



PROPOSED BILL WILL HAVE 'SERIOUS CONSEQUENCES' FOR HOTELS

- "Difficulties of applying the Bill to the hotel industry have not been considered," warns BHA

4 February 2010: The British Hospitality Association is warning that the Digital Economy Bill, currently being debated in the House of Lords, will have serious consequences for hotels providing Internet services if it is passed in its present form.

The Bill follows the launch in 2009 of the European Data Retention Directive which will force Internet Service Providers (ISPs) to trace and identify the source, destination, type and time/duration of Internet communications.

The UK Government subsequently drafted a Digital Economy Bill aimed at ISPs identifying individuals illegally downloading (termed as 'copyright infringements'). The ISP would then have to issue a report which would include a description of the apparent infringements, evidence, information about copyright and its purpose, advice on how to obtain lawful access to copyright works and about the protection of electronic communications networks.

While liability rests with the ISPs to identify rooms where an infringement had taken place, hotels would be required to provide guest details and then issue the guest with the copyright report.

The BHA's first concern is that whilst it is relatively easy to identify wired users, wireless users can be significantly more difficult and those using a prepaid card will be impossible to identify.

In addition, the copyright infringement notices will usually be received about two or three days after the alleged incident occurs. In a hotel environment this means the guest is highly likely to have checked out by the time the notification is received.

Secondly, if the broadband connection continues to 'offend' over an as-yet unspecified period of time, then the ISP is obliged to take 'technical measures', which include disconnection - even though it will be almost impossible for those providing public Internet access to identify whether the user is someone who has previously offended or not.

Disconnection would endanger a hotel's business which, in the BHA's view, would be a grossly unfair consequence of a guest's action.

"If it is passed in its present form, the difficulties of applying this Bill to the hospitality industry, with its transient profile, appear not to have been considered," says Martin Couchman, deputy chief executive.

"We are making representations to Government to highlight our concerns."

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Editor's note: The British Hospitality Association is the national trade association of the hotel, catering and leisure industry, representing more than 40,000 establishments with over 340,000 rooms and employing over 500,000 people.