



Notification Number: 2011/418/UK

The Online Infringement of Copyright (Initial Obligations) (Sharing of Costs) Order 2011

Date received : 08/08/2011

End of Standstill : 09/11/2011

Message

Message 001

Communication from the Commission - SG(2011) D/51906

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2011/0418/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201101906.EN)

1. Structured Information Line

MSG 001 IND 2011 0418 UK EN 08-08-2011 UK NOTIF

2. Member State

UK

3. Department Responsible

Department for Business, Innovation and Skills
Innovation & Enterprise Group
1 Victoria Street, London, SW1H 0ET.

Email: 9834@bis.gsi.gov.uk.

3. Originating Department

Department for Culture, Media and Sport
2-4 Cockspur Street, London, SW1Y 5DH



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4. Notification Number

2011/0418/UK - SERV60

5. Title

The Online Infringement of Copyright (Initial Obligations) (Sharing of Costs) Order 2011

6. Products Concerned

The Statutory Instrument sets out how a process to address online infringement of copyright is to be funded. If subscribers of internet service providers are identified by copyright owners as infringing their copyright, the process requires the internet service providers to send notifications to such subscribers and, if they are identified multiple times, include them on a list of infringers. No personal information will be exchanged at any time without a court order. An appeals process will be set up, and the costs of that and other central costs incurred by the regulator will need to be assigned to the industry participants and recovered along with the cost of the notifications themselves. It is the proportion of costs to be borne by copyright owners and internet service providers which the Statutory Instrument sets out.

7. Notification Under Another Act

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8. Main Content

The Order reflects the decision of the Government that the "relevant costs" (costs generated by internet service providers in complying with the obligations) associated with the operation of the initial obligations under the online infringement of copyright provisions should be borne 75% by copyright owners and 25% by internet service providers.

"Qualifying costs" (costs incurred by the regulator or the appeals body in carrying out their functions under the online infringement of copyright provisions) will be borne 100% by copyright owners.

Subscribers seeking to access the appeals system will be required to pay a fee of £20. This fee will be refunded if the appeal is successful.

An appeal case fee will be charged by the appeals body for each determination of a subscriber appeal. The fee will be borne 75% by the relevant copyright owner and 25% by the relevant internet service provider.

9. Brief Statement of Grounds

The overall policy objective of the online copyright infringement provisions in the Digital Economy Act is to help ensure that investment in creative content is kept at socially appropriate levels by allowing copyright owners to better appropriate the returns on their investment. Failure to set up an effective cost sharing process will jeopardise the successful implementation of those provisions. Therefore, the UK Government proposes to introduce the Sharing of Costs statutory instrument which will set out how the costs of implementing the measures should be apportioned between participating copyright owners and internet service providers.

10. Reference Documents - Basic Texts



References of the Basic Texts: Sections 3 to 16 Digital Economy Act 2010:

http://www.legislation.gov.uk/ukpga/2010/24/pdfs/ukpga_20100024_en.pdf

We also include a supplementary letter to explain the circumstances relating to the level of the subscriber appeals fee.

Basic Texts have been forwarded within the framework of a previous notification: 2010/633/UK

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

Yes

16. TBT and SPS aspects

TBT aspect

No - The draft has no significant impact on international trade

SPS aspect

No - The draft is not a sanitary or phytosanitary measure

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