISPs criteria for the initial notification period, Virgin Media understands Ofcom's approach in this section of the Code – for example, limiting the scope to fixed line ISPs only and setting a threshold of 400,000 subscribers which catches all of the major fixed line ISPs.

However, Virgin Media has concerns with some of Ofcom's proposals:

- 400,000 subscriber threshold for initial period only. Virgin Media recognises that, in the absence of more sophisticated criteria, the 400,000 subscriber threshold test is adequate but only for the initial notification period. During that period, Virgin Media strongly urges Ofcom to monitor continuously the levels of IP addresses being detected on non-qualifying ISPs' networks (including those of MNOs) and the migration patterns of customers either amongst qualifying ISPs or to non-qualifying ISPs, and the impact on competition in the broadband sector generally. Virgin Media is very concerned to ensure that the criteria for subsequent notification periods do not inadvertently enable subscribers to avoid detection which will undermine the efficacy of the regime. Nor should any criteria adversely affect ISPs' businesses, including by inducing high levels of churn, as this would not reflect a fair and proportionate approach to the implementation of the Code.
- WiFi operators. Virgin Media disagrees with Ofcom's proposal to treat all WiFi operators as "ISPs". We recognise that for the initial notification period WiFi operators are highly unlikely to hit the 400,000 subscriber threshold. Regardless of whether or not the criteria under the Code (for the initial and subsequent notification periods) capture WiFi operators as qualifying ISPs, there are some potentially serious consequences of treating them as "ISPs".
 - The definition of "Internet access service" clearly refers to a service that "consists *entirely or mainly* of the provision of access to the internet". We believe that this should not capture a large proportion of businesses that provide WiFi access as ancillary services to their customers. In any event, on a common-sense interpretation of the definition Virgin Media struggles to see how it could have intended to capture such businesses.
 - From a practical perspective, businesses that provide WiFi access are unlikely to be able to identify their "subscribers" given the transient nature of their customers and the often limited (if any) contact details they hold for customers.
 - It is likely that WiFi operators will receive services in the capacity as purely subscribers (i.e. for their own and their employees' use) as well as "ISPs" under Ofcom's proposed interpretation. It would be almost impossible however in those circumstances for WiFi operators to differentiate between the capacities in which they receive a notification from their own ISP.
 - Many small businesses are likely to be confused by their classification as "ISPs" and therefore may take unnecessary precautions to avoid receiving notifications or incurring obligations, such as curbing substantially or ceasing altogether their WiFi services for customers. This will have a much wider effect on both businesses and consumers.

In light of the concerns outlined above, Virgin Media proposes that Ofcom considers alternative approaches – for example, excluding from the scope of "ISPs" certain categories of businesses such as hotels, libraries etc which do not fit within the definition of "ISPs", whether on a strict or common-sense interpretation – and where ultimately the benefit of sending notifications to those entities will be limited (if any) given the transient nature of their customers.

In parallel, Virgin Media suggests the following ways in which Ofcom could minimise confusion amongst non-residential entities that are affected by the Code:

- Working together with various entities to find other ways of addressing online infringement.
- Publishing and advertising ahead of each notification period the list of Qualifying ISPs for that period so there can be no confusion as to which ISPs are in or out of scope.
- Publishing and advertising clear and accessible guidance on how businesses can determine whether or not they are “ISPs”, and how they should deal with notices they receive from their own ISPs.

Evidence gathering

Virgin Media is concerned to avoid CROs targeting certain ISPs in their detection processes for several reasons.

First, those ISPs that are targeted by CROs more than others are likely to suffer increased costs of potentially substantial customer churn once their subscribers discover that their ISPs are being targeted.

Secondly, as the per notification fee is based on (among other things) each qualifying ISP receiving a certain number of CIRs, then potentially the fee could be skewed.

Finally, ISPs will scale their systems up to a certain capacity based on estimates received at the start of each notification period. ISPs’ systems may therefore struggle to cope with CIRs they receive in excess of that upper capacity, particularly within the statutory timeframe, without investing further capital. There is a real risk of ISPs not recovering that additional capital.

To address these concerns, Virgin Media recommends that CROs be required to spread CIRs proportionately amongst qualifying ISPs. Furthermore, Virgin Media suggests that Ofcom periodically monitors the number of CIRs being sent by CROs to each ISP and addresses any significant weighting towards particular ISPs accordingly. This is important to avoid the consequences of certain ISPs being targeted heavily.

Ofcom should ensure that statistics are collated on CIRs that are sent to qualifying ISPs and those that could potentially be sent to non qualifying ISPs if they were in scope. This will ensure that Ofcom has sufficient data regarding infringement on all qualifying and non-qualifying ISPs’ networks in order to assess the extent to which:

- the qualifying ISP criteria needs to be adjusted for subsequent notification periods, and
- infringements rise disproportionately from non qualifying ISPs which could potentially be caused by churn away from qualifying ISPs to non qualifying ISPs – i.e. serial infringers who seek refuge under the 400,000 subscriber threshold.

CIR processing

No ISP is likely to have processed IP address matching and notifications on the scale of CIRs being anticipated. Indeed the BPI MoU trial was carried out on low volumes of notifications (approximately 1,000 per week).

There could be a number of circumstances in which CIRs can not be processed by ISPs – some of which no-one can predict until the notification regime starts. Therefore Virgin Media urges Ofcom to maintain flexibility in this area and resist narrowing the circumstances in which ISPs may reject invalid CIRs.

Given that CIR processing is one of the main components in setting the per notification fee, Virgin Media reserves its comments in this area until the cost-sharing arrangement under the Act has been finalised.

Quality Assurance process

Virgin Media supports in principle ISPs' processes being subject to quality assurance checks. We understand that it is in all stakeholders' interests, particularly those of subscribers, to have comfort that ISPs' processes are robust and regularly monitored.

Virgin Media is keen to ensure however that this process has minimal cost and operational implications for ISPs, as well as minimal administrative burden for Ofcom. We propose therefore that Ofcom be empowered to request information and require changes only to the extent required in order to address material issues or deficiencies that Ofcom identifies in ISPs' processes.

Furthermore, given the dynamic nature of data protection legislation and regulation, Virgin Media requests that Ofcom maintains constant engagement with the ICO in relation to the quality assurance processes for both CROs and ISPs.

Appeals process

In essence, in carrying out the initial obligations qualifying ISPs are acting merely as a conduit between CROs and subscribers for notifying the subscribers of alleged infringement. ISPs should not be involved with any processes to extent that they relate to the infringing activity itself.

On that basis Virgin Media sees ISPs having a limited role to play in the appeals process, and therefore believes that ISPs' liability (particularly with regard to costs) should be expressly limited to those circumstances where a breach by an ISP of the Code has directly caused a subscriber to be incorrectly identified.

In addition, the Code needs to include an appropriate time limit for a subscriber to appeal a CIR – e.g. three months from the date of the notification to which the CIR relates.

Administration and enforcement

Virgin Media is comforted to see that Ofcom has reserved in section 9.19(d) of the Code powers to require CROs to indemnify ISPs in the event of loss or damage resulting from non-compliance with the Code. This provision however relates to Owner-Provider disputes only. There may be circumstances in Ofcom's enforcement proceedings as well which could justify an indemnity in favour of ISPs and would therefore recommend that Ofcom mirrors the indemnity in section 9.11. Virgin Media believes that doing so would not be inconsistent with section 7(8)(b) of the Act which allows the Code to provide for such indemnity in relation to both administration and enforcement.

Furthermore, Virgin Media would urge Ofcom to resist narrowing the scope of any potential indemnity – for example, given the sensitivity around the Act and the Code, ISPs could suffer far more than direct loss and damage only, and therefore should not be prevented from recovering other indirect loss and damage that arises from breach by CROs of the Code.

With regards to the time limits under section 9.7 and 9.9 of the Code for responding to Notices of Enforcement and Draft Enforcement Notifications, and under sections 9.15 and 9.17 of the Code for responding to notices relating to disputes, Virgin Media believes that 5 – 10 days is insufficient given the extent of internal investigation that parties may need to carry out. Virgin Media would recommend instead one month periods in relation to these various notices.

Ofcom may also wish to consider non-monetary penalties for non-compliance by CROs of the Code – e.g. temporary suspension of the rights available to "Qualifying Copyright Owners" under the Code.

C. Responses to specific consultation questions

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. It is critical that only those Copyright Owners who have fulfilled their obligations as to costs may take advantage of the procedures. ISPs should not be out-of-pocket for complying with the initial obligations given that they are being implemented solely for the benefit of Copyright Owners. As matter of principle, Copyright Owners should be committed to investing and paying their share of the costs, and should be incentivised by paying upfront to use the regime meaningfully.

On that basis, the reference in section 8 of the Code to "costs shall fall where they lie" in the absence of a cost order be removed.

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.

Virgin Media does not believe that two months is an appropriate lead time with respect to the initial notification period – please see our comments in section B above. However, in terms of subsequent notification periods, once CROs have contributed their share upfront the capex required for automated systems, then two months should be sufficient.

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?

Virgin Media broadly agrees with Ofcom's approach in applying the Code to fixed ISPs only. We do however urge Ofcom to monitor the mobile sector closely and address appropriately in subsequent notification periods any distortions to the broadband sector that occur as a result of MNOs being excluded. Please see comments in section B above.

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?

Virgin Media broadly agrees with an initial threshold test for fixed ISPs of 400,000 subscribers but has concerns with other aspects of Ofcom's proposed criteria – please see our comments in section B above.

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?

While Virgin Media recognises the challenges of dealing with the various, complicated permutations of ISP / communication provider / subscriber relationships, Virgin Media has some concerns regarding Ofcom's approach in this area – please see our comments in section B above.

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?

While Virgin Media recognises the challenges of dealing with the various, complicated permutations of ISP / communication provider / subscriber relationships, Virgin Media has

some concerns with Ofcom's approach to dealing with WiFi operators – please see our comments in B above.

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?

Virgin Media agrees with the proposed content of CIRs, save that the primary copyright owner – i.e. not a person acting on behalf of the copyright owner – should be prominently named on the CIR. Virgin Media believes that it is necessary for subscribers to recognise the copyright owner on the CIRs in order to maximise their effect and ensure the accountability of CROs.

In addition, Virgin Media would urge Ofcom to resist requiring details to be included in CIRs or notifications that are not strictly necessary – e.g. flagging whether or not the content is "new release" content – as these additional details are likely to have cost and operational implications for ISPs and, in turn, consumers (in some cases potentially significant).

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.

Virgin Media strongly supports a quality assurance approach to address the accuracy and robustness of evidence gathering. Indeed, given the potentially deleterious consequences of being captured within the Digital Economy Act regime, Virgin Media believes that governance arrangements around evidence gathering are absolutely crucial.

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?

Virgin Media agrees that a 10 working day time period is appropriate, but recommends in practice that CROs submit CIRs as soon as possible after detection in order to minimise the time difference and therefore maximise the impact with subscribers.

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.

Virgin Media agrees with the proposals in relation to invalid CIRs. In particular, Virgin Media agrees with the list of examples in section 4.3 of the Code. Furthermore, Virgin Media suggests that Ofcom maintains a flexible approach in this area to ensure that any additional circumstances that arise once the notification regime has started operating may be included – please see our comments in B above.

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.

Virgin Media broadly agrees with using a quality assurance approach to address the accuracy and robustness of subscriber identification, provided that cost and operational burdens for both ISPs and Ofcom are minimised – please see our comments in B above.

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.

- Virgin Media broadly agrees with Ofcom's proposals for the notification process, particularly the limit of three notifications for each subscriber during a 12 month period, and a time-based (rather than a CIR volume-based) process. Virgin Media believes that the potential impact on consumer behaviour as a result of receiving notifications will decrease significantly if subscribers continuously receive notifications with no consequences flowing from them.

- Virgin Media does however query the usefulness (and cost) of sending subscribers update notifications after the third notification which triggers inclusion in the CIL. We believe that this will actually detract from the impact of the “final warning” implication of the third notification.
- From a practical perspective, while Virgin Media recognises the value in referring to accumulated CIRs in the second and third notifications, we would not recommend including all of the CIRs physically with those notifications. Not only with this have cost implications, but is likely to have little (if any) incremental benefit over and above simply referring to the number of accumulated CIRs.
- Virgin Media also supports Ofcom in leaving ISPs sufficient flexibility to adapt notifications for their particular businesses and subscriber bases – e.g. similar to the BPI MoU trial, allowing ISPs to have their own cover letter accompany CIRs and an official notification which is from the CRO. It is critical for ISPs’ businesses to ensure that, to the greatest extent possible, subscribers do not associate infringement detection and action with their ISPs. This will help to reduce calls and complaints to ISPs, and ultimately costs where it is clearly appropriate for such calls to be directed to the CRO. It will also ensure that the dispute regarding infringement is confined as much as possible to the two parties primarily responsible – CROs and subscribers – without placing undue burden on ISPs.
- With regards to keeping records, the period for which ISPs must retain records should be linked directly to the timeframes for the subscriber appeals process to ensure that data that may be required for subscriber appeals will be available. Also, if ISPs are required to store significant amounts of data, then there are likely to be knock-on cost and operational implications for ISPs in terms of data capacity.

[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, although Virgin Media urges that subscriber helplines and information sites be sufficiently advertised and resourced in order to minimise calls and complaints to ISPs (which have potentially significant impacts on costs). Also, we re-iterate the need for ISPs to have flexibility to adapt notifications – see answer to question 5.3 above. Virgin Media would be happy to engage with consumer groups to develop a baseline of information which might then be incorporated within the bespoke message of each ISP.

[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.](#)

Yes, Virgin Media broadly agrees with the thresholds Ofcom is proposing.

As a general comment regarding copyright infringement lists (CILs), Virgin Media strongly recommends that Ofcom continues to engage with the ICO and ensure that the level of data required in CILs aligns with relevant data protection laws, regulations and guidance.

[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.](#)

Virgin Media broadly agrees with the approach but reserves its comments until the Appeals Procedure has been finalised. Also, please see comments on this area in sections B and D.

[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.](#)

Virgin Media broadly agrees with the approach but believes that Ofcom will need to set out some of the procedures in more detail, and therefore reserves its comments until those details are finalised. Also, please see comments on this area in sections B and D.

D. Comments on specific provisions of the draft Code

In addition to Virgin Media's comments and views set out in sections B and C above, the table below sets out our comments on certain specific provisions in the Code.

Section	Virgin Media's comments / suggested changes
2. Application of the Code to Copyright Owners	
2.4	Clarify that this criteria applies only for the initial notification period.
2.7	Refer to matters that Ofcom may take into account in reviewing and adjusting the criteria – i.e. factors that indicate distortion in broadband sector.
3. Application of the Code to ISPs	
3.1	Change reference to “if it appears to the Qualifying Copyright Owner that” to “if the Qualifying Copyright Owner has evidence which indicates that”.
3.5	For subsequent notification periods, require this quality assurance report process to be submitted at the same time as volume estimates are submitted.
3.8	Explicit obligation on CROs not to send viruses etc. in delivery of CIRs to ISPs (and failure to do so will be indemnified under section 9.19(d)).
4. Notification process	
4.1	After “automated response”, add “and may relate to a group of CIRs received from the same Qualifying Copyright Owner on the same date” in order to allow acknowledgement of batched CIRs (i.e. not on an individual CIR basis which would be impractical).
5. Notification process	
5.7.2	Change reference in last line to <i>sending</i> of the Second Notification (rather than “posting”, to capture instances where the notification is emailed).
6. Identification of repeated infringers and provision of copyright infringement lists	
6.1	Clarify so that it's a list of Subscribers who have received Third Notification within 12 months of having received the First Notification.
6.6	Clarify that 5 working days from <i>receipt of request</i> .
7. Identification of repeated infringers and provision of copyright infringement lists	
7.15	Information or evidence to be sworn by an authorised officer of a CRO, and <i>must</i> (not “may”) include the information set out in sub-paragraphs 1 to 6.
9. Administration, information collection, enforcement and dispute resolution	
9.14(a)	Provide examples of what would constitute reasonable attempts to resolve issues in dispute.
9.14(e)	Clarify what would constitute evidence of breach.