

Copyright Enforcement Problems

- UK issues

Public –Private Civil -Criminal

- Copyright law sits across legal borders.
- For most of its existence it has been a civil law right but increasingly criminal sanctions are being applied.
- But the criminal standard of proof is high (beyond reasonable doubt)
- And high profile prosecutions have failed – largely because juries do not seem to regard copyright infringement as a serious crime

The role of ISPs

- A somewhat uneasy relationship between the immunities conferred under the E-commerce Directive and responsibilities under copyright law.
- A recent case [Newzbin](#) is potentially helpful for copyright owners.
- A web site providing links to infringing material was held to have authorised infringement by its users.

Norwich Pharmacal orders

- A relatively new form of court order requiring a third party (an ISP) to disclose details of others who are infringing the law but whose identity is not known to a claimant.
- Effectively, an ISP will be given details of IP addresses from which infringing actions have been initiated and required to identify the name and address of the person to whom the address has been allocated.

Problem?

- A potential conflict between user's expectations of privacy
- And the copyright owner's right to protect its intellectual property

Actions against individuals

- There is some evidence that some (disreputable) law firms are seeking to secure payments from individuals with the threat that a failure to pay will result in expensive legal proceedings alleging copyright infringement.
- See [this BBC news report](#)

The Digital Economy Act

- A rather rushed measure – adopted just before the 2010 general election.
- Very much a framework statute but it lays the ground for restricting Internet access for those accused of copyright infringement.
- Scope for conflict with human rights legislation and the notion that Internet access is now a basic right.