

UNESCO
WORLD ANTI PIRACY OBSERVATORY

GREECE

I. LEGISLATION	2
1. Copyright laws	3
2. Other laws	3
3. Latest developments and perspectives	4
4. Summary of legislation	4
5. International treaties	9
II. MEASURES AND REMEDIES	10
1. Copyright infringement	10
2. Remedies to protect copyright holders	10
3. Provisional measures	11
4. Penalties for copyright infringement	12
5. Requirements for foreign persons	12
III. ENFORCEMENT	12
1. Enforcement authorities	12
2. Enforcement at the border	12
IV. PUBLIC AWARENESS	14
1. Awareness campaigns and actions	14
2. Promotion of legal exploitation	15
3. Associations and organizations with awareness-raising purpose	15
4. Best practices	15
V. CAPACITY-BUILDING	16
1. Training	16

2. Establishment of specialized units and intersectoral groups	17
3. Best practices	17
VI. OTHER	18
1. TPM/DRM	18
2. Licensing Schemes	19
3. Optical Discs	20
4. Hotlines	20
5. Contact Details	20

I. Legislation

1. Copyright laws

Copyright is protected in Greece through international Agreements, the Law No. 2121/1993 on Copyright, Related Rights and Cultural Matters (Official Journal A 25 1993), as well as other legislation related to enforcement of copyright or affecting copyright protection.

The Law No. 2121/1993 Copyright, Related Rights and Cultural Matters (Official Journal A 25 1993) was last amended in 2007 by the law No. 3524/2007.

2. Other laws

Other laws pertaining to copyright enforcement and antipiracy measures are the following:

- Law No. 3592 / 2007 (Gazette A 161) on the Concentration and Licensing of Mass Media Enterprises and Other Provisions.
- Law No. 3448 / 2006 (Gazette A 57) on the further use of Public Sector Information and the regulation of issues falling into the competence of the Ministry of Internal Affairs, Public Administration and Decentralization.
- Law No. 3520 / 2006 (Gazette A 274) on The Validation of the Convention on the protection and promotion of the diversity of cultural expressions.
- Law No. 3521 / 2006 (Gazette A 275) on the Validation of the Convention for the safeguarding of intangible cultural heritage.
- Law No. 3328 / 2005 (Gazette A 80) on the Interdisciplinary Organization for the Acknowledgement of Academic Titles and Information and other provisions.
- Law No. 3377 / 2005 (Gazette A 202) on the Principles and Rules on the re-organization of the operation and the development of main sectors in the commerce and market, Issues of the Ministry of Development
- Law No. 3149 / 2003 (Gazette A 141) on the National Library of Greece, Public Libraries and other provisions.
- Law No. 3183 / 2003 (Gazette A 227) on the Validation of the Convention of the World Intellectual Property Organization on performances and phonograph recordings.
- Law No. 3184 / 2003 (Gazette A 228) on the Validation of the Convention of the World Intellectual Property Organization on copyright.
- Law No. 3028 / 2002 (Gazette A 153) on the protection of Antiquities and Cultural Heritage in general.
- Law No. 2819 / 2000 (Gazette A 84) on the Foundation of the Company “Olympic Village 2004 S.A.”, protection of Olympic Symbols and Emblems and other provisions.
- Law No. 2863 / 2000 (Gazette A 262) on the National Broadcasting Council and other authorities and instruments of the sector of broadcasting services.
- Law No. 2690 / 1999 (Gazette A 45) on the Validation of the Code of Administrative Procedure and other provisions.
- Law No. 2644 / 1998 (Gazette A 233) on the provision of subscriber radio and television services and related provisions.
- Law No. 2479 / 1997 (Gazette A 67) on the Special Supreme Court, speeding up of trials, juridical simplifications and other provisions.
- Law No. 2557 / 1997 (Gazette A 271) on the Institutions, measures and actions of cultural development.

- Law No. 2417 / 1996 (Gazette A 139) on the Validation of the Hague Settlement on the international submission of industrial plans and models of November 6th, 1925, as revised in the Hague on November 28, 1960, and of the Supplementary Act of Stockholm of July 14th, 1967, as amended in Stockholm on September 28 1979.
- Law No. 2290 / 1995 (Gazette A 28) on the Validation of the Final Act, which includes the results of the multilateral commercial negotiations in the context of the Uruguay Round.
- Law No. 2328 / 1995 (Gazette A 159) on the legal status of private television and local radio, regulations concerning the radio and television market and other provisions.
- Law No. 2251 / 1994 (Gazette A 191) on the Protection of Consumers.
- Law No. 2273 / 1994 (Gazette A 233) on the National Theatre, State Theatre of Northern Greece and other provisions (A 223).
- Law No. 2148 / 1993 (Gazette A 96) on the Validation of the International Convention on the protection of phonographic producers against the non-licensed reproduction of their phonographic recordings, which took place in Geneva on October 29, 1971
- Law No. 2054 / 1992 (Gazette A 104) on the Validation of the international convention on the protection of performance or performing artists, phonographic producers and broadcasting organizations, which took place in Rome on Oct. 26 1961.
- 1944 / 1991 (Gazette A 56) on the Validation of the International Convention on the distribution of emblems of associations broadcasting programs via satellite.
- Law No. 1597 / 1986 (Gazette A 68) on the Protection and development of the cinematic art, support of the Greek cinema and other provisions.
- Law No. 100 / 1975 (Gazette A 162) on the validation of a) the Convention on the formation of the World Organization of protection of property of intellectual works, signed in Stockholm on July 14th, 1967 and b) the Diplomatic Conference of Paris, carried out in July 1971 for the revision of the Berne Convention of 1886
- Law No. 4254 / 1962 (Gazette A 166) on the validation of the World Treaty of copyright of the adjunct nos. 1, 2 and 3 Protocols
- Law No. 988 / 1943 (Gazette A 409) on the supplementation of the provisions of L. GYPG/1909, “on literary rights of theatrical plays”

Please note that all relevant legislation is available online at www.opi.gr .

3. Latest developments and perspectives

A law standing committee has been formed based on a Decision of the General Secretary of the Ministry of Culture (ΥΠΠΟ/ΔΙΟΙΚ.Α3/Φ.70/01222/30.10.2007), composed by the Director of Hellenic Copyright Organization, counsellors at law of the Hellenic Copyright Organization, University professors of law and representatives of the judicial sector in order to propose suitable amendments after hearing all the parties involved.

4. Summary of legislation

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

The author’s right includes the economic right and the moral right (articles 3 and 4 respectively of the law on Copyright, Related Rights and Cultural Matters).

Exclusive Rights of the authors

- a) Economic

The economic right, as the name suggests, allows the author to exploit his work and benefit from it financially. The property right of the author includes the following:

- The right to record the work, i.e. the right for its first integration onto a data carrier consisting the basis for its further reproduction
- Reproduction of the work, i.e. the production of one or more copies of this work
- Translation
- Adaptation, customization or other alteration
- The right to distribute the original work
- The import of its copies that were produced abroad
- Rental and public lending
- Public performance, i.e. any performance that makes the work available to a number of people greater than close family members and immediate social environment
- Broadcasting from the radio or television
- Cable, wireless or other type of presentation to the public (broadcasting the work over the Internet)

In case someone executes any of the above mentioned without having the author's permission; he violates the author's economic right, regardless of whether this is done for financial benefit or not.

In addition to the above, the right holder of an original work of art benefits from the resale right. According to article 5 of the law on Copyright, Related Rights and Cultural Matters the author of an original work of art has a resale right, which is an inalienable right *inter vivos*, which cannot be waived, even in advance, to receive a royalty based on the sale price obtained for any resale of the work, subsequent to the first transfer of the work by the author. This right applies to all acts of resale involving as sellers, buyers or intermediaries art market professionals, such as salesrooms, art galleries and, in general, any dealers in works of art. The royalty is payable by the seller. When an intermediary art market professional is involved, he shares liability with the seller for payment of the royalty.

b) Moral Rights

Apart from the property right, the author also enjoys moral rights (article 4 of the law on Copyright, Related Rights and Cultural Matters), which renders the special nature of copyright law, as it includes the personal relationship that connects the author with his work. The moral right includes the moral right for the work's publication, i.e. the right to decide if, when and how the work will be made available to the public, the right to recognize the authorship on the work and especially the right to mention the author's name on the copies of his work and in every public usage or even his right to retain his anonymity or to use an alias. The most practical moral right is the right to maintain the integrity of the work, i.e. to prohibit any distortion, abridgement or other modification of the work. Furthermore, there is also the right of access, i.e. the right of the author to have access to his work, even if the work's economic right or ownership belongs to a third person, in this case access must be granted in a way that causes the minimum possible annoyance to the right holder. Finally, the moral right also includes the right of repudiation, which gives the author the right to repudiate contracts of transfer or exploitation of literary or scientific works, if this is necessary for the protection of his personality, due to changes in his beliefs or circumstances, and with the obligation to compensate the counter party for his positive damages. The peculiarity of the moral right does not lie only in the fact that it is independent from the economic right, but also in that it cannot be transferred.

Exclusive right of the owners of neighbouring rights

The Greek law on Copyright, Related Rights and Cultural Matters recognizes related rights for:

- artists who act or perform (article 46)
- producers of audio and/or video data carriers (article 47)
- broadcasting organization (article 48)
- publishers of printed matters (article 51)

Exclusive rights of the owners of related rights are set forth in articles 46 to 53 of the law on Copyright, Related Rights and Cultural Matters.

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

Property rights of authors and related right holders are subject to certain restrictions which are either expressly provided by the law on Copyright, Related Rights and Cultural Matters or which arise from the broader legal system of Greece. These restrictions in the copyright legislation are either in favor of the scientific progress or the information of the community and in a broader aspect in favor of the whole. These are cases where both a license from the author/right holder and a fee payment are not necessary (except in specific cases); such cases are expressly defined in the law (articles.18 to 28C) and must be strictly construed.

In particular, it is deemed that a license by the author and the payment of his remuneration for the use of his work are not needed in the following cases:

- Quotation of short extracts of a lawfully published work by an author for the purpose of providing support for a case advanced by the person making the quotation or criticizing the position of the author, provided that the source, the author and the publisher of these extracts will be indicated (article 19)
- Reproduction of lawfully published literary works of one or more writers in educational textbooks approved for use in primary and secondary education by the Ministry of National Education and Religious Affairs or another competent ministry, according to the official detailed syllabus, that consist only a small part of the total output of each one of the writers. This provision concerns only reproduction by means of printing (article 20)
- Reproduction of articles lawfully published in a newspaper or magazine, short extracts of a work or parts of a short work or a lawfully published work of visual arts, exclusively for teaching or examination purposes in an educational institution (article 21)
- Reproduction of one additional copy by non-profit libraries or archives that have a copy of the work already in their permanent collection, for the purpose of retaining this copy or transferring it to another non-profit library or archive. The reproduction is permitted only if an additional copy cannot be obtained from the market in a short period of time and on reasonable terms (article 22)
- Reproduction of a cinematographic work, for the purpose of preserving it in the National Cinematographic Archive (article 23)
- Reproduction of a work for use in judicial or administrative procedures (article 24)
- Reproduction of a work for information purposes (article 25)
- The use by the mass media of images of architectural works, fine art works, photographs or works of applied art, which are sited permanently in a public place (article 26)
- Reproduction of a work in favor of blind and deaf-mute persons for uses connected directly with the disability and are of a non-commercial nature, in the necessary level due to the disability (article 28A)

The reproduction for private use (article 18) that is permitted without the consent of the author but with a payment of equitable remuneration is a special case of restriction. The reproduction of a lawfully published work for private use of the person performing the reproduction is considered to be free according to the law. The limits of the free reproduction for private use are outlined in paragraph 2 of article 18 which states the following: "The freedom to make a reproduction for

private use shall not apply when the act of reproduction is likely to conflict with normal exploitation of the work or to prejudice the author's legitimate interests, and notably:

- when the reproduction is an architectural work in the form of a building or similar construction
- when technical means are used to reproduce a fine art work which circulates in a restricted number of copies, or when the reproduction is a graphical representation of a musical work”

The limitations applicable to the economic right attaching to copyright shall apply *mutatis mutandis* to neighboring rights (Article 52 of the law on Copyright, Related Rights and Cultural Matters).

- *Protection of foreign works*

Article 67 of the law on Copyright, Related Rights and Cultural Matters regarding Applicable Legislation provides the following:

(1) Copyright in a published work shall be governed by the legislation of the State in which the work is first made lawfully accessible to the public. Copyright in an unpublished work shall be governed by the legislation of the State in which the author is a national.

(2) Related rights shall be governed by the legislation of the State in which the performance is realized, or in which the sound or visual or sound and visual recording is produced, or in which the radio or television broadcast is transmitted or in which the printed publication is effected.

(3) In all cases, the determination of the subject, object, content, duration and limitations of the right shall be governed by the legislation applicable pursuant to paragraphs (1) and (2), above, with the exception of any exploitation license arrangement. The protection of a right shall be subject to the legislation of the State in which the protection is sought.

(4) Paragraphs (1), (2) and (3), above, shall apply except where they run contrary to any international convention ratified by Greece. In the case of States not conjoint with Greece through the ratification of an international convention, paragraphs (1), (2) and (3), above, shall be applicable as regards the protection of copyright or of any particular object of copyright or of any particular related right, provided that the legislation of the relevant state offers adequate copyright protection to works first made accessible to the public in Greece and to related rights stemming from acts effected in Greece.

Since 11 January 2009 the law applicable to a non-contractual obligation arising from a copyright infringement is the law of the country for which protection is claimed according to article 8 of the regulation 864/2007 of the European Parliament and the Council of the European Union.

- *Period of copyright protection*

The rule is that of seventy years *post mortem auctoris* protection for authors and fifty years protection for related rights (Articles 29 to 31 and 52 of the law on Copyright, Related Rights and Cultural Matters). The relevant stipulations are as follows:

Article 29: Duration in General

(1) Copyright shall last for the whole of the author's life and for seventy (70) years after his death, calculated from 1st January of the year after the author's death.

(2) After the expiry of the period of copyright protection, the State, represented by the Minister of Culture, may exercise the rights relating to the acknowledgment of the author's paternity and the

rights relating to the protection of the integrity of the work deriving from the moral rights pursuant to Article 4(1)(b) and (1)(c) of this Law.

Article 30: Works of Joint Authorship

Copyright in works of joint authorship shall last for the lifetime of the last surviving author and seventy (70) years after his death, computed from 1st January of the year after the death of the last surviving author.

Article 31: Special Commencement of the Duration

(1) In the case of anonymous or pseudonymous works, the term of copyright shall last for seventy (70) years computed from 1st January of the year after that in which the work is lawfully made available to the public. However if, during the above period, the author discloses his identity or when the pseudonym adopted by the author leaves no doubt as to his identity, then the general rules apply.

(2) Where a work is published in volumes, parts, instalments, issues or episodes and the term of protection runs from the time when the work was lawfully made available to the public, the term of protection shall run for each such item separately.

(3) The term of protection of audiovisual works shall expire seventy years after the death of the last of the following persons to survive: the principal director, the author of the screenplay, the author of the dialogue and the composer of the music specifically created for use in the audiovisual work.

Article 52 stipulates the following: [...] c) the protection of performers provided in Articles 46 and 49 of the present law will expire fifty (50) years after the date of the performance, but cannot be less than the life of the performer. However, if a fixation of the performance is lawfully published or lawfully communicated to the public within this period, the rights shall expire fifty (50) years from the date of the first such publication or the first such communication to the public, whichever is the earlier.

d) The rights of phonogram producers (producers of sound recordings) shall expire 50 years after the fixation is made. However, if the phonogram has been lawfully published within this period, the said rights shall expire fifty (50) years from the date of the first lawful publication. If no lawful publication has taken place within the period mentioned in the first sentence, and if the phonogram has been lawfully communicated to the public within this period, the said rights shall expire fifty (50) years from the date of the first lawful communication to the public. However, where through the expiry of the term of protection granted pursuant to this paragraph in its version before the amendment by Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society, the rights of producers of phonograms are no longer protected on 22 December 2001, this paragraph shall not have the effect of protecting those rights anew (article 11, par. 2 of Directive 2001/29).

The rights of producers of audiovisual works (producers of sound and visual recordings) shall expire fifty (50) years after the fixation is made. However, if lawful publication or lawful communication of the device is made to the public within such period, such rights shall expire fifty (50) years from the date of first publication or first communication to the public, whichever comes first.

e) The rights of broadcasting organizations provided for in article 48 of the present law shall expire fifty (50) years after the date of the first transmissions of a broadcast, whether this broadcast is transmitted by wire or over the air, including by cable or satellite or any other means of transmission

f) the rights of editors provided for in article 51 of the present law shall expire fifty (50) years after the last edition of the work

g) the term fixed in cases c, d, e and f of the present article is calculated from 1st January of the year following the event which gives rise to them.

h) For the purposes of communication to the public by satellite and cable retransmission, the rights of performers, producers of sound or visual or sound and visual recordings as well as broadcasting organizations are protected in accordance with the provisions of the eighth section of the present law, and the provisions of paragraphs 3 and 4 of article 35 of the present law are applied accordingly.

Article 51A: Protection of Previously Unpublished Works

Any person who, after the expiry of copyright protection, for the first time lawfully publishes or lawfully communicates to the public a previously unpublished work, shall benefit from a protection equivalent to the economic rights of the author. The term of the protection of such rights shall be twenty five (25) years from the time when the work was first lawfully published or lawfully communicated to the public and is calculated from 1st January of the year after the first lawful publication or communication to the public.

- *Registration*

The notion of registration does not exist in Greek copyright law (the contrary applies for industrial property). Copyright is afforded to a person once the work is created and assumes a specific form. Therefore, no formal procedure is necessary on the part of the author - e.g. the submission of the work to a public institution, its registration to a special registry, the payment of a specific fee, etc. - in order for him to be able to exercise his author's rights.

5. International treaties

Greece 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](#) (law 100/1975), in force since November 9, 1920.
- [Universal Copyright Convention](#) (legal decree 4254/1962), accession on May 24, 1963 to UCC of 1952.
- [Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations](#) (law 2054/1992), in force since January 6, 1993.
- [Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms](#), in force since February 9, 1994.
- [WTO Agreement on Trade Related Aspects of Intellectual Property Rights](#) (TRIPS) (law 2290/1995), since January 1, 1995.
- [WIPO Copyright Treaty](#) (WCT) (law 3184/2003), signature on January 13, 1997.
- [WIPO Performances and Phonograms Treaty](#) (WPPT), signature on January 13, 1997.
- [Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite](#) (law 1944/1991), in force since October 22, 1991.
- [Convention on the protection and promotion of the diversity of cultural expressions](#) (law 3520/2006), in force since January 3, 2007.

II. Measures and remedies

1. Copyright infringement

There is no explicit definition for copyright infringement. According to the stipulations of chapter 11 of the law on Copyright, Related Rights and Cultural Matters, any act offending the economic or the moral right of the author or the holder of related rights constitutes an infringement.

2. Remedies to protect copyright holders

Greek copyright legislation provides for *ex partes* injunction, civil and penal sanctions as well as administrative penalties (Articles 63 to 66D of the law on Copyright, Related Rights and Cultural Matters).

Civil Remedies

In the context of the civil law, the author and the holder of a related right can file:

- a lawsuit regarding the recognition of their right
- a lawsuit for the cessation of the violation
- a lawsuit for the omission of the violation in the future, in case that violation or continuation or repetition of violation is threatened.
- a lawsuit for compensation and granting of no-material harm, if the offender is culpable of the violation
- a lawsuit for ruling of inappropriate enrichment of the offender.
- a lawsuit for payment of the profit that the offender earned from the management of another person's property

Civil penalties allow the right holder to be compensated for the violation of his rights. The compensation cannot be less than double the fee usually or legally paid for the exploitation that the offender carried out without the right holder's permission.

Criminal Remedies

According to article 66 of the law on Copyright, Related Rights and Cultural Matters, almost all violations of author's rights and absolute related rights are punishable actions. Criminal penalties include imprisonment from 1 to 10 years and a money penalty of 2,900 to 59,000 Euros.

Administrative Penalties

Finally, Law 3524/2007 also provides for administrative penalties in case of copyright infringement. In particular, anyone who, without the right and in violation of the provisions of this law, reproduces, sells or distributes in any other way to the public a computer program, or possesses it with the intention of distributing it, is subject, regardless of any other penalties, to an administrative penalty of one thousand (1,000) Euro for each illegal copy of computer program. A street vendor or salesman (in a shop) that is caught distributing to the public, by selling or distributing in other ways or possessing with the purpose of distributing, audio media, which incorporate the recording of a work that is copyright protected, is subject to an administrative penalty equal to the number of the illegal sound media constituting the object of the violation multiplied by (20) Euro per each audio media, in accordance with the confiscation report filed at the arrest of the offender. The minimum amount of the administrative penalty is set to one thousand (1,000) Euro.

3. Provisional measures

The law on Copyright, Related Rights and Cultural Matters provides for provisional measures in articles 63, 63A, 64 and 64A.

Evidence

According to article 63A, on application by a party which has presented reasonably available evidence sufficient to support its claims of infringement or threat of infringement of the rights under the law on Copyright, Related Rights and Cultural Matters and has, in substantiating those claims, specified evidence which lies in the control of the opposing party, the court may order, on application by a party, that such evidence be presented by the opposing party. In the case of an infringement committed on a commercial scale, the court may also order, on application by a party, the communication of banking, financial or commercial documents under the control of the opposing party. The existence of a substantial number of copies is considered to constitute reasonable evidence of an infringement committed on a commercial scale. In any event, the court ensures the protection of confidential information. If a party is summoned to produce the evidence referred to in paragraph 1 and unjustifiably fails to produce such evidence, the claims of the party that sought the production or notification of evidence are considered as confessed. Any party that unjustifiably violates an order of the court under paragraph 2 is sentenced to pay, in addition to legal costs, a monetary fine of EUR 50,000.00 to 100,000.00, which devolves to the tax office.

Injunction, Seizure, confiscation, forfeiture and destruction of all infringing copies

Furthermore, according to article 64 of the law on Copyright, Related Rights and Cultural Matters regarding injunction measures and Precautionary Evidence in case of alleged infringement of copyright or related right provided for by articles 46 to 48 and 51 or the special right of database creators, the One-member First Instance Court may order the precautionary seizure of items in the possession of the alleged infringer that constitute means of commission or product or evidence of the infringement.

Instead of precautionary seizure, the court may order the detailed description of such items, including the taking of photographs. Article 687§1 of the Code of Civil Procedure is applied in such cases and a provisional order shall be issued according to article 691§2 of the Code of Civil Procedure.

In the case of an infringement committed on a commercial scale, the court may order the precautionary seizure of the property of the alleged infringer, including the blocking of his/her bank accounts. To that end, the court may order the communication of bank, financial or commercial documents, or appropriate access to the relevant information.

The injunction measures may, in appropriate cases, be taken without the defendant having been heard, under article 687 paragraph 1 of the Code of Civil Procedure, in particular where any delay would cause irreparable harm to the right holder. In that event, if the decision or the order of the court is not notified to the defendant before or during its enforcement, it shall be notified on the first business day following the enforcement; otherwise, any relevant procedural acts shall be null and void.

The court may make the provisional measures referred subject to the lodging by the applicant of security determined in the decision or provisional order and/or without guarantee and shall specify a time limit for the lodging of the action for the main case under article 693 paragraph 1 of the Code of Civil Procedure, which cannot be more than thirty days. If no action is lodged within the said time limit, the injunction shall be lifted ipso jure.

Where the provisional measures are revoked due to any act or omission by the applicant, or where it is subsequently found that there has been no infringement or threat of infringement of

the rights under this law, the court may order the applicant, upon request of the defendant, to provide the defendant appropriate compensation for any injury caused by those measures. Article 64A of the law on Copyright, Related Rights and Cultural Matters provides that right holders may apply for an injunction against intermediaries whose services are used by a third party to infringe a copyright or related right. It is the same for the sui generis right of data base maker.

4. Penalties for copyright infringement

Penalties for copyright infringements are set forth in Articles 65, 66 to 66C of the law on Copyright, Related Rights and Cultural Matters.

5. Requirements for foreign persons

III. Enforcement

1. Enforcement authorities

a) Authorities responsible for enforcing the copyright law

The competent authorities for copyright enforcement in Greece are:

- the police (state and municipality- article 8 of law 2800/2000)
- the customs (article 3 of national customs code-law 2960/2001)
- the tax authorities (article 30 law 3296/2004)

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

The enforcement bodies are entitled to act ex-officio in copyright infringement cases.

The *ex officio* competence of the Police is based on article 8 of law 2800/2000 and article 66 of the law on Copyright, Related Rights and Cultural Matters on criminal penalties where no application of the right holder is mentioned. The *ex officio* competence of the tax authorities – especially of the Special Finance Investigation Service (YPEE) is based on article 30 of law 3296/2004 according to which among other things this service is competent for copyright protection.

The *ex officio* competence of Customs is based on the European Union Regulation 1383/2003.

c) Courts dealing with copyright cases

There are special divisions in the regular courts dealing with civil cases (article 3 § 26 of law 2479/1997).

There are special Courts of First Instance in: Athens (Roll ΣΤ1'), Thessaloniki (Rolls Η' & Λ') & Piraeus (Roll 1st). There are special Courts of Appeals in Athens (18th Section), Thessaloniki (4th Section) & Piraeus (5th Section).

2. Enforcement at the border

Section A for custom infringement and smuggling of the 33th Division of Customs, is responsible for the illegal import or export of copyright protected goods. The relevant procedure is regulated by European Union Regulation 1383/03.

According to article 14 of this regulation in the case of goods suspected of infringing design rights, patents, supplementary protection certificates or plant variety rights, the declarant, owner, importer, holder or consignee of the goods shall be able to obtain the release of the goods or an end to their detention on provision of a security, provided that:

(a) the customs office or department has been notified, that a procedure has been initiated within the period provided for to establish whether an intellectual property right has been infringed under national law

(b) the authority empowered for this purpose has not authorised precautionary measures before the expiry of the time limit laid down

(c) all customs formalities have been completed

The security provided for in paragraph 1 must be sufficient to protect the interests of the right-holder. Payment of the security shall not affect the other legal remedies available to the right-holder. Where the procedure to determine whether an intellectual property right has been infringed under national law has been initiated other than on the initiative of the holder of a design right, patent, supplementary protection certificate or plant variety right, the security shall be released if the person initiating the said procedure does not exercise his right to institute legal proceedings within 20 working days of the date on which he receives notification of the suspension of release or detention.

According to article 14 of the European Union regulation 1383/03 only in the case of goods suspected of infringing design rights, patents, supplementary protection certificates or plant variety rights, the declarant, owner, importer, holder or consignee of the goods shall be able to obtain the release of the goods or an end to their detention on provision of a security.

According to article 14 of the regulation if, within 10 working days of receipt of the notification of suspension of release or of detention, the customs office referred to in Article 9(1) has not been notified that proceedings have been initiated to determine whether an intellectual property right has been infringed under national law in accordance with Article 10 or has not received the right-holder's agreement, release of the goods shall be granted, or their detention shall be ended, as appropriate, subject to completion of all customs formalities.

Destruction of the seized goods may take place according to the provisions of article 11 of the regulation.

De minimis import exceptions may be found in Greek customs legislation.

Legislation – Enforcement

1. The Committee for the Amendment of the Copyright Law consummates approximately at the beginning of 2009 its proceedings.

2. The necessary Ministerial Decree for the activation of the administrative sanctions has been issued (article 65A Act no 2121/1993)

(<http://web.opi.gr/portal/page/portal/opi/info.html/lawelib?LLtype=5>). To normalize the application of this Ministerial Decree and to clarify some enforcement matters a Manual was published by OPI

(<http://web.opi.gr/portal/page/portal/opi/info.html/measures.html/prostimo.html>).

3. A ministerial decree has recently been issued by the deputy Minister of Development. In this decree the procedure of confiscation, destruction or disposal of illegal merchandises traded by means of outdoor commerce is regulated (K1-1178/25-06-2007 regulating paragraph 11 of Act n° 3377/2005). For the activation of this decree contacts have been established with the

Municipality Police in Athens and with IPEE. Additionally a meeting was called in the Ministry of Development with the competent authorities in order all the necessary details of this decree to be organized.

IV. Public Awareness

1. Awareness campaigns and actions

Activities regarding combat of piracy by the Hellenic Copyright Organization (OPI)

Education

First Degree Education/Elementary School:

1. Two programs for the youth generation education were realized in 2008. The first program, which was co-organised with Microsoft, had as target the pupils of the last year of elementary school and was a contest to create the best poster for the protection of Copyright. A relevant pamphlet containing the basic copyright notions has been distributed to the schools and so were the competition details (http://www.lavmeros.gr/copyright_07-01-2007.pdf).
2. In September 2009 a chapter on copyright will be included in a school book for the last grade of elementary school. This program targets both pupils and teachers through participation of both in common copyright related activities. Each of those groups (teachers and pupils) will function as motivation for the other to be involved in copyright activities.
3. A Manual for the elementary school explaining in a comprehensive way the basic notions of copyright to the pupils has been published (<http://www.opi.gr/opifiles/odigoi/dimotiko.pdf>) and is distributed in various occasions, such as in children and youth book fairs.
4. Additionally a Manual for teachers regarding the basic notions of copyright has also been published (<http://www.opi.gr/opifiles/odigoi/daskaloi.pdf>).
5. A website was designed in order to host the competition and to function as an information source for copyright on the internet for the young generation (www.lavmeros.gr). This website was awarded the first Ermis Award prize in the category “Web-sites – Public Organizations” in Web Awards 2008.
6. A WIPO comic that presents copyright in a very descriptive and comprehensible for children manner was translated in Greek after having acquired the necessary permission from WIPO. The comic is published on the internet on the same website where the competition is hosted (<http://www.lavmeros.gr/Copyright.pdf>) and on OPI’s website (http://www.opi.gr/opifiles/odigoi/markos_el.pdf). It is also available in hard copy.
7. We have placed under the auspices of OPI a theatrical play for children that describes the theft of copyright in the most appropriate way for children and spreads the respect for copyright. The event was well received and enjoyed a wide publicity in mass media.

Secondary Degree Education/ High Schools & Lyceums:

1. The second program has as target the **High School and Lyceum students**; it was a competition with subject the creation **of the best slogan against piracy**. Very tempting prizes had been established for this competition (such as two trips to LA-Hollywood, laptops and the like), that have caused an immense participation. This program was organised in cooperation with the Collecting Societies.
2. A **Manual for the secondary education** explaining in a comprehensive way the basic notions of copyright to the students has been published and distributed in various occasions, such as children and youth book fairs.

3. A **website was designed** in order to host this competition too and to function as an information source for copyright on the internet for the young generation (www.lavmeros.gr).
4. College students **visit the premises of OPI**. After short introduction to the basic notions of copyright very interesting and informative dialogues occur among the students and the staff of OPI.

2. Promotion of legal exploitation

Small and Medium Enterprises

The OPI has co-organised with the Chamber of Commerce in Rethimno and the Industrial Property Organization an informative seminar regarding Creative Industries in the premises of the Chamber of Commerce in Rethimno. During the seminar the interest for the small and medium enterprises copyright aspects were presented.

A very analytical Manual explaining the most interesting aspects of copyright for the small and medium enterprises has been published (<http://www.opi.gr/opifiles/odigo/epixeiriseis.pdf>). The risks for those enterprises that arose from the use of pirated and counterfeited products are therein highlighted.

Seminars

OPI organized over 20 educational seminars during the last year for judges, lawyers, police and custom officers, officers of IPEE, librarians, journalists, musicians, small and medium enterprises, students, directors, script-writers and the wide public (see analytically at our website <http://web.opi.gr/portal/page/portal/opi/newsall/event> in English).

3. Associations and organizations with awareness-raising purpose

4. Best practices

1. OPI has celebrated the World Intellectual Property Day, on the 6th May 2008 with remarkable success for the third time. In the celebration took part the Ministry of Foreign Affairs, Ministry of Development, the Industrial Property Organization, collecting societies and other institutions. The activities enjoyed a wide publicity in mass media. The celebration of this IP Day focused primarily on education and the prizes for the two school copyright contests were awarded by celebrities.
In the celebrations of the World Intellectual Property Day, on the 25th and 26th of April 2007 among the various activities were included two theatrical plays, one for children and another one for adults, especially written for this Day. They also included a photography exhibition, popular Greek and jazz music concerts as well as speeches and talks on copyright, patents and trademarks. There was also a dance event, the choreography of which was especially created for this Day using as a theme the idea of Copyright. In the celebration took part the Ministry of Development, the Organization for Industrial Property, collecting societies and other institutions. The activities enjoyed a wide publicity in mass media (TV news bulletins and reviews in 10 newspapers).
2. A telephone card was issued with the topic of the celebration of World Intellectual Property Day in the framework of the relevant activities.
3. 11 educational guides were published by OPI regarding the basic notions of copyright and addressing the special needs of different groups of interest (<http://web.opi.gr/portal/page/portal/opi/info.html/infopi.html>).
4. Spots on creativity & innovation as well as radio public service announcements were broadcast by public and private TV and radio stations throughout the World IP Day Celebrations. Additionally, another TV spot on software piracy was broadcast by public

and private TV stations alike, as a public service announcement. Finally a radio public service announcement is being broadcast during Christmas and New Years' Eve holidays.

5. A summer campaign was realized so as to deter the public from buying counterfeited and pirated cds and dvds. It was broadly published in newspapers.
6. In the spirit of introducing the public to the general notions of copyright, additional interviews were either published in newspapers or broadcast on TV stations.
7. Awards were presented to certain departments of Police and the Ministry of Economy & Finance – Special Finance Investigation Service (IPEE) by the OPI, the EPOE, the IFPI and the BSA as recognition of their contribution in combating piracy.
8. OPI has presented in a press conference a newly established antipiracy coalition of four antipiracy entities (EPOE, BSA, IFPI and TMEye). The main target of this antipiracy coalition is to join forces to combat piracy and to educate and inform the wide public about the legal, political, social and economic consequences of piracy.
9. The OPI website was completed at the end of March 2008 and offers a range of online services to the public and the groups of special interest. More importantly, it contains a section dedicated to piracy, practical information on the enforcement of administrative penalty and the ministerial decree for the illegal trade in flea markets, digital library for copyright matters, educational material and newsletter.
10. OPI has already submitted an application for the 4th Community Support Framework in order to receive finance support for some additional educational material, for the creation of an open to the public library, for seminars and for education and awareness of small and medium enterprises.

V. Capacity-building

1. Training

Police Officers

1. A number of seminars for the training of police officers concerning recent legal developments as well as problems arising from selling counterfeited and pirated goods were held in Athens and Thessaloniki. Additionally OPI gives to police officers on a daily basis clarifications of the questions that the recent implementation of the Ministerial Decree for the administrative penalties gave rise to.
2. Seminars regarding basic copyright issues were also given to the Police Academy with the view to educating future officers.

Customs Officers

Seminars for the training of customs officers concerning recent legal developments as well as the problems arising from selling counterfeited and pirated goods were held in Athens and Thessaloniki.

Higher Civil Servants

OPI has started educating Civil Servants by incorporating a Copyright course in the official training seminars of Higher Civil Servants with the co-operation of the Institute of Education – National Centre for Public Administration (Ministry of Internal Affairs). The first one took already place in Thessaloniki (“Applications of Modern Technology in Culture”, 30th-31st of October 2008)

and two more took place in 2009 (January 8th-9th, 2009 in Loutraki and February, 26th-27th, 2009 in Athens).

2. Establishment of specialized units and intersectoral groups

- Creation of a Task Force

A task force was formed by the Hellenic Copyright Organization. There was attendance by representatives of various Ministries and Authorities (Ministry of Foreign Affairs, Ministry of Economy & Finance, Ministry of Justice, Special Finance Investigation Service (IPEE) and customs administration, the Hellenic Police, the Municipality Police, the Central Union of Municipalities) and the private sector (MPA/EPOE, BSA and IFPI). The objective of the Task Force was to exchange information on piracy developments, to track down the problems and to look for possible solutions. This task force has met several times but is no longer active, since the Coordination Committee has been established.

All the relevant authorities and the enforcement bodies have an excellent cooperation. Meetings among them take place very often in order to confront concrete problems effectively.

- Creation of an Inter-ministerial Co-ordination Committee

In 2008 an Intellectual Property Inter-ministerial Coordination Committee was set up at the level of General Secretaries of the Ministries a) of Foreign Affairs, b) of Internal Affairs, c) of Economy & Finance, d) of Development, e) Justice, f) of Culture, and the Presidents/Directors of the Hellenic Copyright Organisation and the Industrial Property Organisation. The aim of this Committee is to better coordinate the actions of the relevant authorities with regard to the effective protection of intellectual property rights in accordance with national, Community and international obligations. The aim of this Committee is to track inefficiencies and on this basis make proposals to the Government for combating piracy and counterfeiting products.

The aforementioned Committee was established through Ministerial Decree Π48-7542/ΑΣ 3540 (Official Gazette 575/B/3.4.2008). Although there is no official national strategy regarding the enforcement of IP rights and the fight against counterfeiting and piracy, each authority has its own strategy measured to its goals, interests and competences. The aforementioned Inter-ministerial Coordination Committee will make proposals in 2009 for a unified and coordinated strategy.

3. Best practices

A number of meetings have been realized and some further ones are scheduled to combat the problem of internet piracy. The first weapon to this battle is the establishment of a trustworthy co-operation with the ISPs and towards this direction serious efforts are being made.

A meeting with ISPs, OPI and the Collecting Societies took place in January 2008, in order to find the best way to achieve a balance among the different stakeholders. OPI has established also contacts for the same subject with representatives of the National Regulatory Authority, which supervises and regulates the telecommunications and with the Committees of the Ministry of Justice that amend the relevant telecommunication laws. A Public Consultation for the internet piracy and the role of ISPs was conducted by OPI and was running till end of May 2008 (<http://web.opi.gr/portal/page/portal/opi/contact.html/consultation.html>).

In international context Greece has requested that the issue of the ISPs' liability and of internet piracy be a topic in the proceeding of the Advisory Committee of Enforcement (ACE) in WIPO and to be included as a negotiation item in the anti-counterfeiting Trade Agreement (ACTA).

Within the general framework of the coordination of all the relevant authorities OPI has realized a number of meetings with the Ministry of Foreign Affairs, the Ministry of Internal Affairs, the General Secretary of the Minister of Finance, the Greek Police, the Special Tax Police (IPEE), the Public Prosecutors, high rank representatives of the judicial Body, the Municipality Police in Athens and Thessaloniki and the American and French Embassies. Those meetings were aiming at the effective enforcement of copyright and the enforcement of the administrative penalty and the ministerial decree for the illegal trade in flea markets.

A request was made to the relevant authorities to keep statistics records and send them on a regular footing to OPI.

Participation of OPI to the Intellectual Property Coordination Committee and its Working Group
This Coordination Committee has been formed on April 3,2008, and functions at the level of the General Secretaries of the relevant Ministries and representatives of other authorities (Ministry of Foreign Affairs, Ministry of Internal Affairs, Ministry of Finance, Ministry of Development, Ministry of Justice, Ministry of Culture, Mayor of Athens, Hellenic Copyright Organisation and Hellenic Industrial Property Organisation). The aim of this Committee is the coordination of actions of the relevant bodies regarding the protection of intellectual property rights according to international and national obligations and to propose measures to better protect intellectual property rights, including measures to combat piracy and counterfeiting products.

Participation of OPI, representing the public sector of Greece, to the “Best practice project on IPR Enforcement support measures”

The Best practices project, an initiative from the European Commission (Enterprise and Industry Directorate General), aims at sharing experience between Member States authorities and industries and to make policy recommendations in this area. The Best practices project focuses on enforcement, an area where there is manifestly much less support and information for business, as compared to information on registration of IPR, and general awareness.

VI. Other

1. TPM/DRM

The protection of Technological Measures and Rights Management Information is available under articles 66A and 66B of the law on Copyright, Related Rights and Cultural Matters respectively.

Article 66A: Technological Measures

(1) The term technological measures means any technology, device or component that, in the normal course of its operation, is designed to prevent or restrict acts, in respect of works or other subject-matter, which are not authorized by the right holder of any copyright or any right related to copyright as well as the sui generis right of the database maker. Technological measures shall be deemed effective where the use of a protected work or other subject-matter is controlled by the right holders through application of an access control or protection process, such as encryption, scrambling or other transformation of the work or other subject-matter or a copy control mechanism, which achieves the protection objective.

(2) It is prohibited to circumvent, without the permission of the right holder, any effective technological measure when such act is made in the knowledge or with reasonable grounds to know that he is pursuing that objective.

(3) It is prohibited without the permission of the right holder, to engage in the manufacture, import, distribution, sale, rental, advertisement for sale or rental, or possession for commercial purposes of devices, products or components or the provision of services which: a) are promoted, advertised or marketed for the purpose of circumvention of, or b) have only a limited commercially significant purpose or use other than to circumvent, or c) are primarily designed, produced, adapted or performed for the purpose of enabling or facilitating the circumvention of any effective technological measures.

(4) The practice of activities in violation of the above provisions is punished by imprisonment of at least one year and a fine of 2.900 to 15.000 Euro and entails the civil sanctions of article 65 Law 2121/1993. The One-Member First Instance Court may order an injunction in accordance with the Code of Civil Procedure, the provision of article 64 Law 2121/1993 also being applicable.

(5) Notwithstanding the legal protection provided for in par. 2 of this article, as it concerns the limitations (exceptions) provided for in Section IV of law 2121/1993, as exists, related to reproduction for private use on paper or any similar medium (article 18), reproduction for teaching purposes (article 21), reproduction by libraries and archives (article 22), reproduction for judicial or administrative purposes (article 24), as well as the use for the benefit of people with disability (article 28A), the right holders should have the obligation to give to the beneficiaries the measures to ensure the benefit of the exception to the extent necessary and where that beneficiaries have legal access to the protected work or subject-matter concerned. If the right holders do not take voluntary measures including agreements between right holders and third parties benefiting from the exception, the right holders and third parties benefiting from the exception may request the assistance of one or more mediators selected from the list of mediators drawn up by the Copyright Organization. The mediators make recommendations to the parties. If no party objects within one month from the forwarding of the recommendation, all parties are considered to have accepted the recommendation. Otherwise, the dispute is settled by the Court of Appeal of Athens trying at first and last instance. These provisions shall not apply to works or other subject-matter available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them.

Article 66B: Rights - Management Information

(1) The expression rights management information means any information provided by right holders which identifies the work or other subject-matter protected by a related right or the sui generis right of data base maker, and which identifies the author or any other right holder, or information about the terms and conditions of use of the work or other subject-matter, and any numbers or codes that represent such information.

(2) It is prohibited for any person to knowingly perform without the permission of the right holder any of the following acts: a) the removal or alteration of any electronic rights-management information, b) the distribution, importation for distribution, broadcasting, communication or making available to the public of works or other subject-matter protected by a related right or the sui generis right of data base maker, from which electronic rights management information has been removed or altered without authority, if such person knows, or has reasonable grounds to know that by so doing he is inducing, enabling, facilitating or concealing an infringement of any copyright or related right or the sui generis right of data base maker.

(3) The violation of the above provisions is punished by imprisonment of at least one year and a fine of 2.900 to 15.000 Euro and entails the civil sanctions of article 65 Law 2121/1993. The One-member First Instance Court may order an injunction in accordance with the Code of Civil Procedure, the provision of article 64 Law 2121/1993 also being applicable.

2. Licensing Schemes

3. Optical Discs

4. Hotlines

5. Contact Details

Links to websites of bodies engaged in copyright enforcement and antipiracy activities

Hellenic Copyright Organization- www.opi.gr

EPOE-MPAA (Audiovisual sector) - <http://epoe.hr1.gr/>

BSA (Software)- <http://w3.bsa.org/hellas/>

IFPI (Music)- <http://www.ifpi.gr/>

Links to antipiracy public awareness materials

www.opi.gr

www.lavemeros.gr