

[News story: Criminal law changes to online copyright infringement](#)

The maximum sentence for online copyright infringement has changed from two years to ten years.

What's changed?

The criminal law provisions relating to online copyright infringement have changed. The maximum sentence that can be levied is now ten years. This change brings the law in line with what is already available for physical copyright infringement.

The changes affect sections 198 1(A) and 107 2(A) of the Copyright Designs and Patents Act. These sections outline criminal offences arising from infringement of a performers making available right, and their communication right.

An additional mens rea has also been introduced. It must now be proved that a person "knows, or has reason to believe that the act of infringement will cause loss to the owner of the right or expose the owner of the right to a risk of loss".

The facts

These offences do not criminalise the downloading of material, although civil action can be taken against any infringer in these circumstances.

In some circumstances the downloading of material can also involve the re-upload of the same material, which may mean the requirements of the offences are met.

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