

WRITTEN QUESTION E-5724/07
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to the Commission

Subject: Tracking codes in photocopiers and colour laser printers

Press reports have indicated for several years that a number of photocopiers and colour laser printers that are sold to consumers in the European Union contain forensic tracking mechanisms.¹ The existence of these mechanisms has been disclosed by some manufacturers, but not by others.² Press reports indicate that these devices invisibly print patterns of small yellow dots on all output documents, and that the patterns of these dots could aid in determining the origin of any such document. Some manufacturers have stated that these measures were implemented to deter counterfeiting. Manufacturers have not publicly described how the tracking codes work or what information is coded.

Recent research by civil society indicates that some printers and photocopiers are coding their serial numbers and the date and time of printing into each page, and that this information could be read by private individuals, as well as by public authorities.³ Some consumers have viewed the presence of tracking codes as an invasion of privacy and have unsuccessfully asked manufacturers to disable this function.⁴

Is the Commission aware of any legal framework or obligations in Community law or national legislation relative to the use of these tracking mechanisms? Does the Commission believe that the current practices of manufacturers in this regard, including their disclosures to consumers, are consistent with relevant Community law on data protection and consumer protection?

¹ See Jason Tuohey, "Government Uses Color Laser Printer Technology to Track Documents", PC World Online, November 22, 2004 (available at <http://www.pcworld.com/article/id,118664page,1/article.html>); "Pixel für den Staatsanwalt", Financial Times Deutschland, November 4, 2005, p. 35 (available at http://www.ftd.de/forschung_bildung/forschung/29250.pdf); "HP Colour LaserJET 3500: Gelddrucksperr", Druckerchannel, March 22, 2004 (available at <http://www.druckerchannel.de/artikel.php?ID=528&seite=7&t=gelddrucksperr>); "Ricoh Aficio CL2000: Gegen Geldfälscher", Druckerchannel, March 3, 2005 (available at http://www.druckerchannel.de/artikel.php?ID=778&seite=7&t=gegen_geldfaelscher); "Code bei Farblasern entschlüsselt: Big Brother is watching you", Druckerchannel, October 26, 2005 (available at http://www.druckerchannel.de/artikel.php?ID=1239&seite=1&t=big_brother_is_watching_you).

² The Xerox Corporation has disclosed the existence (but not the functionality) of such technology in its DocuColour printer line; for example, several of its past product brochures have stated that "in cooperation with various government agency requests to discourage unauthorized copying, [this printer] incorporates a Counterfeit Deterrent Marking [...] System [...] which] encodes each copy, so the source [printer] can be identified if necessary"; Xerox also received a United States patent in 1996 describing the use of yellow dot patterns to identify the source of a copied or printed document. See U.S. Patent No. 5515451.

³ See Mike Musgrove, "U.S. Sleuths Crack Tracking Code in Color Printers", Wall Street Journal Europe, October 21, 2005; see also "Civil Liberties Group Cracks Xerox Tracking Codes", The Globe and Mail, October 20, 2005.

⁴ See <http://www.seeingyellow.com/>.