Encrypted services: legal protection of services based on or consisting of conditional access

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By adopting (unopposed with three abstentions) the report by Mr Georgios ANASTASSOPOULOS (EPP, Gr) on legal protection of encrypted broadcasting or rebroadcasting the committee took the view that the Commission proposal does not offer sufficient protection. Mr Anastassopoulos believes that harmonization must be applied at the highest possible level, to ensure that it retains all its effectiveness in a rapidly changing technological context. The committee has accordingly tightened up the Commission's text.The notion of 'illicit device' covers any kind of equipment or software conceived, adapted or assembled with the sole purpose of enabling unauthorized access to a protected service (e.g. pirate decoders which allow access to a scrambled channel). Member states are asked to ban within their territory the manufacture, import, sale and possession for commercial purposes of illicit devices and their marketing for purposes of direct or indirect profit. The same applies to the installation, maintenance or replacement of such devices for commercial ends. Their advertising and commercial promotion are also to be banned.The Member states will be responsible, in accordance with national law, for introducing the necessary measures to ensure that service providers whose interests are damaged by an illicit activity can sue for damages and, where relevant, demand the confiscation of the illicit devices.