Digital Economy Act 2010 for collegiate universities

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How the Act works

- Now (actually, Jan 2011)
  - Rightsholders send notices to ISPs
  - ISPs pass (some) notices to Subscribers
  - ISPs count notices per subscriber
- Maybe in 2012 (if Minister decides)
  - ISP limits access for high-count subscribers
- Some time (if Minister decides)
  - Courts may order blocking of internet locations

Details, details...

- Lots of consultations during 2010:
  - Cost sharing (May-June)
  - Implementation Code (June-July)
  - Dispute resolution
  - Measurement
  - Fees
- So lots still unknown...

Definitions

- "ISP"
  - Provides internet access (mainly)
  - Allocates IP address
  - Under agreement
  - With subscriber
- "Subscriber"
  - Receives service from ISP
  - But not "as a communications provider"

Which means?

- House = Subscriber

- University? College? JANET?

- Ofcom aware of problem
  - But don't have power to decide ☹

- Plan seems to be...
  - See where rights holders send reports (ISP)
  - See where recipients forward them (subsc.)
  - Appeal if anyone doesn't like it ☹

Ofcom draft Code

- Identifies seven "Qualifying ISPs"
  - Fixed line providers >400K subscribers
- Rights holders also have to Qualify
  - By registering in advance
  - And paying in advance too
- Consultation closes end July...

Can't We Do Better?

- JANET AUP requires
  - Grant access to network responsibly
  - Receive reports of AUP breaches
  - Educate those responsible for breaches
    - So they don't do it again!
- Similar to "ISP" role, in fact
- Already do it (much) better than them

Universities Should...

- Manage network access
  - Expect users to authenticate
  - Limit damage that others can do
- Keep IP => User records (≥3 months)
- Receive and deal with breach reports
  - Process, tools, policy, enforcement
  - See JANET Factsheet
- Educate users

Collegiate Issues

- Within "the university"...
  - Independent networks
  - Independent authentication
  - Independent logs
  - Independent processes
- Please join them up

JANET Should...

- Persuade regulators
  - Process already working well
  - Alternatives would be worse
    - For copyright protection
    - And for purposes of network
- Work with rights holders on processes
  - Current one recognised as good
  - (Low-cost) improvements may be possible

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