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

1997/0198(COD) - 30/04/1998 - Text adopted by Parliament, 1st reading/single reading

In adopting, by 403 votes to 11, with 8 abstentions, the report by Mr ANASTASSOPOULOS (PPE, Gr) on legal protection for encrypted transmission and retransmission, Parliament expressed the view that the Commission proposal was inadequate. Harmonization was needed 'at the highest possible level', which would remain effective in the context of very rapid technological development. Parliament thus strengthened the text proposed by the Commission. An 'unauthorized device' is deemed to be any equipment or software designed, altered or assembled with the sole purpose of permitting unauthorized access to a protected service (e.g. a pirated decoder making it possible to watch an encrypted TV channel). Member States must prohibit within their territory: - the manufacture, importation, sale or possession for commercial purposes of unauthorized devices, and the marketing of these devices for direct or indirect profit; - the installation, maintenance or replacement for commercial purposes or with a view to direct or indirect economic profit, of an unauthorized device; - use of commercial communications to promote unauthorized devices: advertising, direct marketing, sponsorship, commercial promotion, public relations, etc.; - publicity about the manufacture, importation, sale and marketing of unauthorized devices; - publicity about activities and actions facilitating unauthorized access. Member States should take the necessary measures, in accordance with their legislation, to ensure that service-providers damaged by unauthorized activity can bring legal proceedings for damages and, if appropriate, apply for seizure of unauthorized devices.