

# **Online Copyright Infringement Provisions within UK's Digital Economy Act, 2010 - Are Internet Service Providers Legally Responsible for their Subscribers?**

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## **Abstract**

*In recent years, there have been legislative developments internationally, encouraging internet service providers (ISPs) to co-operate with rights holders in tackling the problem of file-sharing. This framework has been brought sharply into focus by the increasing use of the internet to share copyrighted materials without rights holders' permission or authorization. The UK's Digital Economy Act, (DEA) which became law in 2010, contains provisions that place legal obligations upon ISPs to co-operate with rights holders in achieving this set goal. Under the terms of the statute, ISPs will be obliged to notify subscribers whose accounts are suspected of being involved in copyright violating activities; to supply infringement lists to rights holders upon request for the purpose of legal actions, and also to employ technical measures including the traffic management of persistent infringers' internet access and the blocking of infringing sites. This legislation has however invited criticisms, not least from the ISPs, who share a growing concern that the obligations imposed by the Act may not be well-suited with EU laws design to ensure that national laws are proportionate. It is also asserted that any legal obligation enforced upon the ISPs to 'police' the internet would also raise data protection and user privacy issues. This paper therefore attempts to examine the extent to which the Act conflicts with important European rules and assess ISPs liability for users' behaviour.*