

Codex to fight IP crime and illegal content on the Internet

Background

Companies are continuously challenged by criminals who use products and traffic on the internet to carry out illegal activities. The problem is increasing, and products that are protected by intellectual property rights are particularly vulnerable as they are easy to copy and distribute via the internet. The initiators of this Codex wish to limit this as far as possible with the Codex.

This Codex is based on a common *Declaration of intent* that was agreed in 2015 between the participants in the Danish Ministry of Culture's *Dialogue Forum*¹.

Objective

The objective of the Codex is to communicate a joint declaration on combating crime on the Internet and to describe relevant initiatives which stop the flow of money and traffic to illegal services. The participants that sign up to the Codex endorse the content of the declaration and will implement the initiatives as far as practically possible. First and foremost, signing up to the Codex implies a decision to actively use the '*Cooperation List*'.

Signing up to the Codex is open to any relevant providers of services on the Internet, for example, advertising agencies, payment services, social platforms, searching services and providers of non-public networks (for example, schools and companies). The Codex should be regarded as a supplement to the relevant legislation and functions alongside other voluntary agreements, for example the *Code of Conduct* for Internet Service Providers², which fulfil similar objectives.

¹ The Dialogue Forum was one of several initiatives that originated from the so-called Ophavsretspakke (Copyright Package), launched in 2012, <https://kum.dk/nyheder-og-presse/pressemeddelelser/nyheder/bred-opbakning-til-faelles-kamp-for-et-lovligt-og-trygt-internet-paa-ophavsretsomraadet/1/1/>

² <http://www.teleindu.dk/brancheholdninger/blokeringer-pa-nettet/>

Declaration

The participants declare that they:

- Publicly distance themselves, when relevant, from their products and services being used to support criminal objectives, including breaches of intellectual property rights, for example, material protected by copyright laws.
- Have implemented concrete measures with a view to counteracting their company's or institution's products and/or services being involved in the financing or spreading of criminal activity.
- Have informed the company's employees that they must be vigilant and counteract any misuse of the company's products and services for illegal purposes.
- Undertake to apply the Cooperation List of web pages offering illegal services.
- Counteract the participant's company being used to finance or to highlight services that offer illegal content, including breaches of content and products protected by copyright.
- As far as possible, avoid providing services or products to these illegal services.

The objective is to contribute to the Internet becoming a secure market place for legal actors within the industries that sign up to the Codex. At the same time, participants will help create increased security for consumers.

Therefore, participants in the Codex will implement and use the Cooperation List³ that has been drawn up in accordance with the guidelines below.

³ The designation 'Cooperation List' was chosen to reflect that the list is provided and utilised by cooperation between all parties, both public and private.

The Cooperation List

The focal point for the Codex is active use of the *Cooperation List*:

a) Criteria for inclusion on the Cooperation List

The Cooperation List encompasses the following internet pages (URL addresses):

- Internet sites which provide access to Internet services that have been declared illegal by the Danish authorities (for example, the Danish courts).

The listing of these Internet pages serves to cut off the flow of cash to illegal services by advertisers, payment service providers and other relevant players as they are made aware of illegal activities.

b) Accessibility of the Cooperation List

As a rule, the Cooperation List is not public in its entirety and is only available to those companies who cooperate on the list so that sites with illegal content are not highlighted unnecessarily. However, persons, companies and organisations can, at any time, enquire whether a specific site is on the list.

Organisation

A Codex Steering Group has been established from among the participants, and it has the overall responsibility for evaluating efforts and ensuring progress. The Steering Group shall represent all groups of stakeholders and can only consist of maximum 8 persons.

The Codex Steering Group can establish an executive committee comprising maximum 3 persons.

The Executive Committee can, if necessary, advise on specific initiatives and procedures for the use of the Cooperation List and other tools aimed at a specific area as new actors sign the Codex.

The Codex Steering Group will meet once a year.