



# 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—

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*Status: This is the original version (as it was originally enacted).*

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- (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.”