
DRAFT STATUTORY INSTRUMENTS

2011 No.

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

Interpretation

2. In this Order—

“the Act” means the Communications Act 2003;

“appeals body” means a person who, under the Code, has the function of determining subscriber appeals⁽¹⁾;

“Code” means the initial obligations code approved by OFCOM under section 124C of the Act or made by OFCOM under section 124D of the Act;

“initial costs” means the qualifying costs incurred prior to the start of the first notification period including any such costs incurred prior to the making of the Code;

“notification fee” means the amount set by OFCOM in accordance with paragraph 1 of the Schedule;

“notification period” means—

(a) the period beginning on a day determined by OFCOM in accordance with the Code and ending on 31st March 2012 or 31st March 2013 as determined by OFCOM; or

(b) any subsequent period of twelve months beginning on 1st April;

“qualifying copyright owner” means, in relation to a notification period, a copyright owner⁽²⁾ who has given an estimate to a qualifying internet service provider of the number of copyright infringement reports to be made by the copyright owner to the internet service provider in that notification period in accordance with the Code;

“qualifying costs” means the costs incurred by OFCOM or the appeals body in carrying out functions under the copyright infringement provisions⁽³⁾ including costs incurred by OFCOM under those provisions in appointing the appeals body or in establishing a body corporate to be the appeals body;

“qualifying entities” means qualifying internet service providers and qualifying copyright owners;

“qualifying internet service provider” means an internet service provider⁽⁴⁾ to which the rights and obligations of the Code apply;

“relevant costs” means costs which would be reasonably and efficiently incurred by a notional qualifying internet service provider in carrying out its obligations under the copyright infringement provisions.

(1) See definition in section 124N of the Communications Act 2003.

(2) See definition in section 124N of the Communications Act 2003.

(3) See definition in section 124N of the Communications Act 2003.

(4) See definition in section 124N of the Communications Act 2003.

