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Intellectual property rights in the digital era

Reply to Recommendation¹: Recommendation 2089 (2016)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly Recommendation 2089 (2016) on “Intellectual property rights in the digital era” together with its Resolution 2110 (2016) with the same name. It has received comments on the recommendation from the Steering Committee on Media and Information Society (CDMSI) and the Cybercrime Convention Committee (T-CY). The Committee of Ministers invites the governments of member States to transmit the Assembly’s recommendation and resolution to the competent domestic ministries and agencies.

2. The Committee of Ministers considers that the protection of intellectual property rights online is essential to effectively safeguard the right to property and to promote cultural and economic development. However, in this context, it recalls also the need to balance the right to property against the right to freedom of expression as guaranteed by Article 10 of the European Convention on Human Rights.

3. The Committee of Ministers underlines that the issue of copyright infringement as stipulated by Article 10 of the Convention on Cybercrime (Budapest Convention) refers to other international agreements on intellectual property rights and requires that these instruments are also applied with respect to crime involving computer systems. For this reason, and also in the light of discussions under way in other fora, the Committee considers it premature to draw up guiding principles on legal and practical measures against the infringement of copyright and related rights in accordance with Article 10, as suggested by the Parliamentary Assembly. It intends to follow developments in this field and come back to this matter once there is more clarity.

4. The Committee of Ministers invites the Parties to the European Convention on the Legal Protection of Services based on, or consisting of, Conditional Access (ETS No. 178) to consider the Assembly’s proposal to study the effectiveness of domestic law and practice in accordance with Article 4 of the Convention as regards the protection of intellectual property rights, while keeping in mind, however, that discussions are under way in other fora.

5. Presently, the Committee of Ministers is not intending to take practical action to follow up its Recommendation Rec(2001)7 to member States on measures to protect copyright and neighbouring rights and combat piracy, especially in the digital environment. It invites member States to take such action in co-operation, whenever pertinent, with the bodies referred to in the Assembly recommendation (paragraphs 2.3 and 2.4).

1. Adopted at the 1273rd meeting of the Ministers’ Deputies (14 December 2016).

