

First decisions of the Copyright Committee (EDPPI) in Greece blocking access to websites infringing copyright and related rights

The newly established Committee for the Notification of Copyright and Related Rights Infringement on the Internet (EDPPI) issued on 6 November 2018 its first decisions following a request filed from EPOE, a Greek Collective Protection Organization (CPO) for audio-visual works, blocking access for three years to 38 websites infringing audio-visual copyrights. Among the infringers were popular Greek and foreign websites, such as <https://thepiratebay.org>.

It was the first time that the Committee- aiming at dealing with copyright and related rights online infringement cases through an extrajudicial mechanism- implemented the procedure set out in art. 66e of Greek Copyright Law, according to which right holders or Collective Management or Protection Organizations may file an application with EDPPI requesting the cease and desist of copyright infringements.

In order for the application to be admitted the applicants must have paid the statutory fees and gone through the equivalent procedures made available by the internet providers without result.

The Committee, after notifying, if possible, all parties involved, will render its decision within a short time, ranging approximately from 60 to 90 days after receipt of the application. In case a copyright violation is established and the respondents have not voluntarily complied with the applicant's request, the Committee will order the removal of the infringing content. If the infringement is of significant scale or the content is hosted in servers abroad, the Committee may order the internet providers to block access to the infringing websites, for at least three years. The respondents must comply with the Committee's decision within a maximum deadline of three days, under threat of monetary fines ranging from Euro 500 to 1,000 per day of non-compliance.

The commencement of the procedure before the EDPPI does not stay or otherwise impact the applicant's claims before the Courts arising from the same dispute. If, however, the same request by the same applicant is brought before the Courts, EDPPI closes the case without taking further action.

Finally, it should be noted that infringements committed by internet users downloading, streaming or exchanging through peer-to-peer networks copyright protected works do not fall within the ambit of the above procedure.

The aforementioned decisions of EDPPI pave the way for further requests from right holders who may seek an expeditious and inexpensive manner to enforce their rights and protect their works from online infringements.

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