

UNESCO
WORLD ANTI PIRACY OBSERVATORY

CYPRUS

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I. Legislation

1. Copyright laws

Copyright is protected in Cyprus through international Agreements, the [Copyright and Related Rights Law of 1976](#) as last amended in 2006 (Date of adoption of the principal law was 3.12.1976), the Copyright Authority Regulations of 1977 (Adoption on 31.12.1977), the Control of the Movement of Goods which Infringe Intellectual Property Rights Law of 2006 (Adopted 20.10.2006), as well as other legislation related to enforcement of copyright or affecting copyright protection.

2. Other laws

- The Criminal Proceedings Law, Cap. 155 (1959)
- The Civil Proceedings Law, Cap. 6 (1959).

3. Latest developments and perspectives

There are no planned amendments of the copyright law. This applies to copyright infringement and anti-piracy issues.

4. Summary of legislation

- *Exclusive rights of the authors and of the owners of neighboring rights*

The authors are granted exclusive rights in:

- Reproduction
- Advertisement
- Sale, leasing, distribution, rental and exhibition to the public of the original and copies.
- Transmission to the public, broadcasting, showing to the public via satellite, cable retransmission
- Translation, adaptation and any other readjustment
- Showing to the public of work, by cable or wireless means, and also the right of the authors to approximate their works to the public in such a way, so that anyone has access to them.

- *Exceptions and limitations to copyright / Permitted Acts in relation to copyright works*

Section 7(2) of the Copyright and Related Rights Law provides for uses of a work without the permission of the owner of the copyright. Such cases include:

- research for individual use
- critical review
- reference to recent events provided that if such use is made publicly, it is accompanied by acknowledgement of the title and ownership of the work.
- The quotation of passages from published works, if they are compatible with fair practice and their extent does not exceed that justified by the purpose, including extracts from newspaper articles and magazines in the form of press summaries, provided that mention is made of the source and of the name of the author which appears on the work thus used.
- The reading or recitation in public or in a broadcast by one person of any reasonable extract from a published literary works if accompanied by a sufficient acknowledgement.

- *Protection of foreign works*

The copyright law applies to “foreign works” as it applies to local works but only to citizens of the European Union who are authors of such works (Section 4(a) of the Copyright and Related Rights Law).

- *Period of copyright protection*

- “Broadcasts” - 50 years from the date in which the broadcast was made, either this was transmitted through wires or by wireless means including the cable or satellite transmission.
- “Publication of previously unpublished works” - 25 years from the moment the work was firstly published lawfully or presented lawfully to the public.
- “Non original data bases” - 15 years from the completion of the manufacture of the data bases with the provision (and follow lengthy provisions to be found in the Annex of the Copyright and Related Rights Law)
- “Performances” - 50 years from the date of the performance, provided if during this period there is a lawful publication or lawful presentation to the public of the material fixation of the said performance, the rights are exhausted 50 years after the date of the first publication or of the first presentation to the public, according to which was made first.
- “Artistic works”, including photographs, and original data bases - 70 years beginning from the death of the author
- “Films” - 70 years beginning from the death of the last survivor among the following persons, irrespective if they have been designated contractually or they are considered according to a legal provision, as co-authors: (a) producer (b) principal director (c) script-writer, (d) author of the dialogues and (e) music composer of music written specifically to be used in the film
- “Tape-recordings” - 50 years from the date when the tape-recording took place, provided if during this period there is a lawful publication or lawful presentation of the tape-recording to the public, the copyrights are exhausted 50 years from the date of the first publication or of that first presentation to the public, according to which was made first.

- *Registration*

Protection of copyright is only available through the courts and there is no protection in Cyprus through registration.

5. International treaties

Cyprus is a member of the following International Convention and Treaties on Copyright and Related Rights:

- [Berne Convention on the Protection of Literary and Artistic Works](#), in force since February 24, 1964.
- [Universal Copyright Convention](#), accession on September 19, 1990 to UCC of 1952 and UCC of 1971.
- [WTO Agreement on Trade Related Aspects of Intellectual Property Rights](#) (TRIPS), since July 30, 1995.
- [WIPO Copyright Treaty](#) (WCT), in force since November 4, 2003.
- [WIPO Performances and Phonograms Treaty](#) (WPPT), in force since December 2, 2005.

- [Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms](#), in force since September 30, 1993.
- Cyber Crime Convention, in force since May 1, 2005.

II. Measures and remedies

1. Copyright infringement

Copyright infringement is defined by section 13(1) of the Copyright and Related Rights Law:

(1) "Copyright shall be infringed by any person who does, or causes or permits any other person to do, without the licence of the owner thereof, an act the doing of which is controlled by copyright"

(2) "Copyright shall also be infringed by any person who, without the licence of the owner of the copyright, imports into the Republic, otherwise than for his private and domestic use, or distributes therein by way of trade or exhibits in public any article in respect of which copyright is infringed under sub section (1)".

There are no specific provisions on infringement concerning Internet piracy.

2. Remedies to protect copyright holders

The relevant provisions of the Law are contained in Section 13 of the Copyright and Related Rights Law (Civil proceedings and remedies).

Civil Remedies

- Damages
- Civil Infringement proceedings
- Account of gains
- Injunctions
- Fine
- Imprisonment up to 4 years
- Order to desist from infringement
- Pretrial Remedies
- Seizure / Destruction of infringing goods

The court may order the confiscation/seizure/forfeiture of all infringing copies and of all equipments or devices used in the manufacture of the infringing/pirated copies.

The court may order the infringer to pay adequate additional damages to cover the extent of the damage he incurred to the aggrieved person. This, however, comes under civil proceedings and not under the criminal provisions.

3. Provisional measures

Such measures are not available through the Copyright and Related Rights Law but reference should be made to the ordinary Civil Procedure Rules.

For this purpose the owner of the copyright shall apply to the District Courts for an ex parte interim order or for an injunction after both parties are preliminarily being heard. If the applicant-owner shows interest he may apply for an interim order (injunction) or an ex parte order.

The owner, through his advocate may apply under Order 48 of the Civil Procedure Rules for the above mentioned measures.

4. Penalties for copyright infringement

- In civil cases

The applied penalty in civil cases is generally damages, account of gains and injunctions. In copyright cases the penalties range from fine which has an upper limit of €59.850 and/ or imprisonment which has an upper (maximum) limit of 4 years.

Protection of copyright is only available through the courts and there is no protection in Cyprus through registration.

The court may order the confiscation/seizure/forfeiture of all infringing copies and of all equipments or devices used in the manufacture of the infringing/pirated copies.

As of recently (2006) the penalties include the publication of the judgment in a newspaper after the court orders this to be done.

The court may order the infringer to pay adequate additional damages to cover the extent of the damage he incurred to the aggrieved person. This, however, comes under civil proceedings and not under the criminal provisions.

- For criminal offence in copyright cases

For criminal proceedings and penalties sections 14, 14 A and 14B of the Copyright and Related Rights Law are relevant.

5. Requirements for foreign persons

Foreign nationals can be protected and receive the same access to the court, the police or the customs as nationals. There are no barriers for foreigners.

III. Enforcement

1. Enforcement authorities

a) Authorities responsible for enforcing the copyright law

The competent authorities for enforcement are the police, under the Copyright and Related Rights Law, Sections 14, 14A and 14B and the customs under the Law on the Control of the Movement of Goods which Infringe Intellectual Property Rights Law.

b) Enforcement bodies entitles to act ex-officio in copyright infringement cases

The enforcement bodies are entitled to act ex officio; namely the police which acts ex officio in copyright infringement cases by virtue of sections 14, 14A and 14B of the Copyright and Related Rights Law of. The Customs act only if there is information to them by the holder of the copyright.

c) Courts dealing with copyright cases

Copyright cases are dealt with by the District courts. There are no specialized courts for the infringement of copyright or intellectual property rights. For civil and criminal cases the District courts are competent. The District courts have also criminal jurisdiction. There is a District Court for each district: Nicosia District Court, Limassol District Court, Larnaca District Court, Paphos District Court and Paralimni District Court (the latter has only criminal jurisdiction).

2. Enforcement at the border

Under the Law on the Control of the Movement of Goods which Infringe Intellectual Property Rights the competent authority responsible for administrating applications for copyright infringement at the borders is the Customs Department.

In Cyprus the competent authority does not impose any security/ equivalent assurance to protect the defendant and prevent abuse.

The Department of Customs informs in writing the copyright holder within 30 days of its decision to approve his application or to reject it.

The Department of Customs informs the importer at the same time as it accepts the copyright holder's application of its decision to suspend the import licence i.e (the release of the goods by the customs). The suspension is valid for 10 days (3 days for perishable goods) and within this time period the copyright holder has to proceed to the District Court either for interim measures or for filing a suit of infringement at the same Court.

Under section 8 of the Control of the Movement of Goods which Infringe Intellectual Property Rights Law if there are goods whose delivery has been suspended or the license to release them has been suspended, the customs may proceed to the destruction of such goods with the copyright holder's consent without waiting to be proved firstly that there is an infringement of an intellectual property right. Custom authorities in Cyprus are not entitled to act ex officio.

Under section 9(5) of the aforementioned Law it is provided a de minimis import exception (such as the import for personal use of a non-commercial quantity and new items acquired for personal use).

IV. Public Awareness

1. Awareness campaigns and actions

2. Promotion of legal exploitation

3. Associations and organizations with awareness-raising purpose

In Cyprus there are two or three collective societies active in the field of the civil protection of copyright in musical and other works. Their operation has brought results in enhancing copyright protection.

4. Best practices

V. Capacity-building

1. Training

2. Establishment of specialized units and intersectoral groups

The most important measure is the setting up at the police headquarters of a unit specializing in enforcement of intellectual property rights.

3. Best practices

Since the establishment of at the police headquarters of a unit specializing in enforcement of intellectual property rights there were a number of successful operations dealing a severe blow to illicit manufacture of pirated CD-ROMs, Video tapes etc.

It is now more difficult for such items to be sold freely in the markets or other places.

Cyprus had added measures from 2002 by the Customs Department at the borders/ports/airports tending to limit the freedom to import pirated and counterfeit products in Cyprus.

VI. Other

1. TPM/DRM

The Copyright and Related Rights Law provides for Technological Protection Measures (TPM). Under section 14B (2) technological measures are considered “satisfactory” when the use of the protected work or other protected item is controlled by the right holders through the implementation of a procedure of control of the access or protection, like the writing in cipher, disturbing the transmission or other conversion of the work or of other protected item or of a protective mechanism controlling the copying, which satisfies the purpose of protection.

2. Licensing Schemes

3. Optical Discs

4. Hotlines

5. Contact Details

Nikos Christodoulou (Police Headquarters)
Marie Charalambous
Tel. +357 22 601652

PRS
Address: Agapinoros 37, 1076 Nicosia
Tel: +357 22452092 OR 3 OR 4

Asteras Collective Rights Management Ltd
Address: P.O.Box 64385, 8074 - Paphos