

# Beware: wireless has strings attached

**'In a typical letter from an ISP to its customers [they] are told that they need to make sure that copyright-protected files aren't downloaded or shared from their internet connection in future.'**

There are a number of legal risks involved with the use of wireless access to the internet. I am thinking here of how a failure to secure your wi-fi connection can result in what is known as 'piggybacking' or wireless internet theft. One risk could be that you end up being presented with a more expensive bill by your internet service provider, all because your ISP's charges could be based on the level of usage of the account and there has been a significant increase in traffic on your account without your knowledge. But there are many other legal risks that should be borne in mind such as: liability for illegal filesharing; breach of privacy; publication of defamatory content; or a range of other cybercrimes. The July 2008 consultation paper from BERR, 'Consultation on legislative options to address illicit peer-to-peer (P2P) file-sharing', considers, for example, the possibility of someone being accused of copyright infringement as a result of failing to secure their wireless connection. The consultation paper states: 'The use of wireless technology means that a broadband subscriber can offer others (including complete strangers) access to the Internet via their connection. This could be deliberate [i.e.] wi-fi access provided in coffee bars, wireless access provided free in

an educational or civic environment, or inadvertent (individuals not securing their home wireless hub). Again this raises issues where someone other than the actual subscriber is carrying out the unlawful downloads.'

The consultation paper goes on: 'As yet there is no decision on how public access networks (e.g. local authority provision of wi-fi etc) would be addressed. There would be a legal responsibility to require that subscriptions were properly used and monitored, but in practice it is likely that a pragmatic approach will be followed in such cases.'

This year a number of internet service providers have started to send out letters to customers suspected of downloading or uploading copyright material. In a typical letter from an ISP to its customers which is sent out in order to alert them to the issue of downloading and sharing of copyrighted files on the internet, the customer is told that they need to make sure that copyright protected files aren't downloaded or shared from their internet connection in future and that this can, for example, be achieved by making sure they're not being made available through the use of file-sharing networks, and also by getting the customer to secure any wireless router that they might have. The instructions for the wireless router will normally explain how to

secure the connection using both encryption and also password protection.

At the beginning of September there was an interesting Danish legal case in which two women had each been sent letters from Antipiratgruppen, an anti-piracy affiliate of IFPI, and in both cases were being asked for \$30,000 or more.

**Continuing our series of exclusive articles taken from Facet Publishing's Keeping Within the Law online intelligence service, Paul Pedley discusses wi-fi and liability.**

The case was interesting because the copyright infringement had taken place over the women's wireless internet connections. They did not deny that the infringements had occurred. Rather, they said that their wi-fi access had been piggybacked by others without their knowledge or consent. It was argued that the women concerned were responsible for what others did on their internet connections, and that they would have to prove that they did not share music with other people. The court, however, took the view that it is not sufficient to say that someone is guilty of piracy as a result of being responsible for a particular internet access point. I wouldn't jump to the conclusion that a similar case in the UK would automatically come to the same verdict.

Gregory Straszkiwicz is thought to be the first person in the UK to have been convicted for wireless piggybacking. In a case dating back to 2005, R v Straszkiwicz, the defendant was said to have breached sections 125-126 of the Communications Act 2003. He was fined £500 and given a 12-month conditional discharge. To minimise the legal risks associated with the use of wi-fi internet access, it would be sensible to check that you have at the very least changed the default password on your wireless router.

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## PROFESSIONAL DEVELOPMENT

### Win the leading book on leadership

Attendees at an evening talk on leadership by Jennifer Rowley on 6 November will have the chance to win a copy of her recent book, donated by Facet Publishing. *Leadership: the challenge for the information profession* by Sue Roberts and Jennifer Rowley has been described as 'a really impressive addition to the literature on this important and topical issue'. The evening has been organised by the CILIP in London branch. It is free and takes place in the Vincent Rooms, London. It will be followed by a networking buffet. [cilip@london.com](http://cilip@london.com)

### Festival to explore skills & development

As part of a Library Festival, 27 November, Libraries & Learning Innovation at Leeds Metropolitan University (Headingley Campus) is holding a Learning Lunch, including speakers from CILIP, Infomatch and

Leeds Met's School of Information Management. Topics up for discussion will include professional development, employability skills and trends in the education of students. The lunch is free and will take place from 12 to 2pm. After lunch there will be 'surgery' sessions from the speakers involved. CILIP mentees and mentors are invited to the lunch; please email Debbie Morris if you are interested in attending. [d.morris@leedsmet.ac.uk](mailto:d.morris@leedsmet.ac.uk)

### Register for Online Information

Online Information 2008 takes place on 2-4 December. It features more than 230 international exhibitors and a wide-ranging, educational seminar programme. Pre-register at reduced rates:

[www.exporeg.co.uk/reg/online08/login.asp](http://www.exporeg.co.uk/reg/online08/login.asp)

See Preview in next issue of Gazette.

