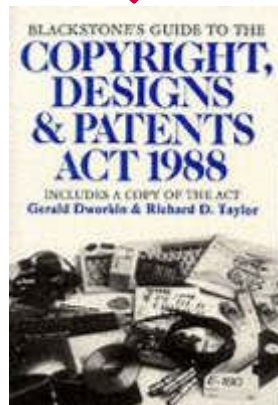


# **Enforcement of online copyright - the UK approach**

**Campbell Cowie**  
**24 May 2013**

# Copyright in the UK

## Policy



Digital Economy Act 2010

2010 CHAPTER 24

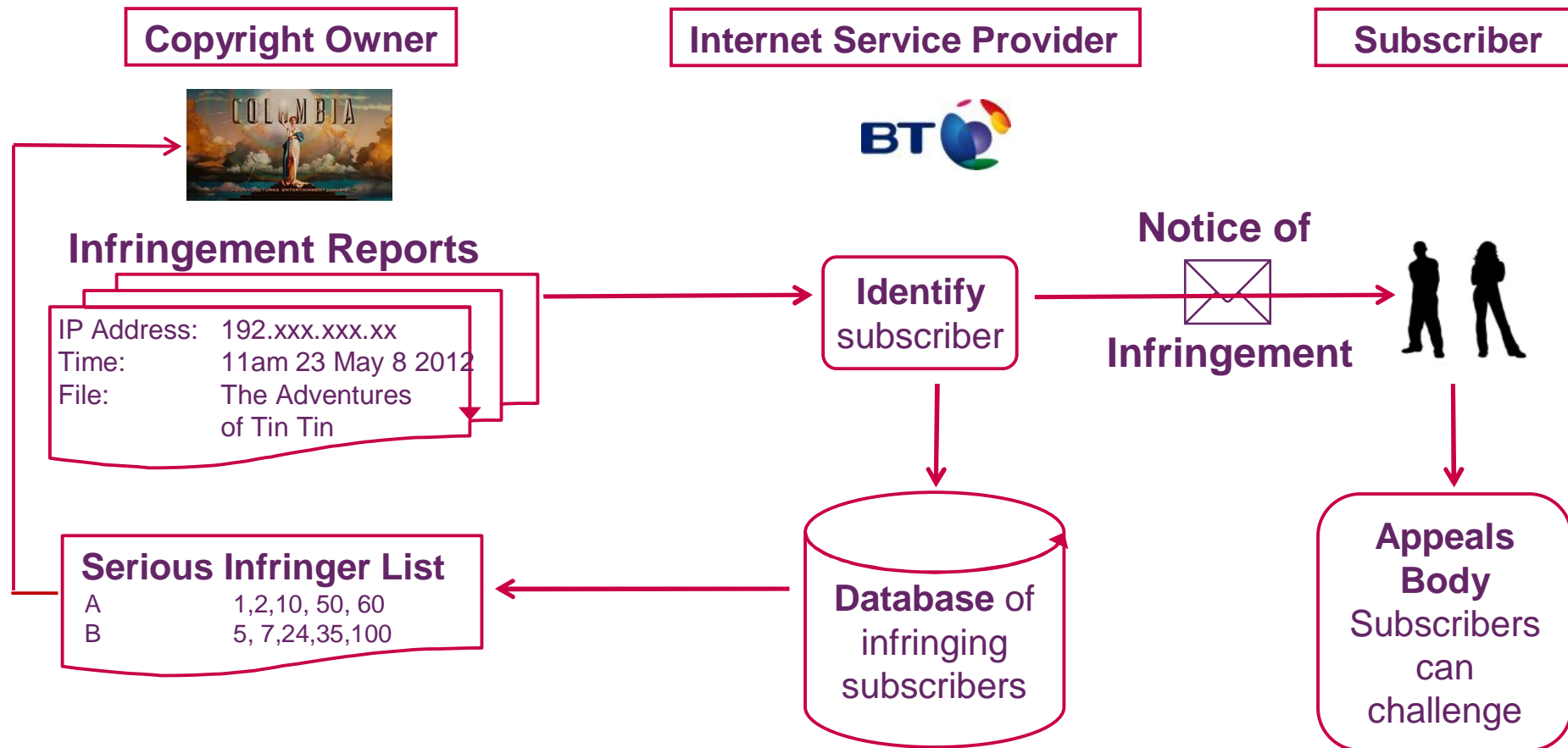
## Enforcement



# The Digital Economy Act - implementation & challenges



## How the Digital Economy Act Initial Obligations work



# The Digital Economy Act - implementation & challenges

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**Digital Economy Act prescribes three possible measures for addressing online copyright infringement**

## **1. The Initial Obligations**

Notification and identification of serious infringers

## **2. Technical Obligations**

Notification and restrictions on internet access

## **3. Website blocking**

(<http://stakeholders.ofcom.org.uk/binaries/internet/site-blocking.pdf>)

**Ofcom's Code addresses 1.  
2 and 3 not in force.**

# The Digital Economy Act - implementation & challenges

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## Six key complexities in implementing the DEA

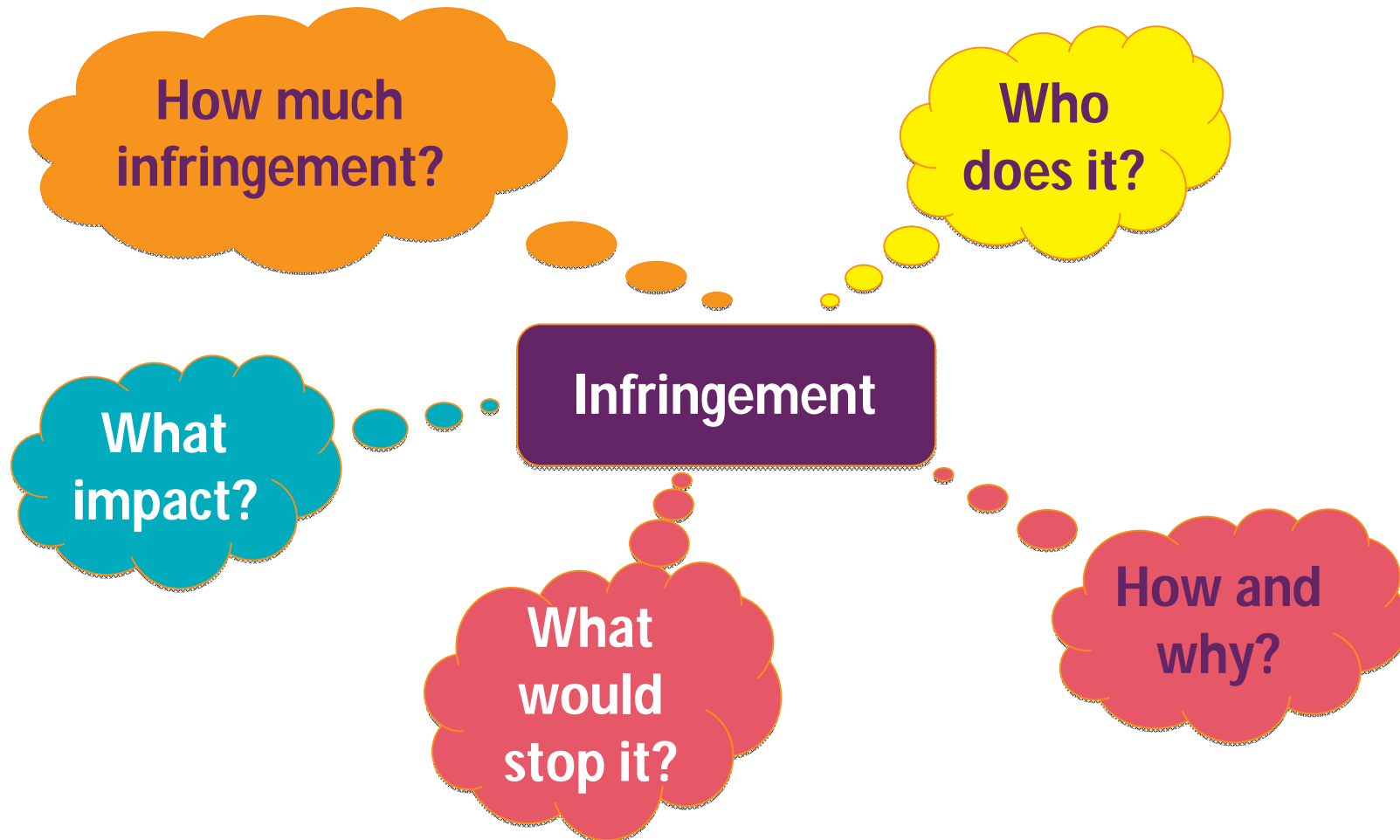
- Timetable and litigation
- Definitional uncertainty - What is an ISP / what is a subscriber?
- Unintended consequences: Libraries – a ‘chilling effect’? / Wi-Fi
- Who is covered? Which ISPs should be subject to the Code?
- What is an appropriate standard of evidence?
- How can we ensure an appropriate consumer redress mechanism?

# Who, what, how much, how, why, why not ...

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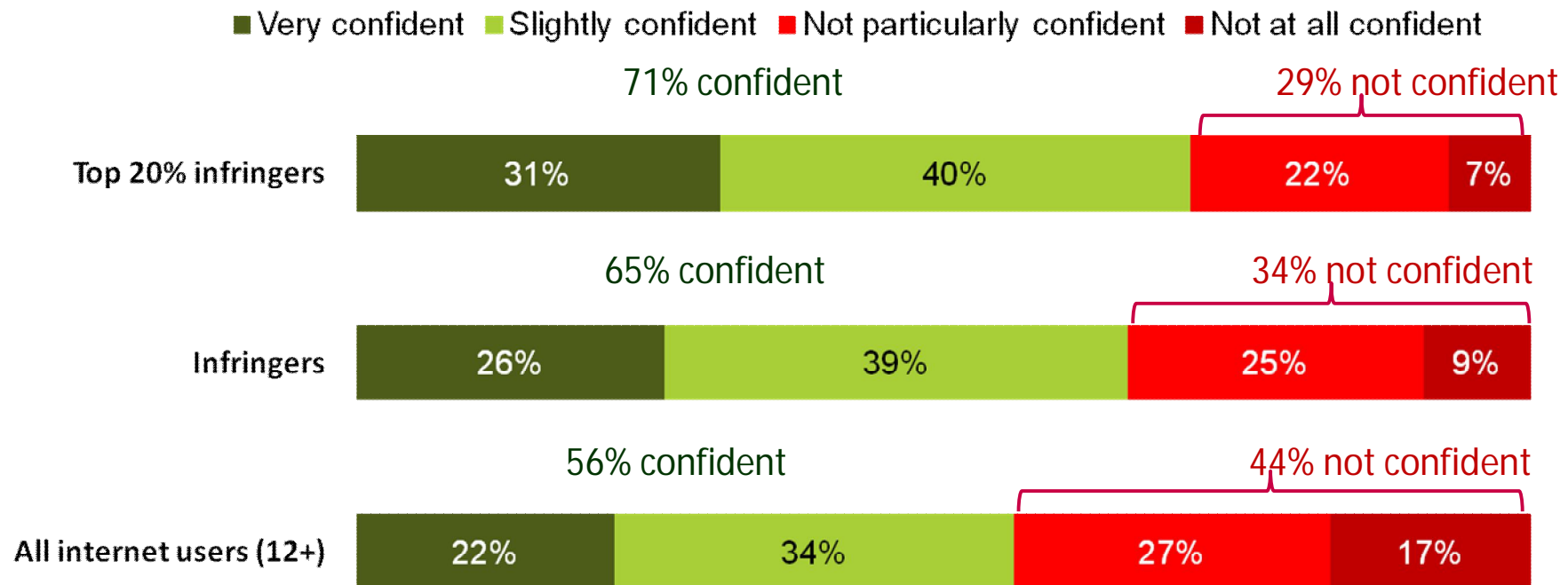
## Some key questions about infringement ...



## 29% of the top 20% of infringers claim they are not confident about what is legal online, compared to 44% for all internet users



### Confidence in what is legal and what isn't



**Question** How confident are you that you know what is legal and what isn't in terms of downloading, streaming/accessing, and sharing content through the internet?



## What would encourage them to stop? The top five stated reasons are all about improvements to legal services



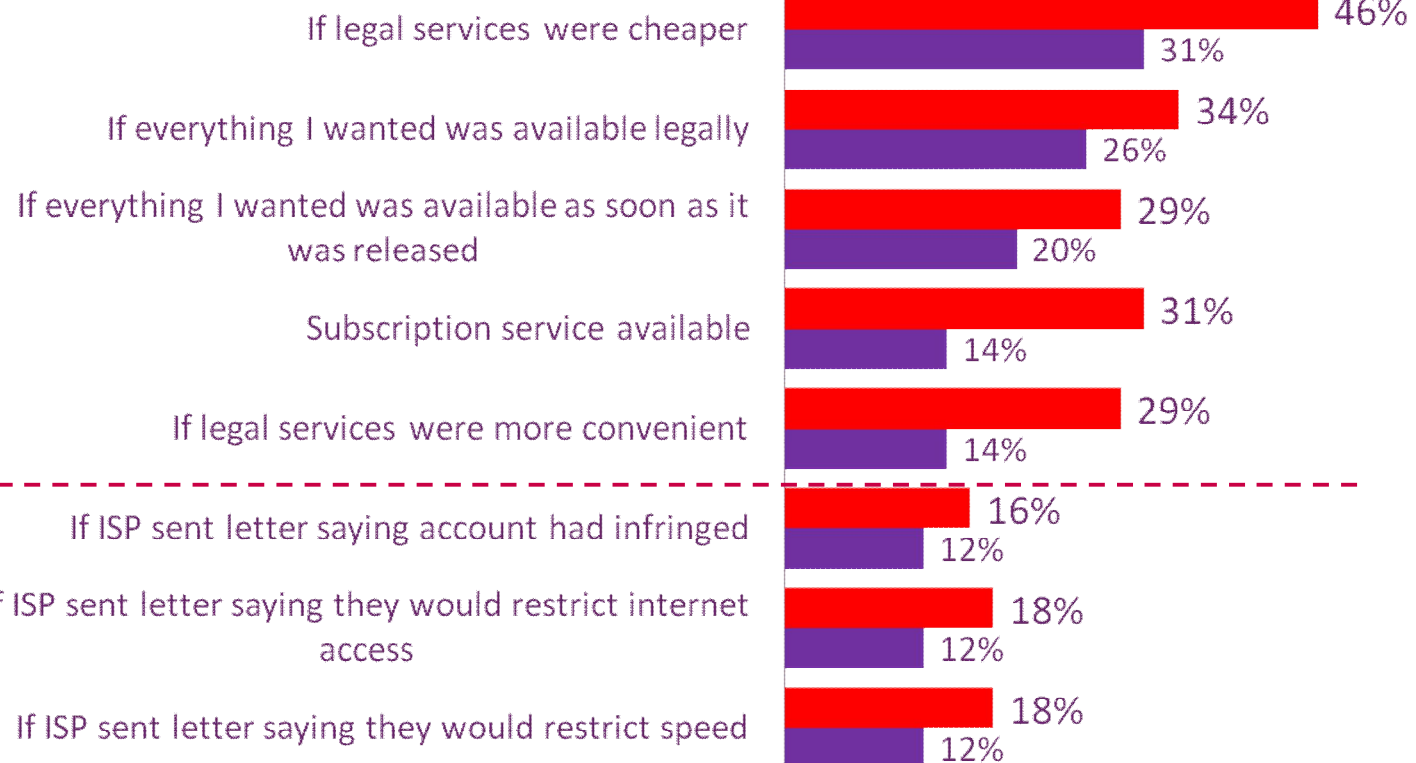
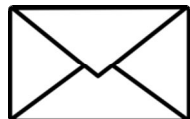
### Factors that would encourage infringers to stop



**Top 20%  
Infringers**



**Bottom 80%  
Infringers**





<http://stakeholders.ofcom.org.uk/binaries/research/telecoms-research/online-copyright/deep-dive.pdf>