

**The Greek Committee for the Notification of  
Copyright and Related Rights Infringement on the  
Internet**

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Ministry of Culture & Sports  
Greece



### HELLENIC COPYRIGHT ORGANIZATION

HCO undertakes legislative preparatory work, provides information to the public on copyright and related rights issues, represents Greece before the competent international organizations and the institutions of the E.U....



### TIMESTAMP



### EDUCATION



### COMMITTEE

## HELLENIC COPYRIGHT ORGANIZATION



The Hellenic Copyright Organization (OPI) is a legal entity under private law, located in Athens (5, Metsovou Street) and placed under the supervision of the

## NEWS & ANNOUNCEMENTS



Launching of theLegalBay.gr web site

01/08/2019

## Legal Streaming & Downloading

with safety and respect to the authors



Music



Movies  
Series



Sports



Books



Videogames



Images

[Learn more](#)

**AGORATEKA PROJECT/**[ENJOYLEGAL.GR](https://enjoylegal.gr)



**THE COMMITTEE FOR THE NOTIFICATION  
OF COPYRIGHT AND RELATED RIGHTS  
INFRINGEMENT ON THE INTERNET**

- **An out – of – Court (administrative) procedure** under the aim of effectively dealing with **online piracy**
- Rightholders may request their **content to be removed or blocked**
- **Article 66E Law 2121/1993 & 9 Ministerial Decisions**
- **4 procedures**
- The Committee started operating in **September 2018**

The commencement of the procedure before the Committee **does not affect or prejudice the right of access to the courts for the same dispute.**

However, where the case has been brought to the courts by the same applicant and on the same grounds, **the Committee archives the case.**

RELATION TO THE  
COURTS



**THE PROCEDURES  
BEFORE THE COMMITTEE**



Minister of Culture & Sports



3 years-term

Committee for the notification of copyright and related rights infringements on the internet

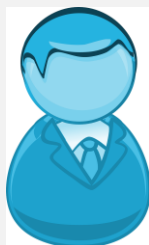
Hellenic Copyright Organization

President



Hellenic Data Protection Authority

Delegate



Hellenic Telecommunications & Post Commission

Delegate

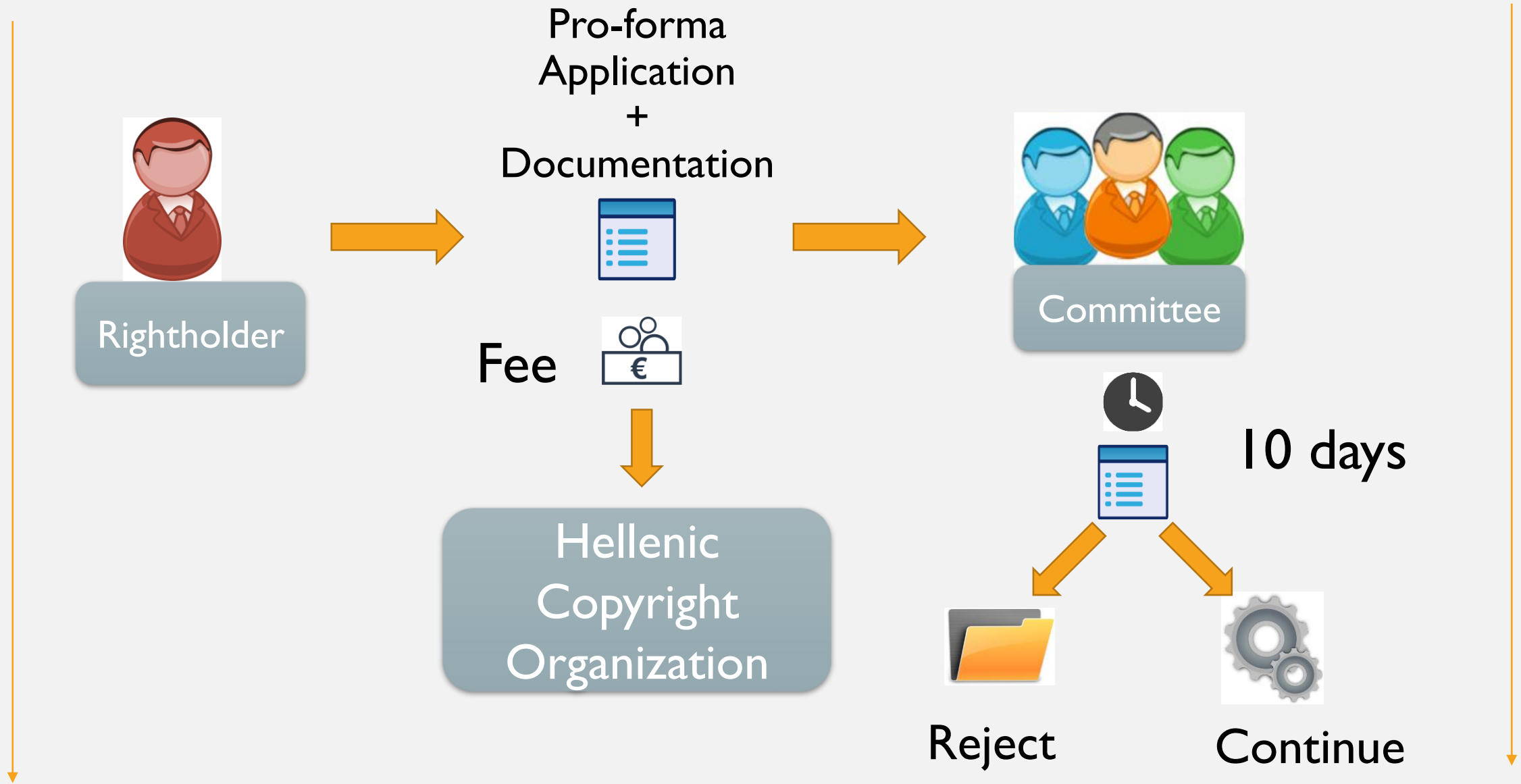




to cases of infringement  
committed by **end-users**

when the rightholder **has  
not priorly made use  
of the relevant notice  
& take down  
procedure** provided by  
ISPs

**THIS PROCEDURE  
OF PARAGRAPH 4  
DOES NOT APPLY:**



## A. The case is rejected in the following cases:



- non-use of the pro-forma application (<https://www.opi.gr/index.php/en/form-en> )
- lack of sufficient information
- a case is pending before the Courts, or a judgment has been delivered between the same parties on the dispute at issue
- lack of competence
- the claim is unsubstantiated
- withdrawal of the application prior to its review
- non-payment of the review fee
- acquired a license of use

## B. PROCEDURE



Committee



Simultaneously  
notifies



10 days

ISP 1

ISP 2

ISP 3

ISP 4

ISP 5



Administrator/Owner of web  
sites

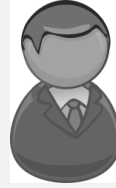
where  
possible

Host Providers

IF THE APPLICATION IS NOT REJECTED AND THE CASE CONTINUES.....

## THE NOTICE INCLUDES AT LEAST:

- the **exact definition of the rights allegedly infringed;**
- the **provisions of the law** which are allegedly violated;
- a **summary of events and the outcome of the evaluation of evidence;**
- the **competent body to whom objections may be raised** (Committee);
- the **conditions upon which the procedure may be terminated;**
- the **possible voluntary compliance** of the recipient.



Notice recipient



5 days

10 days

5 days



Voluntary  
compliance to the  
applicant's claim

Acquire a  
license

Object + produce evidence  
that no infringement has  
taken place

Deadlines may be doubled upon the Committee's decision

In the case where the recipient  
complies voluntarily...



Decision

... a Decision is issued confirming  
his compliance.

In the case where objections are raised...



Objections



+ 5 days



the Committee may require the submission of further evidence by all the parties involved

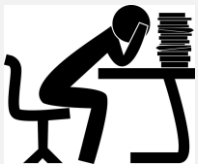




Committee



reviews the case  
(within 5 working  
days)



notifies both parties of  
its decision (within 40  
working days from the  
submission of the  
application)



no infringement

Rejected



infringement

The Committee issues a reasoned  
Decision ordering ISPs to comply  
with its operative part within **48  
hours** from its receipt.

More specifically, if a copyright/related rights infringement is assessed, the Committee asks ISPs to...

Remove  
content

OR

Block  
access

- If the content is hosted on a website whose server is **within the Greek territory**

- Website whose server is **outside the Greek territory**
- **Large scale infringements** (*discretion*)



IN THE CASE OF AN APPLICATION FILLED BY A **PUBLISHING COMPANY**, THE INFRINGER COMPLIED **ONLY A FEW HOURS** FOLLOWING THE DISPATCH OF THE NOTICE AND REMOVED THE **INFRINGING CONTENT** FROM **BOTH THE WEBSITE & SOCIAL MEDIA.**

## ADDITIONALLY...

The Committee may take any other measure deemed as appropriate that aims at the **discontinuation** of the infringement, the **prevention of recurrence** or/and the **prevention of infringement**.

# In the case of non-compliance with the operative part of the Decision...



Committee



Fine

**500 - 1000 €**

for each and every day of non-compliance

(depending on the severity of the infringement, its recurrence, etc.)

# DYNAMIC (?) INJUNCTIONS

## 2<sup>nd</sup> procedure

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If a (new) violation or a repetition of the infringement which had been determined by the Committee **is threatened** in any technical way...

- A **new (supplementary) application** is filed
- **NO review fee BUT evidence** is needed to prove the infringement or threat of repetition of infringement
- The procedure is **shorter: 5 days** for the proprietor or administrator of the websites and/or DNs to present his/her views.
- The Committee issues the respective Decision **after 10 days.**

**AND IF THIS SOUNDS TOO  
COMPLICATED ...**

... just have a look to the relevant infographic

[https://www.opi.gr/images/various/infographic\\_en.jpg](https://www.opi.gr/images/various/infographic_en.jpg)

# Complaints procedure for online copyright infringement

**The Rightholder**  
submits:

- A** Pro-forma application
- B** Supporting documents
- C** Review fee



**The Committee**  
decides:

- A** to reject the complaint **or**
- B** to follow through with the complaint and notify the owners and/or administrators of the website, the hosting provider of the website and the ISPs within 10 days



**The Recipient of the notice**  
either:

- A** voluntary complies within 10 days
- B** acquires license within 10 days
- C** raises objections within 5 days

or

**The Committee**  
reviews the case:

- A** IF AN INFRINGEMENT IS NOT SUBSTANTIATED the case is closed
- B** IF AN INFRINGEMENT IS SUBSTANTIATED it issues a decision to which the recipients should comply within 3 days

**The Committee**

- IF the webpage is hosted on a server **within** Greece
- IF large scale infringement takes place
- IF the webpage is hosted on a server **outside** of Greece

either or

- The Committee calls the recipients of the notice to **REMOVE THE CONTENT**
- The Committee calls the recipients of the notice to **BLOCK ACCESS TO THE CONTENT**

**In case of non-compliance**  
the Committee imposes a fine of **500 - 1000 €** for each day of non-compliance

For more information:  
[www.opi.gr](http://www.opi.gr)





# LIVE BLOCKING

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**SPORT EVENTS**

**CULTURAL EVENTS**

*The groundbreaking establishment of  
paragraph 10A of Article 66E Law  
2121/1993*

*(3<sup>rd</sup> procedure)*



## LIVE BLOCKING

- If: a) a **large-scale** infringement is **imminent** in events of **national or global viewing that are going to be transmitted LIVE**; (*probability suffices*)
- b) such an infringement will indicatively take place via URLs or IP addresses or DNs which **support the unauthorized subscription connection** by any means, and in particular by the means of the use of passwords or of decoders; (*probability suffices*)

### **AND**

- c) there is an **urgent case for preventing an immediate, serious and imminent danger or an irreparable damage to the public interest or to the right holder.**

**(AND A FEE IS PAID...)**

- The Committee may order the **blocking of access for a time – period of least 15 days** and
- take **any other measure deemed as appropriate for discontinuation of the infringement, the prevention of recurrence or/and the prevention of infringement**

**New evidence** e.g., for other DNs, URLs or IP addresses maybe submitted **until the issuance of the Decision.**

COMPETENCE OF  
THE COMMITTEE

- The application shall be submitted **15 days at the latest before the scheduled transmission of the event** or in the case where more than one events are included in the application before the scheduled transmission of the first one.
- The Decision is issued at the latest **24 hours before the transmission of the first event** and it is sent, within the same time – limit, to the applicant, to service providers and to the Hellenic Telecommunications and Post Commission (EETT).



**LIVE  
BLOCKING  
DETAILS**

- ISPs are ordered to block access within a timeframe of **6 to 12 hours from the dispatch of the Decision.**
- **Within this deadline ISPs shall inform** the Hellenic Telecommunications and Post Commission (EETT) that they have complied to the Committee's judgment.
- Following the blocking of access, the Committee **notifies** the website operators and owners of the websites/DNs concerned, if their identities are known.



LIVE  
BLOCKING  
*DETAILS II*



**LIVE  
BLOCKING**  
4<sup>TH</sup> PROCEDURE

- If the **illegal transmission is transferred** to a new URL, IP address or DN, the rightholder may **submit to EETT any supplementary evidence** regarding the circumvention of the Decision or the recurrence of the infringement, **even during the transmission of the event and without paying a new fee.**
- If a circumvention of a prior Decision of the Committee -new infringement- is speculated, EETT **orders ISPs to block immediately access** to the additional URLs, IP addresses or DNs, and **shall notify respectively the Committee.**

## LIVE BLOCKING

- ISPs with **more than 50.000 subscribers, are obliged to block the access within 30 minutes** from the dispatch of the EETT's order.
- This order of EETT is effective until the issuance of the relevant **supplementary decision by the Committee which shall be issued within a month (at the latest)**.
- This Decision is **communicated** to the respective rightholder, ISPs, as well as to website operators and owners of the websites or of the DNs concerned, if their identities are known.

## LIVE BLOCKING SAFEGUARDS

- Administrators and owners of the websites/DNs referred to in the Decision may bring an action against it before the **Administrative Court of Athens, within 10 days** from their notification.
- This action **shall not automatically suspend the execution of the Decision.**
- **If no action is brought OR in the case where it is dismissed, the blocking of access becomes irrevocable.**
- If the action succeeds, **the respective rightholder shall pay compensation** to the administrator or the owner of the websites/DNs who raised legal proceedings, and were affected by the Decision of the Committee.



## CONCLUSIONS REACHED SO FAR

- **92 Decisions**
- In relation to the 'basic' procedure, the applicant was a **collective management organization**.
- The creative content concerned **musical works** (phonograms), **audiovisual works** (films and TV series), **software** and **literary works**.
- In all cases **a large – scale copyright and/or related rights infringement was determined**.
- The Committee ordered the blocking of access to the content **within 48 hours** from the time that the parties concerned were notified of the decision.
- **Blocking** was ordered to last **for three (3) years**.
- The **fin**es imposed ranged from **EUR 700 to 850** for **each day of non-compliance**.

## MORE CONCLUSIONS...

In relation to the procedure of **paragraph 10A**:

- **All applications concerned sport events.**
- The rights (to be) violated concerned the right of exclusive broadcasting within the Greek territory under Art. 47 & 48 of the Greek Copyright Act concerning the **right of producers of audiovisual content and/or the right of broadcasting organizations.**
- The Committee ordered the blocking of access **which is not only covering** the URLs or DNs or IP addresses referred to the Decision.
- **Blocking** of access was ordered for **9 months in relation to DNs and for 6 months in relation to IP addresses**
- Rightholders addressed to EETT applying for the issuing of an immediate order of blocking of access (supplementary application)



THE  
DECISIONS  
OF THE  
COMMITTEE

The Decisions of the Committee are **published** to the **official website of the HCO** (special category under the title ‘COMMITTEE’)

<https://www.opi.gr/en/committee/decisions-committee>





**THE  
“BLACK  
LIST”**

List of domain names and IP addresses that have been blocked with the procedure of par. 4 and par. 9 art. 66E Law. 2121/1993:

[https://www.opi.gr/images/epitropi/edppi\\_list\\_4\\_9\\_en.pdf](https://www.opi.gr/images/epitropi/edppi_list_4_9_en.pdf)

List of domain names and IP addresses that have been blocked with the procedure of par. 10A art. 66E Law. 2121/1993:

[https://www.opi.gr/images/epitropi/edppi\\_list\\_10A\\_en.pdf](https://www.opi.gr/images/epitropi/edppi_list_10A_en.pdf)

## “WIPO ALERT”

**Greece/EDPPI** is a contributor to BRIP Database  
**WIPO**

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*...Global blacklist in “an online platform that coordinate the sharing of information about copyright-infringing websites with the advertising sector.”*



**NUMBERS  
(SPEAKING THEMSELVES)**

BASIC & SUPPLEMENTARY PROCEDURE  
(PARS. 4 & 9)

- **593 DOMAIN NAMES**
- **8 IP ADDRESSES**

**PARAGRAPH 10A**  
(BASIC & SUPPLEMENTARY PROCEDURES)

- **608 DOMAIN NAMES**
- **587 IP ADDRESSES**





# FUTURE CONSIDERATIONS

- An upcoming (?) amendment under the aim of **expanding the scope** of the provision and of **enhancing the competence** of the Committee.
- **DSA**
- **European Parliament's Resolution on tackling online piracy of live sporting events**

*Key points:*

- 1. Illegal streaming of sporting events to be removed within thirty minutes*
- 2. Arbitrary or excessive blocking of legal content must be avoided*
- 3. Sport events are currently not protected by EU copyright rules*

*<https://www.europarl.europa.eu/news/en/press-room/20210517IPR04117/tackling-online-piracy-of-live-sporting-events>*

Thank you for your attention!

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