



## **ISPA Response to the Interim Report of the Digital Britain Review**

### **ISPA**

The Internet Services Providers' Association (ISPA) UK is the trade association for companies involved in the provision of Internet Services in the UK. ISPA was founded in 1995, and seeks to actively represent and promote the interests of businesses involved in all aspects of the UK Internet industry.

ISPA membership includes small, medium and large Internet service providers (ISPs), web design and hosting companies and a variety of other organisations offering Internet services. ISPA currently has over 200 members, representing more than 95% of the UK Internet access market by volume.

ISPA was a founding member of EuroISPA, the voice of the EU Internet industry and the largest umbrella organisation of ISPs globally.

### **Overview**

ISPA welcomes the publication of the interim report of the Digital Britain Review, which demonstrates the commitment of the Government to focussing attention on this important area and developing a coherent policy strategy to support the digital economy as a whole. ISPA members are keen to continue to work in cooperation with Government to maximise the potential of the Internet for consumers and businesses.

In a number of key areas, the Interim Report commits the Government to publishing more detailed proposals or launching full consultations before publication of the final report. ISPA will comment in detail on individual proposals when further details become available. In this response, ISPA wishes to make some high level comments on the broad policy areas raised in the Interim Report, in particular the proposals on digital content, broadband, media literacy and online safeguards.

## **Digital Content**

ISPA has been involved throughout discussions on combating copyright infringement via P2P file sharing and remains engaged with Government on proposed next steps. ISPA has consistently maintained that disconnection of users would be a disproportionate response and is pleased that the Government is not considering legislation to this effect. To the extent that Government is also looking at copyright infringement via hosted services (including UGC services), it will be important not to assume that the same solutions can be applied to this medium. The difference between copyright infringement via P2P and via hosted services is significant and means that they require addressing differently.

ISPA would encourage the Government to make support for further action on enforcement conditional on progress being made on licensing and structural/administrative reform and commitments to education and awareness campaigns. Whilst making legislation on enforcement dependent upon progression on licensing reform, we would advocate separating the introduction of legislation for P2P from the work of the Rights Agency.

## **Broadband**

ISPA welcomes the Universal Service Commitment on Broadband and intends to respond once detailed proposals have been published. We would emphasise the importance of ensuring that the solutions proposed to meet this commitment are appropriate and efficient. Some members have expressed an opinion that anything below 2Mbps as a USO would be a retrograde step at this time and would encourage the final report to consider setting goals for a higher minimum speed over time.

ISPA is pleased that the Interim Report acknowledges the importance of demand as well as supply side issues. However, it is worth noting the relatively little attention that has been devoted to demand side issues in the two years that Ofcom has been assessing the regulatory framework.

The Caio Review also called on Government to begin logging other policy issues arising from the next generation access debate but progress to begin this process has been very slow. It will be important that the final report includes a clear requirement on Government to take forward a dialogue on this matter to ensure that the interests of consumers and online services providers are protected.

ISPA supports the inclusion of recommendations aimed at improving take-up of Broadband.

## **Media Literacy**

ISPA welcomes the recognition in the report of the growing role of media literacy as a way of ensuring that consumers maximise the benefits of the Internet.

ISPA has consistently called for more Government resource to be committed to raising awareness amongst users (both adults and children) of the tools that are available to them to protect themselves online and educating about how to use them. We would like to see the Government commit resources to a public awareness and information campaign about how to use the Internet safely in accordance with the recommendations of the Byron Review.

## **Online Safeguards**

The final section of the Interim Report (5.3 Online Safeguards) outlines public policy principles and supporting guidelines that define what the public feel it should reasonably expect to safeguard their online experience. It would be a concern to ISPA members if this proposal were to suggest that Government intends to take a top-down approach in this area rather than assessing the body of self regulation and good practice which exists already to determine if there are gaps and whether further action is needed.

ISPA would urge that the next phase of the DBR fully considers the initiatives that already exist. The Internet industry has a strong record of self-regulation and ISPA remains committed to its promotion. As self-regulation is a “bottom up process”, initiatives generally start modestly. ISPA would however urge Government to consider how to allow these initiatives time and space to develop as an alternative to proposals for new approaches or regulation.

One of the supporting guidelines suggested is the effective removal of illegal content. The IWF manages notice and takedown of some UK hosted illegal content and has recently extended its remit to include extreme pornography. Further extensions may be possible but there are a number of dependencies to consider including support from law enforcement agencies, the ease with which illegal content can be identified and the liability for false positives.

This is a very broad and complex area of policy and it needs careful thought. Industry would welcome engagement in this discussion. The absence of prospective effect for the liability framework in the UK implementation of the eCommerce Directive is a further dependency.

Resolving this matter quickly will be important to making progress on the wider policy agenda and to ensuring sufficient industry confidence to invest.