

Responding to Copyright Infringement Reports

The Acceptable Use Policy for Janet¹ has always required connected organisations to deal effectively with reports of copyright breach by their users.² In discussions of the *Digital Economy Act 2010* it has been recognised by government and rights-holders that this has resulted in the network already having a low rate of copyright infringement. Although the final version of the Code implementing that Act has yet to be published, Janet therefore does not expect that it, or its connected sites, will fall within the class of Qualifying ISPs who are required by that Code to take additional measures against copyright infringement as prescribed by the Act.

It has been suggested by UCISA members that it would be helpful to have a set of standard responses that they can use to respond to reports of copyright infringement. Rather than inventing a new classification of responses it seems reasonable to adopt the same ones as are included within the Act and Code. The following suggested templates therefore cover the three types of response envisaged by Ofcom's draft Code,³ published in May 2010:

- The responsible user has been identified and dealt with in accordance with the Janet AUP (a separate template response has been added for the situation where the complaint relates to a visitor using the eduroam service);
- Information provided is insufficient to reliably identify the responsible user;
- Information provided does not match our records (e.g. of authentications or traffic).

We do not expect the final Digital Economy Act Code to be significantly different in these areas, however when it is published we will review these templates and update them if required.

Since the Act does not require any further communication from ISPs after the initial response to each copyright infringement report it is unlikely that rightsholders will expect more. However organisations may choose to state explicitly after each response that "You should not expect to hear from us again regarding this incident".

¹ <http://www.ja.net/documents/publications/policy/aup.pdf>

² <http://www.ja.net/documents/publications/factsheets/077-investigating-copyright-complaints.pdf>

³ <http://stakeholders.ofcom.org.uk/binaries/consultations/copyright-infringement/summary/condoc.pdf>

Successful identification of responsible user

Thank you for informing us about this incident. Although [organisation] does not expect to be a Qualifying ISP under the *Digital Economy Act 2010*, copyright infringement is a breach of both our Acceptable Use Policy and that of the Janet network. We have therefore identified the user account corresponding to this activity and dealt with the user according to our policies. [Additional information/link on process if desired].

Complaint forwarded to home site under eduroam policy

Thank you for informing us about this incident. Although [organisation] does not expect to be a Qualifying ISP under the *Digital Economy Act 2010*, copyright infringement is a breach of both our Acceptable Use Policy and that of the Janet network. The reported activity appears to relate to a user visiting from another organisation within the eduroam federation so, in accordance with the eduroam policy, your report has been forwarded to that organisation to deal with the user responsible.

Information insufficient to reliably identify the responsible user

Thank you for informing us about this incident. Although [organisation] does not expect to be a Qualifying ISP under the *Digital Economy Act 2010*, copyright infringement is a breach of both our Acceptable Use Policy and that of the Janet network. However your report does not contain sufficient information for us to reliably identify the responsible user and deal with them in accordance with those Policies. The following information is normally needed for us to do this:

- Date and time when evidence of the apparent infringement was gathered, including both the start and end times of the relevant session (in UTC, synchronised to a standard time source);
- Protocol (UDP/TCP/etc.), IP address and port number used in the apparent infringement.

Since addresses and ports may be used by many users in a short space of time, the likelihood of identifying the particular user responsible will be increased if you can provide all IP addresses and port numbers (i.e. both source and destination) involved in the apparent infringement.

Information does not match our records

Thank you for informing us about this incident. Although [organisation] does not expect to be a Qualifying ISP under the *Digital Economy Act 2010*, copyright infringement is a breach of both our Acceptable Use Policy and that of the Janet network. However the information in your report cannot be matched to our local records so we are unable to reliably identify the responsible user and deal with them in accordance with those Policies. Common reasons for this include:

- The reported IP address was not allocated to one of our users at the stated time;
- Times in your report are not in UTC, or not synchronised to a standard time source;

- No transfer of content took place, so our logs contain no record of the address/port being in use at the stated time.