

HELLENIC REPUBLIC  
MINISTRY OF ECONOMICS  
ECONOMIC CRIME INDICTMENT AGENCY  
CENTRAL SERVICE  
ECONOMIC RESEARCH DIRECTORATE  
SPECIAL ECONOMIC CASES BRANCH

**Athens, 22.8.2000**

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**TO:** The Regional of the E.C.I.A.

### **ISSUE : Protection of copyrights**

The protection of copyrights is a in the competence of the E.C.I.A. presenting a special tax interest, apart from the defence of the interests of the authors, as established by the lawmaker, because the copyright theft products are usually sold without any taxation evidences. For the better information update of the E.C.I.A. personnel in order to have better knowledge and integrated attitude of such cases in action, the following instructions are issued

#### **Definition of copyrights**

The term copyrights or intellectual property defines the rights attached to the produced work based upon thinking and knowledge of intellectual people, artists, craftsmen and scientists. Some of them are: Books, artistic creations like music and songs, cinema, theatre, as well as all technical creations involving the use of the mind. As such can be named the computer programs, otherwise called SOFTWARE and the electronic games.

Some of theses products that are trafficking today very rapidly and create significant profit are music CDs, CD ROM containing software, movies, rented video tapes, video tapes presented from TV or in special clubs and music centres, video clips, etc.,

The pirates that commit forgery repeatedly do not face special difficulties in the reproduction of fake products since the blank disks have practically no cost and the necessary technical equipment on which the carry out copying is cheap.

#### **Institutional Framework**

The violation of the copyrights constitutes a civil and penal crime, for which very strict penal is described (article 65, L 2121/93 and article 216 of the P.C.). Namely, a person copies by technical means, translates or modifies, circulates or possess in order to circulate, carries in any means, including electronic mean and exploits in general a work that is under copyright, t is punished with one year imprisonment and a fine of five million drachmas. If the profit deriving from the violation is too high, the penalties may be doubled, that is imprisonment of two years and a fine up to ten million drachmas. If the violator acts on a systematic basis or the conditions under which the act is executed indicate that the violator poses a danger to the protection of the copyrights or any neighbouring rights, the imprisonment may rise up to ten years and the fine from five to twenty million drachmas and the operation license of the enterprise used for similar violations is recalled.

#### **Control Procedures**

The E.C.I.A. has the authority for the protection of the copyrights, in accordance to the L. 2343/95.

In cases of intervention in the protection of the copyrights cases, the E.C.I.A. collaborates with interested bodies already established in our country for the specific purpose. As such can be named: the Greek Recordings Producers Union; P.A.W.U: the Protection of Audiovisual Work Union, B.S.A.: Business Software Alliance, the Public Limited Company for the Protection of Copyright.

The Hellenic Copyright Organization (HCO), a Legal Entity of Private Law, supervised by the Ministry of Culture, directs all these. It was founded at the basis of the article 69, L. 2121/93,

with the number 308/6.10.94 Presidential Decree, aiming at the protection of the copyrights of the authors and of the right holders of related rights, as well as with the care to enforce the related legislation.

It should be noted that the procedure regarding the violation of the copyrights legislation is police court and all relevant offenses are prosecuted ex proprio motu.

## **REQUIRED DOCUMENTS AND ACTIONS IN CASES OF COPYRIGHT PROTECTION**

For the control and compilation of a brief, the following documents and actions are required:

1. A control and research order issued by the Supervisor
2. Confiscation report or Delivery – Dissisein Receipt
3. Appointment of a specialized investigator,  
There are two possibilities: First, the attorney appoints one from the catalogue of the First Instance Court; second, the interested bodies (e.g. Protection of Audiovisual Work Union) designate a special investigator  
Telephones: 6542760, 6542764, Greek Recordings Producers Union 6851.739, B.S.A. (Business Software Alliance): 3633.662
4. Specialized investigators oath protocol.
5. Investigators report.
6. Offenders' apology
7. Report of the Sworn Examination of the witness/es
8. Report for the on side committed crimes arrest
9. Plaintiff report and adduction of the defendant to the Attorney.
10. Communication and delivery of the evidences (design)

If there's a weakness regarding the identification of the copyright theft products during the control time and within the police court procedure, an attorney order will be requested and the brief will be compiled as soon as the report of the specialized investigator is delivered.

A series of documents required for the compilation of the brief is attached; this will assist you during your research

The Supervisor

Panagiotis Douvis

## **INTERNAL DISTRIBUTION**

1. OFFICE OF THE SPECIAL SECRETARY
2. D1, D2