European Commission: Preventing Imitations and Pirating of Products and Services in the Internal Market - Green Paper Published

IRIS 1998-10:1/7

Natali Helberger
Institute for Information Law (IViR), University of Amsterdam

The European Commission recently published a green paper on combating imitations and the pirating of products and services in the Internal Market. In addition to standardising concepts in this area, it sets out to explore the need for comprehensive measures to prevent the pirating of products and services protected by the laws on trade, copyright, services and data banks. It mentions radio and information society services as being particularly affected by piracy.

Four lines of action, comprising different measures, are envisaged. One covers technical measures against piracy. The Green Paper refers to measures taken so far in various economic sectors, and particularly mentions the field of copyright law and Article 6 of the proposal for a Directive to harmonise specific areas of copyright law and related rights in the information society. It raises the question of a general prohibition on certain practices involving the use of inadmissible technical facilities, and also the possibility of covering technical preventive measures in the Commission's research and development programme, and particularly Area 2 of the fifth framework programme "A user-friendly information society".

In addition to calling for monitoring of the private economic sector, the Green Paper focuses on sanctions which may be required and on ways of enforcing intellectual property rights. If necessary, legislative measures could be taken to supplement the TRIPS agreement on enforcement of those rights. The possibility of going beyond the very general provisions on sanctions and remedies contained in the proposal for a copyright directive, and protecting intellectual property more effectively with the help of (horizontal) Community initiatives is also considered.

The last line of action refers to administrative co-operation. The proposals made here concern, not just the exchange of information and the setting-up of a data bank, but also transfrontier monitoring of suspect movements of goods, and mutual recognition of evidence obtained in other member states. The Commission calls on all interested parties to participate in the consultation process and in helping to answer the questions raised in the Green Paper.

© European Audiovisual Observatory (Council of Europe) 2026

Green Paper on combating imitations and the pirating of products and services in the Internal Market.

http://europa.eu/documents/comm/green_papers/pdf/com98_569_en.pdf

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026