

2010 - Department for Business Innovation and Skills Growth Review of the Digital and Creative Industries

This is JANET(UK)'s submission to the BIS Growth Review of the Digital and Creative Industries. JANET(UK) is the operator of [JANET](#) [1], the UK's National Education and Research Network, and also of the [UK Access Management Federation for Education and Research](#) [2], which allows commercial and non-commercial organisations to provide digital content services over the Internet to users in education based on trusted assertions provided by universities, colleges and schools.

We therefore disagree with the review document's categorisation of the Internet as "a threat to our ability to protect and monetise creativity". For more than a hundred services accessible through the UK federation's authorisation systems the Internet provides a trusted and secure mechanism for delivering digital content to paying customers across the UK. Furthermore, through efforts to develop standard international protocols and agreements, many of these publishers can now sell their materials world-wide using a common delivery platform. For these publishers the Internet provides an opportunity to significantly increase distribution and monetisation of their creativity.

Two areas of regulation create barriers to greater exploitation of this opportunity: unclear and inconsistent laws on data protection and suggestions by Governments that discriminate against novel uses of the Internet. The European Data Protection Directive was drafted long before the widespread adoption of the Internet and, not surprisingly, fails to deal effectively with Internet technologies. There are particular [problems](#) [3] when using identifiers that only the issuer can link to an individual: these could be used to implement personalisation, stored searches, etc. in a privacy-protecting way but the Information Commissioner concedes that doing so under the current law raises "[difficulties, sometimes insurmountable ones](#) [4]". Legal inconsistencies between European countries and between Europe and the USA make the international provision of content services complex for those who wish to ensure compliance with the law.

Future possibilities for development will also be constrained, as noted by the European Commission in their [Network Neutrality review](#) [5], if networks and Internet-connected organisations block novel protocols as a compliance, safety or economic measure. [Experiments by Microsoft](#) [6] have shown how peer-to-peer protocols can be used as a very efficient way to distribute licensed content but this will be impossible if there is significant adoption of the suggestion during debate of the Digital Economy Bill that those who did not wish to be accused of copyright infringement should [block "the use of file-sharing technologies"](#) [7] even if these are used for non-infringing purposes.

We therefore believe that the Internet can represent a significant growth opportunity for Digital and Creative industries, especially in the joint development with other Internet industries of systems, like federated authorisation, that meet common needs, decrease costs and increase adoption.

Source URL: <https://community.jisc.ac.uk/library/consultations/2010-department-business-innovation-and-skills-growth-review-digital-and>

Links

[1] <http://www.ja.net/>

[2] <http://www.ukfederation.org.uk/>

[3] <http://webmedia.company.ja.net/edlabblogs/regulatory-developments/2010/10/08/moj-data-protection-law/>

[4] http://www.ico.gov.uk/upload/documents/library/data_protection/practical_application/pio_consultation_200912.pdf

[5] http://ec.europa.eu/information_society/policy/ecommerce/doc/library/public_consult/net_neutrality/report.pdf

[6] http://tnc2008.terena.org/schedule/presentations/showaadd.html?pres_id=50

[7] <http://webarchive.nationalarchives.gov.uk/20100511084737/http%3A//interactive.bis.gov.uk/digitalbritain/wp-content/uploads/2010/02/Example-infringement-notifications.pdf>