

**ANNUAL REPORT OF THE HELLENIC COPYRIGHT ORGANIZATION (OPI) ON
ACTIONS AGAINST PIRACY
2011**

Foreword: Hellenic Copyright Organization (OPI) is placed under the supervision of the Ministry of Culture and Tourism. Within this framework, Hellenic Copyright Organization supervises the operation of the system for protecting authors and related rights rightholders; safeguards the rights of users and the public; balances the interests of copyright sectors with those of industrial property sectors; incorporates and adjusts in Greece the latest evolutions at European Union and international level, contributing in this way to the promotion of creativity and culture. The fight against copyright piracy is one of OPI's top priorities. Its policy against copyright piracy is focused at two major goals:

a) *effective copyright protection and enforcement* and

b) raising *public awareness* and *shaping public mentality* on the issue of copyright protection.

The issue of *internet piracy* and the role of ISPs has been central to all of OPI's actions during the past years. For this reason, a separate paragraph at the end (under "C") summarizes the main actions OPI has undertaken in this field.

A. Effective copyright protection and enforcement

Legal framework

- OPI has addressed letters at the standing committee dealing for the reform of the legal framework regarding electronic crime asking that copyright infringement is included in the crimes for which secrecy of communications does not apply. This is an important issue since

most copyright infringers cannot be pursued because of protection of their IP address as personal data and as an element covered by the law on secrecy of communications. It should be noted that OPI has been raising this issue during the past years with the aim to achieve the reform of the relevant law stipulations.

- OPI has organized meetings with representatives of the collecting and collective protection societies in order to find solutions to current problems such as piracy and especially copyright piracy; enforcement of the administrative penalty in cases of copyright infringement; amendments in copyright legislation, and the prospect of global licence for internet uses of works.

Enforcement- litigation

- OPI has sent a letter to the Prosecutor of the Supreme Court (Areios Pagos) asking him to renew his Circular on the need of enforcement of the penalties for copyright infringement.
- OPI has intervened on 07/11/2011 in the hearing of the court cases of the collecting and collective protection societies “AEPI”, “ATHINA”, “EPOE”(the greek branch of MPA) και “GRAMMO”(the Greek branch of IFPI) against 11 major ISPs in Greece. The societies asked the ISPs to take every possible measure to block the access to two sites which obviously were making available protected works without authorisation. OPI has filed a written intervention for each one of these cases supporting the claims of the societies. Moreover, the Director of OPI testified at the hearing as an expert witness. The decision is expected soon.

Co-operation with other authorities

- OPI has held meetings with financial police, tax police and the Ministry of Foreign Affairs regarding the issue of copyright piracy.
- OPI has participated and sent proposals to the meeting of the National Task Force for combating counterfeited goods in the framework of the General Directorate of Customs, of the

Ministry of Finance as well as in the meeting which took place at the Ministry of Commerce for intellectual property issues.

- OPI has participated in the meeting of the Working Group of the IPR Co-ordination Committee of the Ministry of Foreign Affairs. OPI has been actively involved in the IPR Co-ordination Committee which has been set up by the Decision of the Minister of Foreign Affairs Π48-7542/ΑΣ 3540/22.03.2008 (Gazette B' 575/03.04.2008), which is responsible for the coordination of all intellectual property issues and for putting forward to the government of all the necessary actions and measures to be taken for the protection of intellectual property and the fight against piracy.
- OPI has strongly supported also through the issuing of Press Releases the creation of a Special Service in Greek Police for fighting Copyright Infringement and of a Special Department for the Protection of Software and Copyright which were finally set up in March 2011 by the Presidential Decree 9/2011. Since then, it is in constant communication with the Special Service on issues related to the best copyright law enforcement to be implemented.
- OPI has strongly supported also through the issuing of Press Releases the creation of New Departments for Copyright Protection in the Tax Police (SDOE), which were set up in January 2011, and it is in constant communication with them regarding the enforcement of copyright law and especially the enforcement of the administrative penalty.

B. Raising Awareness-shaping mentalities

- **Constant update of the content of the Observatory for Piracy on the OPI's website (<http://web.opi.gr/portal/page/portal/opi/info.html/techhelp.html>).** The 'Observatory for Piracy' includes the entire relevant legal -national and European Union- framework, the competent authorities, the collecting and the collective protection societies -at national and international level, the relevant national jurisprudence and the latest developments regarding copyright

infringement. Finally, a number of useful national, European and international links are mentioned. The ‘Observatory for piracy’ is a dynamic website constantly updated with the latest copyright developments.

- **Statistics:** Update of OPI’ database including statistics from courts regarding the amount of the copyright cases discussed, their outcome and the penalties imposed as well as from the Greek Police and the Municipality Police regarding the application of the provisions regarding the administrative penalty and the seizures of the counterfeited items.
- **Celebration of the World Intellectual Property Day :** In April 2011 OPI has created an original poster and postcards which were distributed at the cinemas all over Greece on the occasion of the World Intellectual Property Day (26/4/2011). All the material was also sent to the press, the public administration, the local authorities, the education institutions, bar associations and other concerned bodies. See at http://web.opi.gr/opifiles/img/poster_2011_web_big.jpg
- **Raising awareness regarding software piracy:** OPI has issued a Memo regarding BSA (Business Software Alliance) letters to companies on the submission of statutory declaration they ought to submit. See at <http://web.opi.gr/portal/page/portal/opi/newsall/news/BSA>
- **Local administration authorities:** OPI has issued a Memo regarding the administrative license about the use and operation of music or music instruments in sanitary establishments granted by the responsible Local Government Organizations in order to inform the local authorities and the concerned professionals. See at <http://web.opi.gr/opifiles/memos/ota.pdf>
- **Seminars- congresses:**
 - From 2 until 3 June 2011 OPI has taken part in the 6th International Congress of the Hellenic Telecommunications and Post Commission (EETT) «Advanced Communication Infrastructures as a Cornerstone for Europe's Digital Agenda». OPI’ s director made a presentation on the issue of online copyright piracy and the role of ISPs. See at <http://www.eett.gr/conference2011/index-eng.htm>

- On 9/6/2011 in the framework of the actions for the Observatory for the digital book, OPI in cooperation with EKEBI (the National Book Center of Greece and the Society of Authors) has organized a seminar on copyright issues for authors and translators with emphasis on the digital use of their works. The seminar was hosted at the Ministry of Culture and Tourism. All presentations are available here: <http://ebooks.ekebi.gr/epimorfosi.asp>
- On 19/1/2011 in the framework of the actions for the Observatory for the digital book, OPI in cooperation with EKEBI-the National Book Center of Greece has organized a seminar on the publishers rights in the digital era. The seminar was hosted at the Ministry of Culture and Tourism. All presentations are available at: <http://ebooks.ekebi.gr/epimorfosi.asp>

C. Summary of actions on internet piracy and the role of ISPs:

- OPI has arranged meetings with collecting and collective protection societies in order to find a solution to the problem of internet piracy. In this context, legislative solutions have been discussed such as the prospect of a global licence regarding online uses of works, the adoption of notice and take down systems, etc.
- OPI has made a crucial intervention at the hearing of the case between the collecting and collective protection societies and the ISPs regarding the blocking of access to sites which illegally made available protected works-brought for the first time in the Greek courts-by submitting detailed written notes at the judge and by examining as an expert witness the Director of the Organization (see above details on the hearing of the 9/11/2011)
- OPI has addressed letters to the competent authorities in order to amend the legislation which does not allow the reveal of the suspected copyright infringer hiding behind an IP address at the internet (see above reference to the letter at the standing committee dealing with the reform of the legislative framework regarding electronic crime).

- OPI has tried to form a code of practice and discuss its adoption from the side of ISPs.
- OPI has created a separate section at its site especially for online copyright infringement which is constantly updated with the latest legislative actions and relevant case law on international scale. See at <http://web.opi.gr/portal/page/portal/opi/info.html/diadiktio>
- OPI has been taking part in international conferences and meetings relevant to the issue of online copyright protection (for example congresses of ALAI, congresses of ATRIP) in order to keep in track with the international evolutions on the issue, to learn from the experience of other countries and to suggest to the Ministry of Culture and Tourism the best way to deal with the problem.