

Developments in the sector of piracy – 2005 up till now

Meetings - Conferences

On **14 January 2005** the Director of the Hellenic Copyright Organization (OPI), Ass. Prof. Mr Polyzogopoulos, has participated in an antipiracy meeting, which was organized in Rhodes with initiative of EPOE - MPA.

In May 2005 the First Athens Music Forum was organized by the television channel MAD-TV. OPI was represented by his Director, who held a speech for the activities of OPI.

On **3 November 2005**, a meeting with representatives of OSDEL (Greek collecting society for literary works) the EPOE (Company of Protection of Audiovisual Work), IFPI and BSA Hellas took place in the premises of OPI. Aim of meeting was the collaboration between the above-mentioned organizations and the submission of proposals to combat piracy.

On **15 November 2005** OPI participated in educational-informative seminar against piracy that was organized by the American Consulate in Thessaloniki and aimed at the education of the Authorities of North Greece - mainly the officers of Police and the employees of the Custom Agencies – about the identification ways of pirate copyrighted work (CDs and DVDs). The director of OPI informed the representatives of the Authorities about the developments in OPI as well as about the antipiracy activities that has been undertaken in this regard by the Organization.

On **22 November 2005** OPI took part in a meeting with the subject “The protection of copyright” that was organized by the Tax Police (YPEE) and BSA Hellas to educate about the identification ways of pirate software in the supervised enterprises. In the meeting participated the General Secretary of Ministry of Finance, superior executives of YPEE, as well as members of BSA Hellas. The director of OPI exposed the relative antipiracy activities of Organization in his speech.

On **12 December 2005** OPI participated in a meeting that the Ministry of Foreign Affairs has organized with regard to combating of the distribution and the marketing of counterfeited and pirated products in the Greek market. In the meeting participated representatives of the Minister of Foreign Affairs, the General Secretary (G.S.) of Trade, the G.S. of Consumer Protection, the G.S. of YPEE, the Hellenic Police, the Customs Agencies, as well as representatives of the private sector from the field of music,

audiovisual and software industry, fields where piracy creates the major problems. The director of OPI hold a speech regarding not only the phenomenon of piracy in the Greek market but also the initiatives and actions that has been undertaken by OPI to combat piracy.

On **7 February 2006** OPI participated in a meeting for the celebration of “Safer Internet Day” where among other issues internet copyright piracy was also discussed and Mrs Evangelia Vagenas, attorney at law of OPI, presented the relevant problems. Users were informed on how to avoid committing copyright infringements and rightholders were informed on how to protect their work when exposed on the net.

OPI participated also in the proceedings of the third meeting of Advisory Committee on the Enforcement of Intellectual Property, in WIPO. The Meeting took place in Geneva, in the **15 until 17 May 2006** and dealt with the subjects of the awareness raising, the training of law enforcement officials and the education of adult consumers and young generation in the field of Intellectual Property. The proceedings were attended by Mrs M. Daphne Papadopoulou, attorney at law of OPI.

OPI’s representative Mrs Maria Sinanidou, attorney at law, is currently attending the proceedings of the Conference "European Content and CopyRight policy" organized by the EU Finish Presidency at Helsinki on **13-14 July, 2006**. According to the program special emphasis will be given to the online licensing schemes.

Copyright piracy and law enforcement in the digital environment

OPI had the initiative to start a debate on the issue of law enforcement regarding internet copyright piracy and problems related to the suspected infringers’ identity authentication.

At an initial stage a meeting of all the collecting and protecting societies supervised by OPI took place in our premises in order to map the arising problems and trace the possible solutions (**18.5.2006**).

The discussions with the collecting societies led to the conclusion that it is not possible to obtain the necessary authentication elements by the ISPs in order to identify the suspected infringer by his IP address due to the legislation regarding the protection of personal data and the secrecy of communications. This provokes mainly problems in the case of unauthorized peer to peer exchange of files containing copyright protected works.

At a second stage OPI invited representatives of the Division against Cybercrime of the Hellenic Police, of the Hellenic Authority for the Information and Communication Security and Privacy (ADAE) and of the Hellenic Data Protection Authority, in order to present them the practical problems arising from the existing legislation and to attempt to find a balanced solution among the different rights at stake (**14.6.2006**).

OPI was informed that a standing committee has been formed in order to proceed the amendment of the initial law 2225/1994 which provides for the terms and conditions of waiving privacy protection rights related to the secrecy of communications and especially for the concrete crimes that a waiver can occur. Prof. Kotsiris has sent as President of OPI a letter to this standing committee in order to present the abovementioned problems and to request to take them into consideration by examining the possibility to include copyright infringements in the crimes for which a waiver is possible.

Education - Raising awareness

The issue of education and awareness raising is considered particularly relevant for the effective intellectual property enforcement.

For this reason on April 26th Greece celebrated the World Intellectual Property Day with an exhibition organised by OPI and the Industrial Property Organisation. Many collecting societies representing copyright and related rights holders participated in the event together with the Ministry of Development, Ministry of Foreign Affairs and the Ministry of Rural Development & Food. The public had the opportunity to visit the premises, talk with representatives of the participants and collect relevant material. In the context of this exhibition a press conference took place where the relevant Ministers referred to the subject and the importance of the intellectual property nowadays.

In addition, the WIPO TV and radio public service announcements were being broadcasted by public and private TV and radio stations throughout the day. It is also planned the relevant WIPO spot to be broadcasted in cinemas.

There were also a couple of interviews of the Director of OPI which were published in newspapers and aimed at alerting the public regarding the notion of Intellectual Property in general.

For the education of the young generation two programmes have been launched. One is organised with the co-operation of Microsoft and targets the pupils of the last grade of elementary school. A pamphlet with the basic notions of copyright is scheduled to be distributed and at the same time a competition will be announced in the different categories of copyright work (literature, painting, dance, etc). The results of this competition will be announced during the World IP Day in 2007.

A second programme refers to the students of High Schools and Lyceums and has as subject the creation of the best slogan against piracy. This programme is organised in cooperation with EPOE-MPA, IFPI and BSA.

In order to educate also the judges about Copyright, OPI has taken initiatives on the one hand to include the course of copyright in the curriculum of the Judge's Institute (the institute, which trains the junior judges) and on the other hand to organize a colloquium for judges on Copyright to interact with and learn copyright law from experts from various countries and WIPO.

Statistics

In response to the rising concerns about the phenomenon of piracy OPI attempts to launch a project to assess the effects of counterfeiting and piracy on economies. For this reason OPI plans to create a project in co operation with the Athens University of Economics and Business, Statistics Division and to collect statistical data regarding the infringement of copyright generally and piracy.

Legislative amendments – Copyright Law Reform

The 1993 Copyright Law (Law No. 2121/93, as amended) is in the process of being amended. One amendment would give copyright infringers the option of paying an administrative fine in lieu of criminal prosecution. The administrative fine aims to guarantee that the copyright infringer will “suffer” a substantial loss of profits. If adopted, it will operate as follows: street vendors caught in possession of up to 200 music CDs and up to 50 DVD-Rs will be given the opportunity to pay an administrative fine of 25 euros for each music CD and 50 euros for each DVD-R. This amendment is still in the legislative stage, but is expected to be voted on by the Parliament soon.

With respect to other legislative reforms, the proposed administrative fine amendment has been included in the same Draft Bill as measures to implement the Enforcement Directive and the Droit de Suite.