

It's been revealed that UK ISPs and Rights Holders are debating a controversial ("*Plan B*") alternative to the

Digital Economy Act's

(DEA) original

website blocking

clause. The move would see broadband providers adopt a new

Voluntary Code of Practice

to block any website that is deemed to "

facilitate

"

internet copyright infringement

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A list of the 100 worst offenders, including **The Pirate Bay**, **NewzBin2** and several **cyberlocke**
r file

storage sites (e.g. Rapidshare?), has reportedly already been drawn up. The confirmation comes shortly after

[Ofcom](#)

was asked to

review the DEA's original web blocking measures

(

[here](#)

) and some anticipate that the review will ultimately deem those unfeasible.

Since then the UK government has been working hard to bring both ISPs and Rights Holders together, largely in the hope that they would draw up a more workable alternative to the original measures ([here](#)).

A Rights Holder source said:

"Cheaper than notice sending would be site blocking. We're more interested in site blocking [than mass notification letters]. We don't want to target end users, [the mass notification system] is long winded – we want something now."

However, as [The Guardian](#) newspaper hints, the new voluntary code has a number of significant stumbling blocks. Firstly, ISPs don't want to cut-off websites without an **impartial judge**

being brought in to assess each case. We agree with this as some cyberlockers', such as Rapidshare which has repeatedly been cleared by the courts, could otherwise risk unfair discrimination (i.e.

[MarkMonitor Labels Legitimate Websites as Illegal Internet Piracy Heavens](#)

).

Secondly, it's unclear who would foot the bill for compensation if a website were to successfully **sue an ISP over unfair censorship**

. The issue of cost is also a contentious one as such systems are not free, although in theory providers could adapt the existing

Internet Watch Foundation

(IWF) filter for child sexual abuse content.

Sadly the new proposal, which is apparently favoured by copyright holders, still suffers from the same fundamental problem as the old one. It fails to recognise that **ISP's have no control to physically remove or block content** that does not exist within their own network.

As a result of the above, any form of website blocking imposed by an ISP is merely an illusion (mask) and **easily circumvented** through a number of simple end-user solutions (e.g. VPN, Proxy Servers, DNS re-routing etc.). It would also have no direct effect upon P2P (file sharing) traffic; although it could block mask some of the popular BitTorrent indexing sites.

Meanwhile [TalkTalk](#) and [BT](#) will go to court today as part of their Digital Economy Act **Judicial Review**

. Three days of hearings will be heard and then the judge will go away to consider. Given the gravity of this case it's expected that the judge could take awhile to reach a decision.

Meanwhile

the act itself has now been delayed until Spring 2012

at the earliest (

[here](#)

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