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## **Simon Canning-Submission on the draft copyright Code of Practice for S92A**

Due to the possible outcome of a breach (ie account termination), all communications should be via mail to the physical address of the internet connection rather than by other means.

While the majority of internet account holders may have an email address supplied by their ISP, the number of users who use alternative email account providers (ie Hotmail, Gmail, etc) as their primary means of email communication would possibly give rise to numerous complaints about lack of notice.

### **I. NOTICES**

38. All Education Notices, Copyright Notifications, Final Warnings, Termination Notices or other communications with Downstream ISPs and Users for the purposes of this Code must be in writing but may be sent using any of a number of different channels such as post, fax, or email. In addition, if a Party wishes, it may also follow up by telephone call, text, voice messaging or otherwise, however the Party must:

38.1 ensure that the attempts to inform are directed to the Downstream ISP or User;

38.2 ensure that the primary method used by the Party to inform the Downstream ISP or User is in a format reasonably acceptable to the User based on their usage history;

38.3 in the case of verbal advice, make reasonable attempts to ascertain whether the Downstream ISP or User has understood such advice and ensure a record of the conversation is documented;

38.4 include the date of issue on all written communications.

Regards

**Simon Canning**