[FR] Circumventing DRM Devices Sanctioned

IRIS 2007-2:1/20

Amélie Blocman
Légipresse

The first decree implementing the "DADVSI" Act on copyright and related rights in the information society of 1 August 2006 (see IRIS 2006-8: 13) has now been published. Regarding the "criminal punishment of certain infringements of copyright and related rights", the text adds Articles R. 335-3 and R. 335-4 to the Intellectual Property Code. Its purpose is to punish two types of behaviour - the possession or use of devices permitting firstly, the circumvention of a technical means of protection and secondly, the suppression of one or more elements of information that accompany the work, and which make it possible to identify the holder of the rights or the conditions for using the work. The decree considers these acts to be petty offences in the 4th category, liable to a fine of EUR 750. These penalties are not, however, applicable to anyone acting "for purposes of computer security or for purposes of scientific research in cryptography". Moreover, the French Minister for Culture and Communication, Renaud Donnedieu de Vabres, announced at the end of December the forthcoming distribution of a circular from the Minister for Justice to state prosecutors concerning penalties for peer-to-peer activities, "so that they may adapt their submissions to the seriousness of the offences", indicating that prison sentences would be reserved for serious cases, i.e. "cases that make money at the expense of the Internet user". Moreover, the decree concerning the authority to regulate technical protection devices, a preliminary draft of which was submitted by the Minister to the *Conseil Supérieur de la Propriété Littéraire et Artistique* (Council for Literary and Artistic Property) at the end of November, is expected in the next few days, as the authority is to be established in February.

Décret n° 2006-1763 du 23 décembre 2006 relatif à la répression pénale de certaines atteintes portées au droit d'auteur et aux droits voisins, JO du 30 décembre 2006, p. 20161.

http://www.legifrance.gouv.fr/

Decree No. 2006-1763 of 23 December 2006 on the criminal punishment of certain infringements of copyright and related rights, Official Journal of 30 December 2006, p. 20161.

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026