



Digital Economy Act 2010

2010 CHAPTER 24

Online infringement of copyright

9 Obligations to limit internet access: assessment and preparation

After section 124F of the Communications Act 2003 insert—

“124G Obligations to limit internet access: assessment and preparation

- (1) The Secretary of State may direct OFCOM to—
 - (a) assess whether one or more technical obligations should be imposed on internet service providers;
 - (b) take steps to prepare for the obligations;
 - (c) provide a report on the assessment or steps to the Secretary of State.
- (2) A “technical obligation”, in relation to an internet service provider, is an obligation for the provider to take a technical measure against some or all relevant subscribers to its service for the purpose of preventing or reducing infringement of copyright by means of the internet.
- (3) A “technical measure” is a measure that—
 - (a) limits the speed or other capacity of the service provided to a subscriber;
 - (b) prevents a subscriber from using the service to gain access to particular material, or limits such use;
 - (c) suspends the service provided to a subscriber; or
 - (d) limits the service provided to a subscriber in another way.
- (4) A subscriber to an internet access service is “relevant” if the subscriber is a relevant subscriber, within the meaning of section 124B(3), in relation to the provider of the service and one or more copyright owners.
- (5) The assessment and steps that the Secretary of State may direct OFCOM to carry out or take under subsection (1) include, in particular—

Changes to legislation: There are currently no known outstanding effects for the Digital Economy Act 2010, Section 9. (See end of Document for details)

- (a) consultation of copyright owners, internet service providers, subscribers or any other person;
 - (b) an assessment of the likely efficacy of a technical measure in relation to a particular type of internet access service; and
 - (c) steps to prepare a proposed technical obligations code.
- (6) Internet service providers and copyright owners must give OFCOM any assistance that OFCOM reasonably require for the purposes of complying with any direction under this section.
- (7) The Secretary of State must lay before Parliament any direction under this section.
- (8) OFCOM must publish every report under this section—
- (a) as soon as practicable after they send it to the Secretary of State, and
 - (b) in such manner as they consider appropriate for bringing it to the attention of persons who, in their opinion, are likely to have an interest in it.
- (9) OFCOM may exclude information from a report when it is published under subsection (8) if they consider that it is information that they could refuse to disclose in response to a request under the Freedom of Information Act 2000.”

Changes to legislation:

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