[CH] Report on points of law concerning Internet

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A federal working party under the guidance of the Federal Office for Justice has published a report on a number of points of law arising in connection with worldwide data exchange on the Internet, which has developed enormously in recent years. The report provides an overview of matters of criminal law, data protection law and copyright, and makes a number of recommendations to access providers with a view to preventing the illegal misuse of data networks. This supports the efforts of the Internet branch to set up a code of conduct for Internet access providers. The working party does not envisage legislation on the matter. In its report it speaks out specifically against the introduction of a licensing requirement for network providers. It believes it to be much more appropriate to support the creation of a self-regulating system through the Internet branch. The 11 recommendations suggest, inter alia , that providers should only conclude subscription contracts with adults in a position to exercise discernment, and should reserve the right to block connections as a precaution in the event of suspicion, and to terminate the contract unilaterally in the case of clients spreading illegal material from their connections or making such material accessible from their connections. Furthermore, providers should inform clients about restrictions on violence and hard pornography, the need to comply with copyright law and related protective legislation, and the implications of data protection law. As regards data protection, it is stated that providers should not produce a personality profile of their clients or make their names, addresses and telephone numbers available by network access unless the persons concerned have given their permission, or if it is legally authorised, or if there is an overriding private or public interest in doing so.

Neues Medium - neue Fragen ans Recht. Bericht einer interdepartamentalen Arbeitsgruppe zu strafrechtlichen, datenschutzrechtlichen und urheberrechtlichen Fragen rund um Internet. Bundesamt für Justiz, Bern, Mai 1996.

INTERNET: A new medium: new legal issues. Report of an Interdepartmental Working Party on penal, data protection and copyright aspects of the Internet. Federal Office of Justice, Berne, May 1996.

http://www.admin.ch/ejpd/d/bj/internet/inbearbe.htm

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