



Digital Economy Act 2010

2010 CHAPTER 24

Online infringement of copyright

8 Progress reports

After section 124E of the Communications Act 2003 insert—

“124F Progress reports

- (1) OFCOM must prepare the following reports for the Secretary of State about the infringement of copyright by subscribers to internet access services.
- (2) OFCOM must prepare a full report for—
 - (a) the period of 12 months beginning with the first day on which there is an initial obligations code in force; and
 - (b) each successive period of 12 months.
- (3) OFCOM must prepare an interim report for—
 - (a) the period of 3 months beginning with the first day on which there is an initial obligations code in force; and
 - (b) each successive period of 3 months, other than one ending at the same time as a period of 12 months under subsection (2).

But this is subject to any direction by the Secretary of State under subsection (4).
- (4) The Secretary of State may direct that subsection (3) no longer applies, with effect from the date given in the direction.
- (5) A full report under this section must include—
 - (a) an assessment of the current level of subscribers' use of internet access services to infringe copyright;
 - (b) a description of the steps taken by copyright owners to enable subscribers to obtain lawful access to copyright works;

Changes to legislation: There are currently no known outstanding effects for the Digital Economy Act 2010, Section 8. (See end of Document for details)

- (c) a description of the steps taken by copyright owners to inform, and change the attitude of, members of the public in relation to the infringement of copyright;
 - (d) an assessment of the extent of the steps mentioned in paragraphs (b) and (c);
 - (e) an assessment of the extent to which copyright owners have made copyright infringement reports;
 - (f) an assessment of the extent to which they have brought legal proceedings against subscribers in relation to whom such reports have been made;
 - (g) an assessment of the extent to which any such proceedings have been against subscribers in relation to whom a substantial number of reports have been made; and
 - (h) anything else that the Secretary of State directs OFCOM to include in the report.
- (6) An interim report under this section must include—
- (a) the assessments mentioned in subsection (5)(a), (e) and (f); and
 - (b) anything else that the Secretary of State directs OFCOM to include in the report.
- (7) OFCOM must send a report prepared under this section to the Secretary of State as soon as practicable after the end of the period for which it is prepared.
- (8) OFCOM must publish every full 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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