



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 February 2010

6692/10

DROIPEN 16

NOTE

from:	Presidency
to:	Delegations
Subject:	Infringements of intellectual property rights, xenophobic and racist content, and child pornography: how do we combat these crimes on the internet?

New technologies, in particular the use of the Internet, have facilitated communication and promoted interaction and global development, as is recognised in paragraph 4.4.4 of the Stockholm Programme. However, these positive consequences do not detract from the fact that new technologies are also used for illegal and even criminal activities, providing further means for involvement in such activities, enabling those responsible to cover their tracks, and giving rise to new forms of crime.

The carrying out of criminal activities through the use of the Internet has a particular impact and significance in the case of child pornography, as well as in the dissemination of xenophobic and racist ideas and the infringement of intellectual property rights, activities which, unfortunately, do not appear to be in decline.

Sexual abuse and the sexual exploitation of minors, including child pornography, constitute a serious violation of the human rights of children. However, new technologies have provided ideal means for the commission and transmission of these particularly abhorrent crimes. Their content can be covered up in a wide variety of ways and, where content is broadcast from States outside the European Union, investigation is more difficult.

Due to the anonymity that it initially provides, the Internet also provides an ideal place for the dissemination and propagation of racist and xenophobic material, undermining the democratic values and principles on which our society is established, so that the Internet becomes an instrument of social regression.

The infringement of intellectual property rights via the Internet has reached such an extent that it is jeopardising creative activity itself. Websites are proliferating which facilitate the exchange of files for profit, sell falsely branded products, or which trade in products that do not respect patent rights.

The fight against these activities in the EU through existing instruments has not proved fully effective to date. Whilst recognising the value of Framework Decision 2004/68/JHA on combating the sexual exploitation of children and child pornography, Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law and the Directive on civil enforcement (2004/48), we should acknowledge that the efforts of the Member States of the European Union against this type of activity need to be increased and coordinated. Therefore, the Presidency has proposed this debate, inviting discussion of the following questions:

1. How do you combat child pornography, the infringement of intellectual property rights, and racist and xenophobic content on the Internet in your country? Are you able to block access to websites with this type of content in your country?
 2. What do you think should be done to combat this type of activity at European Union level?
 3. How can we combat this type of content from servers broadcasting from States outside the European Union?
-