

HELLENIC REPUBLIC
SUPREME COURT
PRESIDENT

Athens, May 14th, 2001
Protocol No. 96

To
the directors of the Greek Courts of Appeal and Courts of First Instance, with the plea to notify all judges serving at the court.

According to the Court Inspection Department and after acts on behalf of the competent bodies (Hellenic Copyright Organization, Greek Audio Recording Producers Association, etc), in conjunction with official statistic data, several judges and public attorneys have not yet showed the required sensibility in regard to the imperative need for the protection of Intellectual Property.

Although this is a right primarily worthy of judicial protection (more than the real property), there is still tolerance for persons not at all worthy. These persons violate without demur, for self interest and as a profession, the Law (civil and criminal) and the international conventions providing civil sanctions and penalties for the chastisement of all types of piracy and the effective protection of the author's property or the grantee of his right. Thus, the protection of the beneficiaries is cancelled and creativity –that is the very source of civilization - is adversely affected and our country, which undertook an international responsibility to implement the international conventions, is exposed and considered to be the field of unobstructed criminal activity from those violating the author's rights of the beneficiaries.

Further on, I quote a paragraph from a document coming from an official body.

“We are facing problems with the implementation of the provisions of L 2121/93. Unfortunately, the law is rarely applied in regard to the provided penalties and especially when the prosecuted person is a street vendor foreigner (e.g. an African), who are extremely leniently treated by the judges. That is why the organized crime, which has now undertaken piracy, uses them as resellers. _Piracy is theft and this is how it should be treated by the judicial system, which is responsible for the application of the Law. The illegal CD resellers buy the counterfeit CD for 600 drachmas and sell it for 1,500 to 2,000 drachmas. The apathy that the authorities demonstrate and the leniency of the judges have led the phenomenon of piracy to enormous growth; as a result, the entire music industry declines, people lose their jobs and our country holds one of the first positions among the countries where copyright is violated, thus being internationally exposed. A list of decisions is attached...”

It is my belief that the “leniency” is a result of inadequate information regarding the dimensions that the phenomenon of piracy has taken and the consequences suffered by our country and its economy. Please, adopt a more responsible attitude towards the implementation of the Law, taking into account all the aforementioned.

The President of the Supreme Court

Stefanos Mathias