



Press Release

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Online copyright infringement rules must protect consumers' rights, say leading UK consumer groups

Leading UK consumer and citizens' rights groups have joined forces to call for the fair treatment of customers accused of copyright infringement using file sharing networks. The Communications Consumer Panel, Consumer Focus, Which?, Citizens Advice and the Open Rights Group today published a set of principles to ensure that new rules on online copyright infringement properly protect consumers.

The consumer groups are calling on Ofcom to use these principles to build the initial obligations code to ensure customers and citizens are properly protected. The obligations code will set the rules for how copyright holders and internet service providers notify customers that they are suspected of infringing copyright laws. The groups are also calling on industry to think sensitively about customers as they apply the code.

Anna Bradley, Consumer Panel chair said: "It is imperative that a system that accuses people of illegal online activity is fair and clear. By publishing these principles we want to make sure that customers get fair treatment, are fully informed of what's happening to them and that they have real rights of appeal."

Robert Hammond, head of Post and Digital communications at Consumer Focus, said: "Consumers face considerable confusion while Ofcom tries to work out how to implement new laws under the Digital Economy Act. The aim should be to encourage suspected copyright infringers to use legal alternatives and achieving this rests on the process of notification being seen by consumers as fair and helpful. In following these consumer principles, Ofcom can provide consumers with the protections they need."

Richard Hyde, Which?, said: "Which? broadly support the proportionate and graduated response to tackling illicit file sharing set out in the DEA. We think the principles we've agreed upon should ensure fairness and urge Ofcom to use these as the basis for its initial obligations code proposals."



Jim Killock, Executive Director of the Open Rights Group said: "Letters being sent out could cause a lot of worry and fear. People may feel they are under surveillance. The Digital Economy Act allows every allegation made by the copyright owners under the notification scheme to be used towards technical measures, should they be introduced. Government needs to draw a clear line between the notifications and potential technical measures. Without this, the consequence of receiving a notification will be impossible to know. We also need clarity that customers will be told that running open community wifi networks is still completely legal and does not open the door to legal threats."

The principles set out the proposed rights customers should have if copyright holders accuse them of online copyright infringement, including the right to clear information and to an independent and transparent appeals process. The Customer Protection Principles have been designed as a guide for Ofcom to use when it develops its Initial Obligations Code - a requirement of the Digital Economy Act passed in April this year.

Online copyright infringement - key points from the Customer Protection Principles

- There should be sound evidence of wrongdoing before any action is taken against a consumer
- Comprehensive and consistent information needs to be provided to all suspected repeat infringers and this should be written in plain English
- Consumers must have the right to defend themselves
- An independent and transparent appeals process is essential, at no cost to the customer
- Information about affordable alternatives to online copyright infringement should be made widely available.

Ends

NOTES FOR EDITORS AND CSEs

For a copy of the *Online Copyright Infringement - Customer Protection Principles* go to the Communications Consumer Panel website

<http://www.communicationsconsumerpanel.org.uk/smartweb/policy/internet>

Ofcom's consultation on the draft code of practice to reduce online copyright infringement launched 28 May 2010 and can be found here

<http://www.ofcom.org.uk/consult/condocs/copyright-infringement/>. The consultation closes on 30 July 2010.

The Digital Economy Act 2010 was passed in April 2010.

http://www.opsi.gov.uk/acts/acts2010/pdf/ukpga_20100024_en.pdf

For an overview of the Act go to: <http://interactive.bis.gov.uk/digitalbritain/digital-economy-bill/>

Communications Consumer Panel

CONTACTS

The Communications Consumer Panel was established to advise Ofcom on the consumer interest in the markets it regulates. The Panel is independent and sets its own agenda. Visit www.communicationsconsumerpanel.org.uk for more information. The Panel's members appointed by Ofcom are:

- Anna Bradley (Chair)
- Fiona Ballantyne (member for Scotland)
- Louisa Bolch
- Kim Brook (member for Wales)
- Colin Browne
- Roger Darlington (member for England)
- Maureen Edmondson (member for Northern Ireland)
- Leen Petre
- Damian Tambini
- Bob Warner

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Consumer Focus is the independent champion for consumers in the UK, created from the merger of energywatch, Postwatch and the National Consumer Council (including the Scottish and Welsh Consumer Councils). Consumer Focus is the voice of the consumer, and works to secure a fair deal on their behalf.

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Which? is an independent, not-for-profit consumer organisation with around 700,000 members. It is the largest consumer organisation in Europe, is independent of government and industry and funded through the sale of Which? magazines and other subscription services. <http://www.which.co.uk/>

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The Open Rights Group, founded in 2005 by 1,000 digital activists, is the UK's leading voice defending freedom of expression, privacy, innovation, consumer rights and creativity on the internet. <http://www.openrightsgroup.org>

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The Citizens Advice service is a network of independent charities that helps people resolve their money, legal and other problems by providing information and advice and by influencing policymakers. For more information in England and Wales see <http://www.citizensadvice.org.uk>

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