[DE] Discussion on the legal responsibility of on-line services and companies offering access to Internet

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Wolfgang Closs
Institute of European Media Law (EMR), Saarbrücken/Brussels

Following suspicion of the circulation of pornography among newsgroups on Internet, the State Prosecution Service in Munich instigated investigation proceedings against the German subsidiary of the on-line service CompuServe. These began with the impounding of private computers whose mailboxes were found to contain pornographic material. It is the view of the State Prosecution Service that the company CompuServe bears joint responsibility for the data circulating in its data network. In order to prevent offences being committed, checks must be made, using all available technical means, on whether law-breaking data is reaching final users on Internet. The investigating authorities recognise the suspected infringement of Article 184-3.2 of the Criminal Code (StGB) - making pornographic documents available. According to Article 6-2 of the StGB, German criminal law on the circulation of pornographic documents is valid in the cases set out in Article 1843 of the StGB regardless of local law in the place where the offence is committed, even for acts perpetrated abroad. According to a statement by a spokesman for the Federal Ministry of Justice, German prosecution authorities could prevent access to law-breaking material using German on-line services and companies offering access to the computer network Internet.

In response to the State Prosecution Service's investigations, the Munich-based American supplier CompuServe voluntarily barred 200 international discussion groups.

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