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# U.K. government eyes sanctions for file sharers

by David Meyer

The U.K. government has made new proposals that would see Internet users disconnected if they are suspected of illicit file-sharing.

The [proposals \(PDF\)](#) were announced on Tuesday by Lord Mandelson's Department of Business, Innovation and Skills (BIS). They arrive in the middle of the department's own [public consultation](#) on legislation on the misuse of peer-to-peer (P2P) technology, which is scheduled to end in September.

"Our thinking on the process supporting the objectives and the obligations [of the consultation] has developed, and we thought it would be helpful to share these thoughts with stakeholders at this point, so that they can take them into account when responding to the consultation," the government said in a statement.



The new proposals make two major additions to the initial plans.

The first is a new sanction against illicit [file sharers](#), which calls on the ISP to suspend the suspected subscriber's account. Lord Carter discounted this measure as unnecessarily harsh in his Digital Britain report, which kicked off the P2P consultation in June. However, the government now says it is "considering the case for adding suspension of accounts into the list of measures that could be imposed."

The second addresses the amount of time it will take for the ISP industry to start cracking down on file sharers. The original consultation set out a year-long trial of a scheme under which ISPs send letters to suspected file sharers, asking them to stop their activities. At the end of the trial, if at least 70 percent of these people had not complied, technical measures would be introduced.

The government said on Tuesday, referring to the year-long trial, that "the previous

proposals, whilst robust, would take an unacceptable amount of time to complete in a situation that calls for urgent action."

A spokesperson for BIS said that responses to its consultation indicated that "rights holders, ISPs and consumer groups" are among the many respondents who had found the trial period to be unacceptable.

However, the ISP Association (ISPA) said in a statement that it was "concerned that amendments have been proposed without consultation with the Internet Industry and that the decision was made to publish changes to the consultation before stakeholders had been given the opportunity to respond."

"ISPA intends to raise these concerns with the Government and is currently considering the appropriate action," the industry body added.

BIS's spokesperson denied that the government was pre-empting the results of the department's consultation, which was initially scheduled to end on Sept. 15, but has now been extended to Sept. 29 to allow for response to the new proposals. The government is bringing out new proposals because it wants "those who didn't think of these ideas" to have a chance to consider them before they submit a response to the consultation, the department's spokesperson said.

In the Digital Britain report, Lord Carter put forward a variety of technical measures, such as bandwidth throttling and protocol blocking, that could be used to address piracy. In its statement on Tuesday, the government said that "since the issue of the consultation, some stakeholders have argued strongly that none of those technical measures is powerful enough to have a significant deterrent effect on infringing behavior."

Asked to identify the stakeholders in question, the BIS spokesperson said it was "safe to assume they would be rights-holders."

The government acknowledged the need to make sure that innocent people, such as those sharing an Internet connection with suspected copyright infringers, were not affected by any technical sanctions. If disconnection is introduced, for example, "it would be important to ensure as far as possible that innocent people... would retain access to the Internet services they need, including online public services," BIS said in its statement.

Asked how this could be done, BIS's spokesperson declined to give details, but said the government "wouldn't put something in the statement unless we knew it was possible."

The government also said it wanted to make accommodation for any developments in P2P,

such as when one file-sharing site is closed down and another automatically replaces it. "We cannot know how P2P technology might develop in the short to medium term, and we want to ensure that [the regulator] Ofcom has a full tool-kit from which to select the most appropriate measure should technical measures be deemed necessary," BIS said in its statement.

"It's very possible the technology will change again," the BIS spokesperson said.

*David Meyer of [ZDNet UK](#) reported from London.*