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Office: Police Division
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The Danish Ministry of Justice's comments on the report on the Comparative Study on blocking, filtering and take-down of illegal Internet Content regarding Denmark

Please find below the Danish Ministry of Justice's comments on the country report:

Page 173

Please note that the Internet Related Child Abuse Material Project (CIRCAMP) no longer is active. However, a number of the initiatives of CIRCAMP have been integrated in the corresponding EMPACT projects.

In 2015 the Danish Police participated in the following EMPACT projects: Facilitation of Illegal Immigration, Trafficking in Human Being, Cocaine, Cybercrimes regarding online and payment card fraud, cybercrimes which regarding Child Sexual Exploitation, Cybercrimes regarding cyber-attacks, Illicit Firearms Trafficking and Organised Property Crime.

Page 174

- In section 2.1.2, the last sentence of the third paragraph should be corrected from “(...) within two weeks of the injunction being issued.” to:

“(...) within two weeks of the decision to grant the injunction becoming final.”

- Note 21 on page 174 should be corrected from “LBKG 2014-12-03 nr. 1308, Retsplejeloven” to the following wording:

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“Consolidated Act. No. 1255 of 16 November 2015 with subsequent amendments, Retsplejeloven.”

Page 175

- Note 31 on page 175 refers to “§ 57” instead of “Chapter 57” in the Danish Administration of Justice Act and to “LBKG 2014-12-09 nr. 1308” instead of “Consolidated Act No. 1255 of November 16 2015 with subsequent amendments”. The note should be corrected to the following wording:

“See the Danish Administration of Justice Act, Consolidated Act. No. 1255 of 16 November 2015 with subsequent amendments, Chapter 57.”

Page 182

- The word “telecommunication” in the last sentence of the second paragraph on page 182 should be replaced with “internet”:

”Thus, there is currently no general monitoring of internet traffic in Denmark.”

Comments by the Danish Ministry of Business and Growth

The Danish Trade Marks Act and the Danish Designs Act should also be mentioned in section 1 and 2.1.2 of the draft report. These sections mention that online content can be illegal under e.g. the Danish Copyright Act and the Danish Act on Gaming. However, online content can also be illegal under legislation regulating other types of intellectual property rights – especially under the Danish Trade Marks Act and the Danish Designs Act (e.g. websites selling fake products). This should probably be reflected in the report.

Furthermore, we are wondering why the draft report does not mention anything about seizure of infringing websites within criminal IPR enforcement? Such measures have taken place within the last two years. Recently, the State Prosecutor seized 423 websites (and shortly after 60 more websites).

Finally, reference 41 on p. 176 refers to the General Conditions for granting, registration and administration of .dk domain names of DK Hostmaster. The reference is for the General Conditions of January 1st 2013. However, new General Conditions were published January 1st 2016 and can be found at this link: https://www.dk-hostmaster.dk/fileadmin/generelle_vilkaar/Generelle_Vilkaar_08.pdf.”