

I would like to state that I don't have any specific documentation to support this comment, however I don't believe that pouring reams of documentation at this response would make the statement any less valid. So I would like to point out two specific things.

1. Point out how your statement of

Intellectual property is crucial to the success of knowledge-based industries, which are increasingly important for the UK's economic competitiveness in the global economy. The IP framework must balance the need to encourage firms and individuals to innovate and invest in new ideas and creative works with the need to ensure that markets remain competitive and that future innovation is not impeded.

with the reality of the recent RIM V NTP case http://en.wikipedia.org/wiki/NTP,_Inc.

2. The specifics of DRM restrictions as relates to British Trading Standards Law and the way that companies are abusing the DRM laws to flout their obligations under British Law.

Point 1.

Your statement on IP is clear and unequivocal. However in reality it is being abused by people who value profit over all. Now I have nothing against profit, however when profiteering is used to block change and advancement, then the Patent system has gone seriously awry.

In your statement, ***The IP framework must balance the need to encourage firms and individuals to innovate and invest in new ideas and creative works with the need to ensure that markets remain competitive and that future innovation is not impede.*** In the case of RIM v NTP, this is clearly not the case. NTP have no production facility to utilise the patent they hold. In fact there is no direct evidence that they have ever intended to use the patent.

Although the US patent office is in the process of invalidating all the Patents contested by RIM, the protracted process is happening entirely too slowly for the US courts. Forcing RIM to stump up more than half a billion US dollars, simply to stay in business, whilst the NTP claim is invalidated!

A simple change to Patent law which required proof of "intent to use" the Patent, on behalf of the plaintiff, would immediately defuse this kind of profiteering. Patents abused in this way become "blocking patents" which hold up progress in the interests of large royalty fees. Of course, the intention to partner under a royalty deal would need to be protected; however it should not be difficult to word any law to secure this.

Point 2

Under British Trading Standards law, goods must be "fit for the purpose" and also be able to last for the "expected lifetime" of the product.

Now when it comes to digital media, the ability to store it on a variety of hardware makes the lifetime basically infinite. However the media companies are so terrified of losing their huge profits, around which the business is modelled, that they are attempting to remove our rights to protect our investment.

I personally have lost hundreds of pounds worth of DVD media thorough the following reasons:

- DVD's stolen from my travelling bag which I was unaware that I had there.
- DVD's failed after a period of time due to accumulated minor damage
- DVD's failed after damage in a DVD holder which I was unaware caused the problem.

OK so the top reason is not the fault of the media companies. However my rights to protect my investment have been infringed.

As a result I now make a digital copy of all new DVD media I buy. That copy is then used and the original is put away pristine.

I fully understand that unscrupulous members of the public will "steal" media if they can simply copy and distribute illegal media without control.

However this does not absolve the media companies from their Trading Standards responsibilities.

A simple solution would be to force the media companies to provide the tools to make a limited number of secure encrypted copies (2 or 3) so that consumers can protect their investment.

Either that or force media companies to exchange (with new), any old and damaged CD/DVD's which no longer function. This would rapidly cure the ardour of the media companies faced with this liability. Then perhaps they would spend some of their money to resolving this issue rather than spending it on the courts trying to prosecute a Norwegian youth who had the temerity to crack their encryption so that he could play the DVD he had BOUGHT on his Linux Laptop.

The irresponsibility of companies using DRM laws to control the security of media and also other companies using the DRM laws to stop printer cartridges being refilled should be curbed and sharply at that.

Regards,

Neil Thomas