

## UK: Custodial Sentence for Online Infringement to be Increased to 10 years

Article By:

Intellectual Property and Technology Squire Patton Boggs

---

The **UK** government has announced its intention to increase the maximum custodial sentence for online copyright infringement from two years to ten years. This will match the current maximum sentence for copyright infringement in physical goods.

### Maximum sentence

The government first consulted on this proposal in July 2015. The overwhelming majority of respondents were against an increase in the maximum custodial sentence, saying that online infringement could not be equated with other serious offences carrying the same maximum sentence, including firearms offences, rioting and child cruelty. Despite this, the government intends to press ahead with its plans and introduce legislation amending S107(4A) and S198(5A) of the **Copyright Designs and Patents Act 1988 (CDPA)**, which set out the penalties available for online copyright infringement. The government's position is that *"online offences should be treated no less seriously than their physical counterparts. Harmonising these will provide a deterrent effect to criminals and, where criminality continues, provide for tangible punitive action."* The government intends to introduce the amending legislation "at the earliest legislative opportunity". The government's thinking in this area and the plans for new legislation are set out in [this document](#).

That the government intends to go ahead with the proposed increase in the maximum custodial sentence, despite strong opposition in the consultation process, demonstrates how keen it is to stamp out online infringement and protect the creative industries, which add an estimated £84.1 billion to the UK economy each year. It is worth noting that the new increased sentence will apply not only to businesses that have online infringement at the core of their profit-making model, but also anyone who shares a copyright work online (including a private individual outside the scope of commercial activity) knowing that they should not be doing so. This would catch individuals engaged in uploading unauthorised copies of films, books or music to dedicated file sharing websites.

© Copyright 2025 Squire Patton Boggs (US) LLP

---

Source URL: <https://natlawreview.com/article/uk-custodial-sentence-online-infringement-to-be-increased-to-10-years>