

From: [REDACTED]
Sent: 24 March 2017 16:14
To: Enforcement
Cc: Rosemary Rowe
Subject: Consultation re IPTV streaming devices

Categories: IPTV call for views

HI

A brief response to this consultation obo the Devon and Somerset Trading Standards Service:

Q1 – While we are aware of press reports of legal action in this area, we have not received or dealt with any complaints from members or the public or trade associations. This area is not currently one of our priority areas but should sufficient intelligence be received of contraventions then we will consider whether legal action is an appropriate response.

Q2 – N/R

Q3 – We are not aware of any

Q4 – We believe the Copyright Designs and Patents Act provides the central legislative control in this area and should remain so. It is apparent that S296 and 297 have required amendment in the past to deal with technological and business practice change and consider this may be a case in point. Without having conducted any investigations into IPTV issues (but with considerable experience in other areas of IP enforcement) we make these general points:

1. Any proposed changes should not place a greater burden or risk on private members of the public who use the type of device or software than is currently the case.
2. Any proposed changes should not place an unnecessary burden or risk on businesses who might inadvertently or innocently make use of such devices or software
3. In drafting any such changes the onus on service providers to enforce contractual terms should not be inadvertently passed to hard pressed public authorities. We are concerned that current providers of internet TV subscription services should do all they can to prevent the easy circumvention of copyright protection measures. However in relation to this point we accept that, pending case law, s297ZB may not now provide the full level of protection to service providers it once did.
4. In particular the requirement for broadcasts to originate in a particular geographic place (s297 91)) in order to receive the benefits of protection does not appear to have kept pace with the use of the internet as a method of providing services.

Q5 - n/r

Q6 – Costs and time considerations in relation to the forensic examination of computers and digital equipment may be a barrier to enforcement action. New measures to limit the length of time suspects may be on police bail may also impact in this area as it is possible they will be released from bail before forensic examination can be completed.

Q7 - n/r

Q8 – n/r

Q9 – n/r

Q10 – Local Authority Trading Standards have seen a considerable decline in budgets in recent years so that strict consideration of priority work may mean this type of issue is afforded a lower resource than previously.

Q11 Yes

Q12 – n/r

Q13 – Publicity from service providers to inform the public of the consequences of widespread piracy

Q13 – Publicity from service providers to inform the public of the consequences of widespread piracy

Q14 – N/r

Regards

[REDACTED]
Interventions Manager, Devon and Somerset Trading Standards Service
A service jointly commissioned by Devon and Somerset County Councils
[REDACTED] email: [REDACTED]

www.devonsomersettradingstandards.gov.uk

Follow us on Facebook www.facebook.com/tsconnected

For Approved Local Traders, to recommend a business for the scheme, or to apply to join Buy with Confidence visit
www.buywithconfidence.gov.uk



For clear practical Consumer Advice call the Citizens Advice Consumer Service on 03454 04 05 06
For Business advice call 01392 381381 from Devon or 0300 1232224 from Somerset

If you have emailed me and not received a response within 5 working days, I may be away from the office. If you require a response urgently, please forward your email to tsadvice@devon.gov.uk, or if your email contains RESTRICTED or PROTECTED information use tssecure@devon.gcsx.gov.uk.
Email Disclaimer: www.devon.gov.uk/email

THINK! - Do you really need to print this email? Save Paper - Save Money - Reduce Waste