

Law 2121/1993

Copyright, Related Rights and Cultural Matters

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Article 66E: Sanctions for Infringements of Copyright and Related Rights on the Internet

1. In cases of copyright or related rights infringement on the internet, the rightholder may follow the procedure provided for in the paragraphs herein. For the purposes of this article, by rightholder is meant the rightholder whose right is infringed on the internet as well as any collective management organisation or collective protection organisation to which has been assigned the collective management or protection of copyright or related rights. Such procedure shall not apply neither to cases of infringement committed by end users by means of downloading of works or streaming or peer to peer exchange of files, which allow for the direct exchange of digital files of works between end users, nor to cases of infringement by means of provision of data storing services through cloud computing. This procedure shall be without prejudice to the procedure provided for in the Regulation on Management and Assignment of .gr Domain names of the Hellenic Telecommunications and Post Commission (EETT), which is specified by EETT's decision.
2. In order for the procedure provided for in this article to have effect, a Committee is formed by decision of the Minister of Culture and Sports for the notification of copyright and related rights infringement on the internet. This Committee shall be assisted by the Hellenic Copyright Organisation (HCO) staff. It shall be a three member Committee consisting of HCO's Administrative Board President substituted with HCO's Administrative Board Vice President, an EETT delegate and his substitute as designated by EETT's President, and a delegate of the Hellenic Data Protection Authority (HDPA) and his substitute as designated by HDPA's President. President of the Committee shall be HCO's President and the EETT's delegate shall be its secretary. The Committee shall have a three (3) year term.
3. By decision of the Minister of Culture and Sports shall be determined the forming, functions and competence of the Committee and any relevant matter. The provisions of article 21 of law 4354/2015 (A'176) as amended by those of article 52 of law 4369/2016 (A'33) shall apply to determine the compensation fee payable to the members of the Committee. The decision of sentence 1 herein shall also determine, as a review fee, the fee payable to HCO by the applicant in conjunction with his application to the Committee. Such fee shall be paid in advance and shall be a prerequisite for the commencement of the procedure.
4. The rightholder shall submit his application for termination of infringement either in person or electronically. He shall fill in the pro-forma application to the Committee, which is available on HCO's website. Attached to this he shall submit all and any document referred to therein as mandatory as well as any additional evidence that may establish his right. For the submission of the application to be admissible, the rightholder must have made use of the corresponding procedure which the provider had determined and which was concluded within reasonable time but with no result.
5. Within ten (10) working days from receipt of the application, the Committee shall either (a) archive the case or (b) follow through the procedure.

a. The case shall be archived by means of a Committee act in which mention shall be made of one of the following reasons:

aa. non use of pro-forma application bb. lack of sufficient information cc. a case is pending between the same parties before the courts or the issuance of a final decision on the dispute at issue dd. lack of competence ee. lack of grounds and lack of sufficient evidence (-apparently unsubstantiated-) ff. withdrawal from the application prior to its review gg. non payment of the review fee pursuant to the provisions of paragraph 3 above.

hh. obtaining a license of use

b. If the procedure follows through, within ten (10) working days from receipt of the application, the Committee shall simultaneously notify the internet access providers and, where possible, the host providers and administrators, and/or proprietors of the websites referred to in the application. Such notice thereof shall include at least the exact definition of the rights allegedly infringed; the law provisions which, by declaration of the rightholder, are violated; a summary of events and the outcome of the evaluation of evidence; the competent person to whom objections may be raised; the conditions upon which the procedure may be terminated and a mention to the voluntary compliance for which the parties involved may opt. The person which receives such notice may voluntary comply to the applicant's claim or obtain from the applicant a relevant permission within ten (10) working days from the date of receipt of the notice. In any other case, he may raise his objections to the Committee within five (5) working days from the date of receipt of the notice whereby he shall simultaneously produce all evidence that explicitly proves that no infringement thereby occurs. Such deadlines may extend to the double upon decision by the Committee. In the case that the person who receives the notice voluntary complies with it, a decision by the Committee is issued in which his voluntary compliance is expressly stated. In the event that a license for use of rights is obtained the case shall be archived. Upon expiration of the deadline for objections to be raised and where deemed necessary the Committee shall ask further evidence to be submitted within five (5) working days.

6. Within five (5) working days from expiration of the above deadlines the Committee shall review the case and in no later than forty (40) working days from the submission of the application, it shall notify of its decision the applicant and the person who receives the notice. In such decision:

a. Where no infringement of copyright or related rights is substantiated, it shall archive the case by issuing a reasoned opinion.

b. Where an infringement is substantiated, it shall issue a reasoned decision in which it shall ask from all those that receive it to comply with it within a period of no more than three (3) working days from the date of receipt by them.

In case that the deadlines set out in paragraph 5 above are extended by decision of the Committee pursuant to the provisions of sentence 7 thereof, the deadline of forty (40) working days referred to in sentence 1 herein shall be extended to sixty (60) working days. Where the Committee substantiates that copyright or related rights are infringed, it shall ask from those that are notified to remove the infringing content from the website where it has been illegally posted or to block access to it. Where the content is hosted on a website whose server is within the Greek territory, the Committee shall ask from those that are

notified the removal of such content. In case of large scale infringement the Committee may decide, instead of content removal, the blocking of access to this content. Where the website is hosted on a server outside the Greek territory, the Committee shall ask the internet access provider to block access to this content.

7. In case of non-compliance with the dictum of the decision, the Committee shall impose a fine of five hundred (500) up to a thousand (1000) Euros for each and every day of noncompliance. The seriousness of the infringement and its repetition shall be amongst the criteria taken into account. The Minister of Finances in conjunction with the Minister of Culture and Sports shall mutually decide on the manner in which the fine shall be imposed and collected, the competent collection authorities and all other relevant matters.

8. The commencement of the procedure before the Committee does not affect or prejudice the right of access to a tribunal for the same dispute. Where, however, the case has been brought to the courts by the same applicant and on the same grounds, the Committee shall archive the case. Also, the issuance of a decision by the Committee does not prevent the interested parties from exercising their right of access to a tribunal for the protection of their legitimate interests”.