

**PUBLIC CONSULTATION**  
**ABOUT PIRACY ON THE INTERNET AND THE MEASURES TAKEN**  
**BY THE INTERNET SERVICE PROVIDERS.**

The Hellenic Copyright Organization in the framework of its responsibilities takes steps for the implementation of Law 2121/1993 and the international conventions, supervises Collecting Societies, undertakes law preparatory work on matters pertaining to copyright and related rights, intervenes for the resolution of differences, represents Greece before the competent international organizations, as well as the instruments of the European Union.

For some time now and in cooperation with Collecting Societies and Collective Protection Societies, which operate based on existing legislation (art. 54-58 L. 2121/9913 as exists ), the Hellenic Copyright Organization is seeking possible solutions in order to deal with the problem of internet piracy which in our days is taking alarming proportions.

It is well known that the advancement of technology offered the capability of creating digital copies of works, which lack nothing compared to the original. It also provided speedy and easy circulation as well as storing in computers or other material carriers of reproduction of web browsers together with new means of making the work available to the public. However, apart from companies which operate legally and offer the afore mentioned services with the right holders' permission, pirate reproduction and circulation of works is thriving.

Piracy results mainly in the rundown of cultural production as those involved in the cultural production chain are deprived of their equitable remuneration. It is also evident in the internet environment that the use of bandwidth for illegal activities, for example in the framework of illegal downloading of protected audiovisual records, deprives legitimate ISPs and users from the ability to develop legal activities and the financial benefits that are entailed.

The most common forms of illegal use of works on the Internet are: a) their being offered by websites hosted by ISPs either in the country or abroad and b) their reproduction/circulation through peer to peer file sharing.

It is clear that this issue demands the cooperation between right holders and web hosts/access providers, so that solutions contributing to the protection of copyright can be found.

Already, on the European Union level, a keen debate has been initiated on the role of ISPs in Internet piracy and there are thoughts to revise the current legal framework in relation to their responsibility towards the content they host or provide access to.

It should be noted that France is already moving towards this direction, as on November 23<sup>rd</sup>, the Oliviennes Agreement was signed by authors, producers, ISPs and the French authorities. The Agreement will allow for the creation of an independent supervisory body that will impose sanctions, which will lead to suspension or termination of internet accounts used for infringing copyright. Similar plans have been initiated in other countries, for example in Great Britain, while the judicial system in Europe seems to be going in the same direction. A recent decision by the European Court of Justice (*C-275/06 Promusicae v. Telefonica*) allowed Member States to enact special provisions through which disclosure of personal data about subscribers suspected of Internet piracy can be authorised.

We are putting our suggestions and thoughts in general to Public Consultation through the [questionnaire available in our website](http://www.opi.gr/opifiles/consultation/questionnaire.doc) (<http://www.opi.gr/opifiles/consultation/questionnaire.doc>), so that all interested parties can be heard and to make sure that the balance of interests between right holders, intermediates in the circulation of works and internet users will be ensured.

The Public Consultation will last 90 days from the time it was made public on the Hellenic Copyright Organization's website, that is from 25/2/2008 until 25/5/2008.

You can present your views, by filling in the electronic form that is available in our website <http://www.opi.gr/opifiles/consultation/questionnaire.doc>. After filling in the electronic form, you can send your answers through e-mail at [protocol@opi.gr](mailto:protocol@opi.gr) or [opiorg@otenet.gr](mailto:opiorg@otenet.gr) or by fax in 210 - 82 53 732.

If you do not wish us to publicize your contribution, please write "confidential" at the beginning of your text.

Please do not hesitate to contact us if you need further information or clarification.