

ARTICLE 64A: INJUNCTION

Rightholders may apply for an injunction against intermediaries whose services are used by a third party to infringe a copyright or related right. It is the same for the sui generis right of database maker.

ARTICLE 65: CIVIL SANCTIONS

(1) "In any case of infringement or threat of infringement of copyright or related rights, the author or the rightholder may claim the recognition of this right, the discontinuation of the infringement and its omission in the future. The discontinuation of the infringement may include, at the request of the applicant: (a) recall from the channels of commerce of goods that they have found to be infringing rights under this law and, in appropriate cases, with regard to materials and implements principally used in the creation or manufacture of those goods, (b) definitive removal from the channels of commerce, or (c) destruction. The rights of the first sentence of this paragraph shall be exercised by right holders against intermediaries whose services are used by a third party to infringe rights under this law". (Articles 10, paragraph 1, and 11 of Directive 2004/48)

(2) A person who by intent or negligence infringes copyright or a related right of another person shall indemnify that person for the moral damage caused, and be liable for the payment of damages of not less than twice the legally required or normally payable remuneration for the form of exploitation which the infringing party has effected without license.

(3) Instead of seeking damages, and regardless of whether the infringement was committed by intent or negligence, the author or the right holder of the related right may demand either the payment of the sum accrued by the infringing party from the unlicensed exploitation of a work, or of the object of a related right, pursuant to Articles 46 to 48 and 51 of this Law, or the profit gained by the infringing party from such an exploitation.

(4) For each act of omission contributing to an infringement, the court may impose a fine of from 300,000 to 1 million drachmas payable to the author or to the right holder of the related rights referred to Articles 46 to 48 and 51 of this Law and imprisonment of up to one year. The same shall apply when the conviction is effected pursuant to the procedure under the safeguarding measures. All other matters shall be regulated pursuant to Article 947 of the Civil Procedure Code.

(5) The civil sanctions of this article are applied accordingly in the case that the debtor did not pay the remuneration provided for by paragraph (3) of Article 18 hereof to a collecting society.

(6) The civil penalties of this article are also applied in case of infringement of intellectual property of the author of a database and of the sui generis right of the maker of a database. (article 12 of Directive 96/9)