



## DIGITAL ECONOMY ACT 2010

### CONTENTS AND COMMENCEMENT

APRIL 2010

The Digital Economy Bill is now the Digital Economy Act 2010, following Royal Assent. This note provides an overview of its contents and the commencement of its provisions.

#### Summary

The Act includes provisions relating to the UK's communications infrastructure, public service broadcasting, copyright licensing and online infringement of copyright, and security and safety online and in video games.

Some of the measures in the Act will come into effect immediately with others coming into effect in two months' time. Many of the Act's provisions require further public consultation and in some cases approval by Parliament, before they can be implemented.

#### What is in the Digital Economy Act?

Following Government amendments in the House of Commons, the Act's provisions cover:

- **Ofcom Reports** – to require the sectoral regulator, Ofcom, to carry out an assessment of the UK's communications infrastructure every three years;
- **Online infringement of copyright** – to tackle online infringement of copyright, by placing obligations on Internet Service Providers to work with rights holders and, if necessary, to take technical measures against infringing subscribers. It also provides a power for the Secretary of State to introduce Regulations for rights holders to seek a court injunction to prevent access to specified online locations for the prevention of online copyright infringement;
- **Internet domain registries** – to provide reserve powers in respect of efficient and effective management and distribution of internet domain names;
- **Channel 4 Television Corporation** – to adjust Channel 4 Corporation's functions from a focus on traditional broadcast activities to include provision of public service media content on other platforms, including the internet;
- **Independent television services** – to enable future alterations of the Channel 3 and Channel 5 licenses, including adjusting the requirements on Channel 3 licence holders to produce or broadcast Gaelic programming, and allowing Ofcom to provide advice to the Secretary of State on future Teletext licences;
- **Digital radio** – to provide arrangements for digital switchover by making changes to the existing radio licensing regulatory framework, varying the conditions for multiplex licence holders and facilitating the relaxation of the localness requirements of local licences;
- **Access to electromagnetic spectrum** – to allow for the charging of periodic payments on auctioned spectrum licences, and confer more proportionate enforcement powers on Ofcom;
- **Video games** – to make changes to how video games should be classified in the UK. This will put age ratings of computer games on a statutory footing for ratings of 12 years and above;

- **Public lending right** – to extend eligibility for PLR to non-print books which are not currently eligible under the existing PLR scheme;
- **Copyright penalties** – changes to levels of penalties for copyright infringement.

### **When does the Act take effect?**

The online infringement of copyright provisions of the Act will require secondary legislation before they can be implemented.

The majority of the Act's provisions come into effect two months after the Act is published.

Some of the Act's provisions come into immediate effect, including:

- Sections 5-7 regarding the initial obligations code;
- Section 15 regarding the sharing of costs in relation to provisions on online infringement of copyright; and
- Sections 30 to 32 regarding digital radio switchover and renewal of radio licences.

Other provisions come into effect on a date to be appointed by the Secretary of State in secondary legislation.

<http://www.bis.gov.uk/digitaleconomybill/>

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