

This is our summary of some of the key legal developments across a range of sectors for the week of 24 May 2010. It is intended for reference purposes only and does not constitute definitive advice. Links to the original source materials are included where there are no restrictions in terms of access. References may also be made to sources that require separate registration or subscription. A link to a source does not necessarily imply endorsement of the source or the material provided through the link.

For further information on any of the matters discussed in the summary please contact our Professional Support Lawyer, [Sarah Kirkness](#). If you have any comments, queries or suggestions please contact us at [comments](#). All suggestions and comments are most welcome. If you do not wish to receive this summary you can contact us at [unsubscribe](#).

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General

Court of Appeal Rules on Comparison List Usage in Selling Smell-Alike Perfume Dispute

The Court of Appeal, Civil Division, has given its ruling in the appeal by the defendants following a ruling by the ECJ, which according to the Court, "not for the first time ... left enough room for the parties to disagree about what it means". The dispute related to the defendant's ranges of perfumes, each of which smelled like a famous, luxury branded perfume known by a well-known registered trade mark. The claimant, L'Oréal alleged that the defendants' use of comparison lists for each of the defendants' ranges of product, showing which products corresponded to which L'Oréal perfume, infringed its registered trade marks for those perfumes. The ECJ said it was lawful to make and sell a smell-alike product and that the best and only practical way to describe its smell was to inform people that it smells like X. That was done by the use of the comparison lists and the defendants got a major promotional advantage from using such lists. The ECJ said neither customers nor the ultimate consumers were deceived as a result of the use of the lists and neither the image nor the distinctiveness of the trade mark for the comparable fine fragrance was impaired by the use of the lists - there was no tarnishment or blurring. The Court of Appeal said the question, simply put, was whether trade mark law prevented the defendants from telling the truth? It asked even though their perfumes were lawful and did smell like the corresponding famous brands, did trade mark law nonetheless muzzle the defendants so that they could not say so? The Court said, "The ECJ's decision in this case means that poor consumers are the losers. Only the poor would dream of buying the defendants' products. The real thing is beyond their wildest dreams. Yet they are denied their right to receive information which would give them a little bit of pleasure; the ability to buy a product for a euro or so which they know smells like a famous perfume". That statement seemed to sum up its reluctance to make the ruling that it did - it said it did not agree with or welcome the conclusion, which by law it was forced to make, that by the use of the comparison lists there was clearly free-riding of the sort condemned by the ECJ. The Court also said that they regretted that the ECJ in this case had not addressed the competition aspects of what it called "riding on the coattails" - "The trouble with deprecatory metaphorical expressions such as this ... containing as they do clear disapproval of the defendants' trade as such, is that they do not provide clear rules by which a trader can know clearly what he can and cannot do". (*L'Oréal SA & Ors v Bellure NV & Ors [2010] EWCA Civ 535* - see <http://www.bailii.org/ew/cases/EWCA/Civ/2010/535.html> for the judgment).

Reminder About Importance of Clarity in Drafting - Terms of Agreements for Provision of Broadband Services

Another cautionary tale about the importance of clarity when drafting! In this case, the appellant company appealed against an order giving summary judgment to the respondent local authority on its claim arising from a contractual dispute. The local authority cross-appealed against the part of the order that refused summary judgment of the appellant's counterclaim. The dispute arose as a result of two badly drafted agreements relating to the provision of broadband services using electronic communications apparatus and wireless technology called "WIMAX" - the agreements in question were to be the basis on which the parties entered into a "working partnership" however, a dispute arose as to the extent of access to the local authorities' rooftops (potential host-sites) for spectrum analysis "on completion of this agreement" (the disputed words). At first instance it was held that this did not mean "on the execution of this agreement" but meant on completion of the initial stages of the pilot and roll-out, and arrangements being made for a final commercial agreement. The company appealed. The High Court said it was clear that "on completion of this agreement" could not sensibly mean on execution or signing of the agreement, but rather meant on completing what was envisaged to be done in accordance with the agreement. That conclusion was reached on the language of the agreement considered as a whole and in the context of what work needed to be done. On the issue of the counterclaim the court said as no pilot was ever conducted in accordance with the agreement as interpreted, therefore there was no breach of any implied term. Since that conclusion flowed from the proper construction of the contracts there was no obstacle in deciding the issue summarily. The appeal was dismissed and the counter claim allowed. (*The Lord Mayor and the Citizens of*

the City of Westminster v Urban Wimax [2010] EWHC 1166 (Ch) - see <http://www.bailii.org/ew/cases/EWHC/Ch/2010/1166.html> for the judgment - the court made the comment that it was a "matter of some astonishment that a responsible local authority could enter into contracts concerning arrangements that were potentially of considerable financial significance on the basis of documents in this form").

Commission Decision on Establishing Expert Group on Revising European Contract Law

The European Commission has announced that it has established a group of legal experts for the purpose of consulting on the most appropriate way to improve coherence in EU contract law. The Commission said it wants to look at offering harmonised solutions for consumer contracts and EU model contract clauses and make progress on the coherence of European contract law as a means of dealing with cross border consumer issues. The Commission highlighted the importance of cross border issues in its Europe 2020 Strategy, which "recognises the need to make it easier and less costly for businesses and consumers to conclude contracts with partners in other EU countries ... by making progress towards an optional European Contract Law" and the recently published Digital Agenda (and see last week's Need to Know for details), which stressed the potential of a European contract law for completing a digital Single Market for consumers and businesses. See <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:105:0109:0111:EN:PDF> for the Commission Decision setting up the Expert Group.

Commission Adopts Draft Mandate to Negotiate Personal Data Protection Agreement with US

The European Commission has announced that it has adopted a draft mandate to negotiate a personal data protection agreement between the European Union and the United States when they co-operate to fight terrorism or crime. The aim of the agreement will be to ensure a "high level of protection of personal information like passenger data or financial information that is transferred as part of transatlantic cooperation in criminal matters". The agreement would enhance the right of citizens to access, rectify or delete data, where appropriate and EU citizens would receive a right to seek judicial redress in the US if their data was unlawfully processed. This follows the Resolution adopted by the European Parliament on 26 March 2009, which called for an EU-US agreement that ensures adequate protection of civil liberties and personal data protection and the Council's December 2009 invitation to the Commission to propose a Recommendation "for the negotiation of a data protection and, where necessary, data sharing agreements for law enforcement purposes with the US". According to the Commission, the Council must approve the Commission's negotiating mandate before talks can begin and the European Parliament will be fully informed at all stages of the negotiations and will have to give its consent to the outcome of the negotiations. The Commission is aiming to establish legally binding and enforceable personal data protection standards that will ensure individuals' fundamental rights and freedoms are protected. Compliance with these standards will be controlled by independent public authorities on both sides of the Atlantic. (*EC Press Release IP/10/609, 26 May 2010*).

Commission's Annual Report on the Electronic Communications Markets

The European Commission has also published its latest annual report on the current state of the electronic communications markets in the EU and on the implementation of the EU regulatory framework. The Commission said while the current EU regulatory framework has brought benefits to European citizens in terms of innovative and increasingly affordable electronic communications services some serious obstacles still remain. It said there were still concerns regarding the independence and the effectiveness of national regulatory authorities (NRAs) and that the significant differences in wholesale and retail prices across Member States could not be justified by the characteristics of the markets alone but were also the result of "diverse regulatory approaches". For example, retail mobile prices in the most expensive Member States are four times higher than in the cheapest, eg 4 cents per minute in Latvia compared with 24 cents in Malta. Further, it noted that a consistent application of telecoms rules is needed to support the roll-out of investment-intensive infrastructure such as the Next Generation Access (NGA) networks. It also said that the electronic communications markets such as voice telephony are "maturing" and growth in the sector was slowing down and noted that future sustainable growth would require new service innovation and business models. See http://ec.europa.eu/information_society/policy/ecomms/doc/implementation_enforcement/annualreports/15threport/comm_en.pdf for the Commission Communication.

ICO Publishes Summary of Responses to Consultation on Code of Practice for Online Privacy

The Information Commissioner's Office (ICO) has published a summary of the responses to its December 2009 consultation on a draft code of practice, *Personal Information Online*, to provide organisations with a practical approach to protecting individuals' privacy online. The ICO said many respondents commented that the Code was "unclear" about who it was aimed at - the ISP, the website owner, small or larger businesses, or consumers - but

responded that it had "decided not to try to define the Code's intended audience" and said the "Code applies to anyone processing personal information online". Other respondents said they felt that the Code did not explain adequately the technical terms used and wanted clearer guidance on who would be considered a data controller and data processor in the online world. The ICO said that it had produced a glossary of key terms, and other explanatory material showing the various roles of the organisations that collect personal data online and deliver content to service users. See http://www.ico.gov.uk/upload/documents/library/data_protection/practical_application/personal_information_online_cop_consultation_summary.pdf for details. The ICO said the final version of the Code will be launched in July 2010.

OFT Market Study into Online Targeting of Advertising and Prices

The Office of Fair Trading (OFT) has published a market study on the online targeting of advertising and prices, which sets out their current views on the various issues which have been identified as being of concern to consumers when they are engaging in using online services and the regulatory structures which are currently available to enforce consumer protection. The OFT said however that while the study reflects its current views, the sector is fast changing and consequently, it is proposing further consideration of the issues later in the year. In the meantime, the study showed current attitudes to online targeted advertising are mixed with 40% of consumers holding neutral views, 28% disliking it and 24% welcoming it. Further, 40% of consumers said they would take some actions to prevent behavioural advertising (such as deleting cookies), although only a very small minority would reduce their Internet usage to avoid it and approximately 60% would not alter their behaviour at all. The OFT put forward a series of recommendations for self-regulation and also said that it would develop a Memorandum of Understanding with the Information Commissioners Office, which has what it described as relevant regulatory powers, establishing in which circumstances each party would act. See http://www.offt.gov.uk/shared_offt/business_leaflets/659703/OFT1231.pdf for the study.

ASA & CAP Publish 2009 Annual Report

The Advertising Standards Authority (ASA) and the Committee of Advertising Practice (CAP) have published their annual report for 2009. It reported that the ASA received 28,978 complaints during the year about 13,995 ads, an annual increase of 9.6%. It said however that it was "reassuring that the complaints related to significantly fewer ads than in the previous two years, representing a decline of more than 10% from 2008". Of the total number of cases resolved 11,739 (21,558 complaints) were not investigated, as they were either out of remit or found to be compliant with the Advertising Codes. The remaining 2,256 cases (7,371 complaints) were subject to further action or investigation, with 842 (37%) being formally investigated and 1,414 (63%) being subject to informal investigation. Television remained the medium attracting the most complaints and the Internet remained the second most complained about medium - the ASA said 57% of internet ads complained about currently fell outside its remit but that it looked forward to its "imminent" extension. The ad that received the highest number of complaints (1,204 complaints) was by The Christian Party - complainants objected that the bus ad's claim, "There definitely is a God" was offensive to atheists and could not be substantiated. As a political party ad, it was found to be outside the ASA's remit. In the interests of balance, the bus ad by the British Humanist Association that stated, "There's probably no God" was the sixth most complained about ad (receiving 392 complaints). The ASA concluded that the ad was "an expression of the advertiser's opinion and that the claim was not capable of being objectively substantiated". The Report highlighted some of the ASA's key decisions relating to securing responsible financial advertising, the use of post-production techniques in cosmetic ads and the need for robust evidence when health claims are made in food and drink ads and said that the challenge for the ASA in the coming months will be its response to the industry's formal recommendation to extend its remit to cover marketing communications on companies' own websites. It said "This significant development addresses three key principles - a newly defined online remit, effective enforcement measures and a funding mechanism - and would extend the protections for consumers and children online". Their online remit already covers paid-for marketing communications such as pop-up and banner ads, paid-search and viral ads. See http://www.asa.org.uk/About-ASA/~media/Files/ASA/Annual%20reports/ASA_CAP_Annual%20Report_2009.ashx for details.

Broadcasting

Broadcast Bulletin - Latest Issue

The latest issue of Ofcom's Broadcast Bulletin has been published, with details of adjudications on breaches of Rules 1.3 (children must be protected by appropriate scheduling), 2.1 (broadcasters must apply generally accepted standards), 2.2 (portrayal of factual matters must not materially mislead the audience), 2.3 (offensive material must be justified by context), 2.13 (competitions must be conducted fairly), 2.14 (broadcasters must ensure views are not materially misled over competitions), 9.1 (no sponsorship of news or current affairs programmes), 10.3 (products and services must not be promoted in programmes), 10.5 (separation of advertising and programming) and 10.13 (charity appeals may be broadcast free of charge, subject to certain conditions) of the Broadcasting Code. Ofcom also upheld a complaint of unfair treatment and partially upheld a complaint of unfair treatment. In addition, Ofcom also recorded multiple breaches of Rules 4 (no more than 12 minutes of advertising and teleshopping on one hour of broadcasting) and a breach of Rule 16 (children's programmes of less than 30 minutes must not contain any advertising or teleshopping) of COSTA. Ofcom also published a note to broadcasters, reminding them of their obligations under COSTA in respect of the amount of advertising) and a breach of Licence Conditions 2(1) and 2(4) of Part 2 of the Schedule to a Community Radio Licence. See http://www.ofcom.org.uk/tv/obb/prog_cb/obb158/Issue158.pdf for details.

Corporate

Takeover Panel Executive's Statement of Public Criticism over Standards of Care and Accuracy of Information

The Takeover Panel Executive has issued a statement of public criticism of Kraft Foods for failing to meet the standards of care and accuracy required by Rule 19.1 of the Takeover Code when it made certain statements about a facility belonging to target company Cadbury plc during the course of its offer. Rule 19.1 states "Each document or advertisement published, or statement made, during the course of an offer must be prepared with the highest standards of care and accuracy and the information given must be adequately and fairly presented". The Executive said that, where a party to an offer makes a statement of belief of the kind made by Kraft, Rule 19.1 requires not only that the party concerned honestly and genuinely holds that belief (a subjective test) but also that it has a reasonable basis for so holding that belief (an objective test). On the facts the Executive concluded that the statements made by Kraft regarding the facility were not prepared in accordance with the standards required by Rule 19.1. See <http://www.thetakeoverpanel.org.uk/wp-content/uploads/2009/12/2010-14.pdf> for the statement.

FRC Announces Changes to Corporate Governance Code

The Financial Reporting Council (FRC) has announced that it has introduced changes to the UK Corporate Governance Code to "help company boards become more effective and more accountable to their shareholders". Changes include a clearer statement of the board's responsibilities relating to risk, a greater emphasis on the importance of getting the right mix of skills and experience on the board, and a recommendation that all directors of FTSE 350 companies be put up for re-election every year and were designed "to reinforce board quality, focus on risk and accountability to shareholders". The new Code applies to accounting periods beginning on or after 29 June 2010. See http://www.frc.org.uk/images/uploaded/documents/UK_Corp_Gov_Code_June_20101.pdf for details.

Litigation

Application to Extend Limitation Period for Bringing Defamation Action - Exercise of Discretion

The appellant appealed against the refusal of his application to disapply the limitation period in respect of his defamation claim against the respondent. The appellant was seeking the opportunity to sue in respect of words "uttered as long ago as 5 June 2006" at a union conference - he had already brought a successful action in respect of similar words, which had been published in an article. At first instance it was held that the appellant had not acted reasonably and promptly in pursuing that claim and he was refused to exercise his discretion under section 32A of the Limitation Act 1980 to extend the limitation period. The appellant argued that he had been unable, financially, to bring proceedings sooner. The respondent argued that there had to be finality to the proceedings and that the allegations of slander arising out of the conference should have been brought into the earlier proceedings. The court dismissed the appeal. It ruled that where there was little or no need for a claimant to

seek further vindication in respect of allegedly slanderous comments in light of prior favourable proceedings concerning the same allegations, the master had been entitled to refuse to disapply the limitation period in section 4A of the Limitation Act 1980 in respect of a further claim arising out of the same facts sued upon some three years after the event. It noted the discretion afforded by section 32A was largely unfettered and all the circumstances of the case had to be taken into account in assessing the justice of the matter, with particular reference to the length of, and reasons for, the delay and the extent to which the passage of time since the expiration of the limitation period had had an impact on the availability or cogency of relevant evidence. (*Brady v Norman* [2010] EWHC 1215 (QB) - see <http://www.bailii.org/ew/cases/EWHC/QB/2010/1215.html> for the judgment).

Music

Irish ISP Introduces "Three Strikes" Policy

Irish ISP Eircom has announced that it will be launching a graduated response to online piracy. Under the pilot scheme, Eircom customers who illegally share copyrighted music will receive three warnings before having their broadband service cut off for a year. The system will see infringing customers initially being telephoned by Eircom to see if they are aware of the activity on their broadband network. If the customer is identified a third time, they will have their service withdrawn for seven days. If they are caught a fourth time, the infringing customer's broadband connection will be cut off for a year. According to reports, during the pilot phase, Eircom has agreed to process about 50 IP addresses a week. The Irish Recorded Music Association (IRMA) is using a third-party to identify Eircom customers who are sharing, and not simply downloading, a specific list of its members' copyrighted works on peer-to-peer networks. The operation of the scheme will be reviewed after three months. IRMA reached an out-of-court settlement with Eircom in February 2009 under which the ISP agreed to introduce such a system for its 750,000 broadband users.

Publishing

OFT Publishes Decision to Approve Trinity Acquisition of Guardian Media Newspaper Titles

The OFT has published its decision in the Trinity Mirror acquisition of the regional newspaper titles of Guardian Media Company plc. The decision to approve the merger was announced in early May (and see the Need to Know of 3 May 2010 for details) however, at that time, the full text of the OFT's decision was not made available. The OFT said in approving the acquisition that there was only "limited direct overlap between the local newspaper titles of Trinity Mirror and the Target businesses. These overlaps do not appear sufficient to trigger local market competition concerns, nor does the acquisition raise substantial concerns on a national or regional basis. Customer views on the transaction have been generally positive, with only a few narrow concerns expressed". See http://www.of.gov.uk/shared_of/mergers_ea02/2010/Trinity-Mirror.pdf for details.

Statement in Open Court - Damages for Intrusion into Grief and Infringement of Privacy

The claimant, a well-known comedian, brought libel proceedings against the defendant, the publisher of the Daily Star, following the publication of an article which discussed his former partner's suicide. The suicide was the subject of considerable media interest and the claimant was approached directly on a number of occasions and then announced through his lawyers that he did not wish to be contacted. However, the defendant published an article about the claimant and his former partner which was inaccurate and insensitive and then published further articles about the deceased. The defendant accepted that the publication of the articles constituted an unlawful intrusion into the claimant's grief and suffering and infringed the claimant's privacy and should not have been published. The defendant apologised, agreed not to republish the articles and paid the claimant substantial damages and his legal costs. (*Lucas v Express Newspapers, Unreported, QBD, 25 May 2010*).

House of Lords Private Members Bill to Amend Defamation Laws

One of the first Private Members Bills in the new Parliament sees a proposal being made to amend the laws of defamation. The Bill was introduced by Lord Lester of Herne Hill, read a first time and ordered to be printed (although at the time of writing, the Bill was not available). (*House of Lords, Hansard, 26 May 2010, Column 25*).

Sport

New Legislation - Sports Grounds and Sporting Events (Designation) (Scotland) Order

The Sports Grounds and Sporting Events (Designation) (Scotland) Order 2010, SSI 2010/199 comes into force on 10 June 2010. The Order consolidates, with amendments, the previous Sports Grounds and Sporting Events (Designation) (Scotland) Orders and also designates the home grounds of Turriff United FC, The Haughs, Formartine United FC, North Lodge Park and Strathspey Thistle FC, Seafield Park for the purposes of Part II of the Criminal Law (Consolidation) (Scotland) Act 1995. Part II imposes restrictions on the sale and consumption of alcohol at designated grounds for designated sporting events. See http://www.opsi.gov.uk/legislation/scotland/ssi2010/pdf/ssi_20100199_en.pdf for details.

Technology

FSB Recommendations for Resolving the Broadband Issues Facing UK's Small Businesses

The Federation of Small Business (FSB) has published a report for the incoming government, in which they suggest the various steps that might be taken by the Government to support the development of reliable and fast broadband. This follows from a consultation the FSB undertook in 2009, which showed that small businesses, especially rural businesses, did not trade as much online as they could because of a lack of reliable and fast enough for the purpose broadband speed with appropriate IP throughput. The report said "With small businesses dominating our rural economies - 27 per cent of England's enterprises are rural - this is a significant barrier to growth and breaking this barrier must be the priority for any incoming Government". Further, the report picked up on issues highlighted in last week's Need to Know about advertised speed and deliverability and said "The FSB found that 29 per cent of UK small businesses were promised less than two Megabits per second (Mbps) and 27 per cent between two and 4 Mbps per second. However, 94 per cent of FSB members felt that their service providers' offerings were failing to match their advertising claims. Members indicated that it was not uncommon to be promised, and pay for up to 8 Mbps but in reality to receive less than 1 Mbps. Advertised speed is being used to mislead and misdirect the confidence of the user". The FSB made a number of suggestions including the appointment of a Minister with the sole responsibility for broadband to maintain the momentum for moving towards an increasingly online future and to oversee its development, a comprehensive survey and inventory of the UK's ducts, poles, lit fibre and unused fibre to establish the complete picture of what exists, what is actually being used and what is likely to be used in future (which may well be covered to an extent by the recently announced OFT stock take of infrastructure assets - again, see last week's Need to Know), an end to avoidance between BT and internet service providers (ISPs) when it comes to dealing with faults on customers' lines and a stronger role for the Telecommunications Ombudsman and Ofcom. See [http://www.fsb.org.uk/frontpage/assets/fsb_broadband_report\(v2\)\(2\).pdf](http://www.fsb.org.uk/frontpage/assets/fsb_broadband_report(v2)(2).pdf) for details.

Article 29 Working Party Concerns with Search Engines' Continued Failure to Comply with Data Protection Directive

The concerns of the Article 29 Data Protection Working Party about the failure of search engines to ensure that their data storage procedures comply with the Data Protection Directive 95/46/EC have been discussed in previous Need to Know editions - the Working Party raised concerns back in March 2008 in the form of a detailed opinion about search engines, explaining and harmonising the specific obligations for search engine providers with respect to the EU data protection directive. This opinion "stressed the sensitivity of personal data related to search queries". The Working Party has announced that it has now written to the three major search engine operators - Google, Yahoo! and Microsoft - and advised them of their continued concerns that the search engines' methods of making users' search data anonymous still do not comply with the Directive. The Working Party said that it had urged the search engines to use an outside auditor to verify their commitments to making users' Internet search data "truly anonymous". It also said that it has raised this issue at a transatlantic level and has contacted the Federal Trade Commission (FTC), asking it to use its authority to examine the compatibility of this behaviour with section 5 of the Federal Trade Commission Act. See http://ec.europa.eu/justice_home/fsj/privacy/news/docs/pr_26_05_10_en.pdf for the Press Release and links to the letters.

Consultations & Reports

Ofcom Consultation - Online Infringement of Copyright and the Digital Economy Act 2010: Draft Initial Obligations Code

Ofcom is consulting on proposals to give effect to the measures introduced in the Digital Economy Act 2010 aimed at reducing online copyright infringement and is specifically inviting views on a code of practice called "the Online Copyright Infringement Initial Obligations Code". The Act gave Ofcom duties to draw up and enforce a code of practice - Ofcom is proposing a "system of quality assurance reporting to ensure that where allegations are made against subscribers they are based upon credible evidence, gathered in a robust manner". They also propose that the independent appeals body, which it is required to establish, should adopt specific measures to protect subscribers during the hearing of appeals, including a right to anonymity. The draft Code covers the provisioning and handling of copyright infringement reports and Ofcom is proposing which ISPs should initially participate in the Code, the process they should use to notify subscribers alleged to have infringed copyright and the threshold for including subscribers on a copyright infringers list. Ofcom has suggested a "three-stage notification process for informing subscribers of infringements through notifications and propose that subscribers, following receipt of a third notification, may be included in a copyright infringement list requested by a Copyright Owner, which has made at least one report against them". Ofcom said, "The intent is that small and medium sized ISPs should not initially fall within the scope of the Code". However, it also said "should evidence be presented that infringement was a significant issue on those ISPs then we will consider bringing them within the scope of the Code". Their proposal is that fixed ISPs with more than 400,000 subscribers should initially be subject to the Code - comments are invited by the end of July - see <http://www.ofcom.org.uk/consult/condocs/copyright-infringement/condoc.pdf> for details.

Ofcom Report - An Econometric Analysis of the TV Advertising Market: Final Report - <http://www.ofcom.org.uk/research/tv/reports/arr/report.pdf> (Ofcom has published the independent study it commissioned from Analysis Mason into the UK TV advertising market. Its stated aim is to "conduct an econometric analysis which can be used by Ofcom as a tool in its regulatory decision-making process with respect to a change in the COSTA rules which define the maximum amount of advertising minutes allowed for public service broadcasters (PSBs) and non-PSBs" - according to the report, Ofcom's primary concern was to "understand the effects of changes to the COSTA rules on advertising revenue streams").

The Office of the Adjudicator (CRR) Annual Report - http://www.adjudicator-crr.org.uk/ar_april2010.pdf (the Annual Report to Ofcom and the Office of Fair Trading for the fiscal period up to March 2010 sets out the Adjudicator's dispute determinations, views about the operation of the Undertakings, the CRR scheme and CRR rules together with any recommendations, views about the performance of Carlton and Granada (ITV plc) in complying with the Undertakings, opinion about the evolution of the airtime sales market, and other relevant matters and information).

BBC Trust Consultation - On-Demand Syndication - https://consultations.external.bbc.co.uk/departments/bbc/on-demand-syndication/consultation/consult_view (the BBC Trust's consultation is inviting views on proposed revisions to its on-demand Syndication Policy and Guidelines, which were drafted in August 2007 before the launch of the iPlayer, and which are becoming out of date in relation to the BBC's plans for disseminating content through third-party platforms - the Trust said it was particularly interested in views on the basis on which the BBC should make its on demand content available to third parties to use on their platforms or devices - see http://www.bbc.co.uk/bbctrust/assets/files/pdf/our_work/on_demand/annex_1.pdf for a summary of the recommendations from the BBC Executive for changes to current policy and guidelines).