

## AEPOC CODE OF ETHICS AND GOOD PRACTICE

### Contents

#### *Preamble*

#### *Chapter I: Introductory provisions*

- Article 1 Definitions
- Article 2 Goals
- Article 3 Organisations covered by the Code of Ethics and Good Practice
- Article 4 Scope of application

#### *Chapter II Rules of Good Practice*

- Article 5 General principles
- Article 6 Undertakings to prevent unlawful access to / dissemination of encrypted content
- Article 7 Undertakings not to obtain any benefit from counterfeiting activities
- Article 8 Legal action taken against counterfeiting
- Article 9 Mutual assistance
- Article 10 Workshops
- Article 11 Co-operation with law enforcement agencies and public bodies

#### *Chapter III Final Provisions*

- Article 12 Infringement
- Article 13 Compliance with the law
- Article 14 Adoption
- Article 15 Miscellaneous

## ***Preamble***

This document sets out AEPOC's overall views concerning the problem of piracy and it is consistent with the Conditional Access Directive as defined in Article 1 below.

It derives from the common will to set up a minimum standard of support and co-operation among all the AEPOC members threatened by this illegal phenomenon.

The AEPOC Code of Ethics and Good Practice is signed by the President of AEPOC with the consent of the AEPOC Ordinary General Assembly.

Any new applicant member of AEPOC - who will join after July 1, 2004 - shall be requested to accept formally this Code of Ethics and Good Practice.

## Chapter I

### Introductory provisions

#### Article 1 Definitions

**“AEPOC”**: European Association for the Protection of Encrypted Works and Services (Association Européenne pour la Protection des Œuvres et Services Cryptés);

**“CAD”** Directive 98/84/EC of the European Parliament and of the Council of 20 November 1998 on the legal protection of services based on, or consisting of, conditional access (*Official Journal* L 320, 28/11/98, p.0054-0057);

**“CA device”** any equipment or software designed or adapted to give access to a protected service in an intelligible form;

**“Code”** this AEPOC Code of Ethics and Good Practice;

#### **“Counterfeiting Activities”**

- a. the manufacture, import, distribution, sale, rental or possession for commercial purposes of illicit devices;
- b. the installation, maintenance or replacement for commercial purposes of an illicit device;
- c. the use of commercial communications to promote illicit devices;

**“Illicit device”** any equipment or software designed or adapted to give access to a protected service in an intelligible form without the authorisation of the service provider;

**“Members”** AEPOC members.

## **Article 2      Goals**

This Code aims to:

- a. lay down general principles in the fight against piracy and provide members with guidelines to be voluntarily followed for their strategies and policies in order to concert their efforts towards common goals;
- b. develop “best practice” procedures for collective efforts against piracy;
- c. promote compliance with the applicable national and community laws related to CAD;
- d. spread awareness of the dangers and threats related to piracy.

## **Article 3      Organisations covered by the Code of Ethics and Good Practice**

### **3.1              Reception device manufacturers**

Reception device manufacturers include any manufacturer of terminals that permits the decryption of an encrypted content in an intelligible manner on various types of terminals such as STB, CAM, PC, PDA, cell phone, TV, game platform, *etc.*

### **3.2              Content providers**

Content providers include providers of content such as sports, news, movies, games, shows, TV services, and any other data content.

### **3.3              Pay media operators**

Pay media operators sell in the form of a subscription the right to watch/use content. Such content is to be encrypted content and spread through any one or more of several means of distribution (including cable, ADSL, satellite TV, and digital terrestrial TV).

### **3.4              Distribution networks**

Distribution networks include distributors who sell to retailers the reception devices that are necessary to decrypt encrypted content.

### **3.5 Content protection system vendors**

Content protection vendors include companies which develop and sell Conditional Access Systems (CAS), Digital Right Management (DRM) systems and any other type of system that protects content.

### **Article 4 Scope of application**

This Code shall apply to organisations as defined in article 3 above as well as to television channels, suppliers of Conditional Access Technology, suppliers of transmission infrastructures and producers of hardware and to the services and/or products provided by them even for purposes other than remuneration.

## **Chapter II**

### **Rules of Good Practice**

#### **Article 5 General principles**

##### 5.1 Members undertake:

- a. to act at any times with honesty, integrity and responsibility;
- b. to act fairly and equitably with partners who are committed to the prevention of unlawful access to encrypted content;
- c. to promote an efficient, competitive and ethical industry to protect encrypted content;
- d. to maintain and promote internal anti-piracy policy;
- e. to be ready to adopt new technological developments and to implement commercially practicable anti-piracy methods and procedures in order to safeguard access to protected content;
- f. to be active in warning CA device users about the existing laws against piracy and the potential criminal and civil penalties related to piracy;
- g. to promote knowledge of the existence of this Code.

5.2. Members have a philosophy that certain commercial and technical behaviour is unacceptable when such behaviour results in the promotion of infringements, counterfeiting and illegal uses. Members shall not engage in any practice which might tend to lower the standards contained in this Code.

## **Article 6 Undertakings to prevent unlawful access to / dissemination of encrypted content**

Members undertake to implement all the means they deem appropriate to prevent proliferation of counterfeiting activities:

- a. In the technical field: by proposing security measures implemented in the manufactured systems in order to prevent counterfeiting and/or illegal access to protected content;
- b. In the field of monitoring and surveillance: by monitoring communication between counterfeiters on the web or on any other forum, and by making reasonable efforts to be kept informed about the latest developments in the field of counterfeiting;
- c. In the field of commercial exchange: by making sure that technology partners to whom or from whom a signatory licenses technology acts with integrity. In such environment, integrity includes the willingness not to favour counterfeiting or piracy in any way, shape or form.

## **Article 7 Undertakings not to obtain any benefit from counterfeiting activities**

Members undertake not to generate any revenue, directly or indirectly resulting from Counterfeiting Activities.

## **Article 8 Legal action taken against counterfeiting**

In the event of legal action taken by a member against a counterfeiter, the other members shall not be bound to participate to such action but they will be allowed to ask information and legal support in case they want to start a similar action against the same subject/entity. Such information and support shall not be unreasonably withheld.

## **Article 9 Mutual assistance**

9.1. Members undertake to provide other members with reasonable assistance in the exchange of general information related to the state of the art of counterfeiting activities. Such assistance is free of charge and should not grant any right to compensation of any kind.

9.2. Any specific information related to the compromising or counterfeiting of a system in particular can be exchanged between the parties concerned, subject to a particular agreement to be negotiated by them at their free will, on a case by case basis.

## **Article 10 Workshops**

Members undertake to plan periodical workshops, to be held according to their needs, as platforms for open discussion, for exchanging different point of view on piracy, on action to be taken and on different approaches adopted to hamper the illegal activities of pirates. Any members participating in any such workshops shall maintain the confidentiality of matters discussed as if such activities were formal AEPOC meetings.

## **Article 11 Co-operation with law enforcement agencies and public bodies**

Members undertake:

- a. to co-operate with any competent national and/or international authorities as well as to put technological knowledge at their disposal in order to hamper piracy and to identify infringements of law;
- b. to provide assistance in the form of seminars and training courses aiming at increasing the anti-piracy know-how of policemen and legal practitioners;
- c. to follow up promptly any reasonable request from law enforcement agencies concerning illegal phenomena connected to decoder piracy, in accordance with and in pursuance of the criminal procedure codes and the anti-privacy laws.

## **Chapter III**

### **Final Provisions**

#### **Article 12    Infringement**

This Code is not meant to provide sanctions of any type in case of infringement of the provisions contained herein, but any violation of the present provisions will imply the submission of the infringer to the AEPOC General Assembly who may, upon the recommendation of the Board of Directors, after such member has been offered the opportunity to make representations to the Board, vote on the dismissal of the member.

#### **Article 13    Compliance with the law**

This Code reflects the principles inspiring the CAD and provisions contained therein and does not in any way prejudice compliance with the law with particular regard to telecommunications, consumer protection and antitrust laws and regulations.

#### **Article 14    Adoption**

The main principles of the Code have been approved by the AEPOC Ordinary General Assembly of 9<sup>th</sup> December 2003 and the Code has been confirmed and adopted in its final version at the subsequent session held on 25<sup>th</sup> June 2004.

## **Article 15    Miscellaneous**

15.1. AEPOC shall act as custodian of this Code and whatever problem which may arise among the members with reference to the proper execution and interpretation of this Code shall be submitted to the bodies of the Association.

15.2. AEPOC shall amend the provisions contained herein, upon proposal by one of the members, with the consent of the Board of Directors, and in full observance of the law, where it is deemed appropriate in order to comply with the law and to adapt its application to technological and economical developments. Any amendment shall be approved by an AEPOC Ordinary General Assembly.

15.3. Every three years from the adoption of this Code the members shall evaluate the necessity to renew their undertakings to respect the provisions contained herein.

*Signed by AEPOC President Jean Grenier*

*on behalf of the AEPOC General Assembly*