

ARTICLE 65A: ADMINISTRATIVE SANCTIONS

(1) Any person who, without being entitled to and in violation of the provisions of this law, reproduces, sells or otherwise distributes to the public or possesses with the purpose of distributing a computer programme shall, irrespective of other sanctions, be subject to an administrative fine of EUR 1,000.00 for each illegal copy of the computer programme.

(2) A street vendor or a standing person (outside a shop) caught to distribute to the public by sale or by other means, or to possess with the intention of distributing sound recordings on which a work protected by copyright law has been recorded, is imposed an administrative penalty equal to the product of the items of illegal recordings by (20) euros for each sound recording according to the seizure report drafted during the arrest of the infringer. The minimum of the administrative penalty is defined to one thousand (1000) euros. The same applies to the reproduction and distribution of physical carriers of sound in shops (as added with article 46 Law 3905/2010).

(3) A presidential decree issued after a proposition by the Ministry of Finance and the Ministry of Culture may amend the rates of the amounts and minimum rate mentioned in par. 1 and 2 regarding the administrative penalty.

(4) The competent authorities for the control of enforcement of these stipulations and of the enforcement of the provided sanctions are the Unit of Special Controls (IPEE), the Police, the Port (as added with article 46 Law 3905/2010) and the Customs authorities, which inform the rightholders via the Hellenic Copyright Organization after the finding of the violation.

(5) A common decision issued by the Ministry of Finance and the Ministry of Culture defines the procedure of the penalty enforcement and collecting, the competent collecting services and any other detail necessary for the application of the present article.

ARTICLE 66: CRIMINAL SANCTIONS

(1) **"Any person who, in contravention of the provisions of this law or of the rovisions** of lawfully ratified multilateral international conventions on the protection of copyright, unlawfully makes a fixation of a work or of copies, reproduces them directly or indirectly, temporarily or permanently in any form, in whole or in part, translates, adapts, alters or transforms them, or distributes them to the public by sale or other means, or possesses with the intent of distributing them, rents, performs in public, broadcasts by radio or television or any other means, communicates to the public works or copies by any means, imports copies of a work illegally produced abroad without the consent of the author and, in general, exploits works, reproductions or copies being the object

of copyright or acts against the moral right of the author to decide freely on the publication and the presentation of his work to the public without additions or deletions, shall be liable to imprisonment of not less than one year and to a fine from 2.900-15.000 Euro”.

(2) The sanctions listed above shall be applicable to any person who, in contravention of the provisions of this law, or of the provisions of lawfully ratified multilateral international conventions on the protection of related rights, makes the following actions:

“A) Without the permission of the performers: a) fixes their performance, b) directly or indirectly, temporarily or permanently reproduces by any means and form, in whole or in part, the fixation of their performance c) distributes to the public the fixation of their performance or possesses them with the purpose of distribution, d) rents the fixation of their performance, e) broadcasts by radio and television by any means, the live performance, unless such broadcasting is rebroadcasting of a legitimate broadcasting, f) communicates to the public the live performance made by any means, except radio and television broadcasting, g) makes available to the public, by wire or wireless means, in such a way that members of the public may access them from a place and at a time individually chosen by them, the **fixation of their performance”**.

“B) Without the permission of phonogram producers (producers of sound recordings): a) directly or indirectly, temporarily or permanently reproduces by any means and form, in whole or in part, their phonograms, b) distributes to the public the above recordings, or possesses them with the purpose of distribution, c) rents the said recordings, d) makes available to the public, by wire or wireless means, in such a way that members of the public may access them from a place and at a time individually chosen by them, their phonograms, e) imports the said recordings produced **abroad without their consent”**.

“C) Without the permission of producers of audiovisual works (producers of visual or sound and visual recordings) a) directly or indirectly, temporarily or permanently reproduces by any means and form, in whole or in part, the original and the copies of their films, b) distributes to the public the above recordings, including the copies thereof, or possesses them with the purpose of distribution, c) rents the said recordings, d) makes available to the public, by wire or wireless means, in such a way that members of the public may access them from a place and at a time individually chosen by them, the original and the copies of their films e) imports the said recordings produced abroad without their consent f) broadcasts by radio or television by any means including satellite transmission and cable retransmission, as well as the communication to the public

“D) Without the permission of radio and television organisations: a) rebroadcasts their broadcasts by any means, b) presents their broadcasts to the public in places accessible to the public against payment of an entrance fee, c) fixes their broadcasts on sound or sound and visual recordings, regardless of whether the broadcasts are transmitted by wire or by the air, including by cable or

satellite d) directly or indirectly, temporarily or permanently reproduces by any means and form, in whole or in part, the fixation of their broadcasts, e) distributes to the public the recordings containing the fixation of their broadcasts, f) rents the recordings containing the fixation of their broadcasts, g) makes available to the public, by wire or wireless means, in such a way that members of the public may access them from a place and at a time individually chosen by them, the fixation **of their broadcasts”** (article 8 par. 1 of Directive 2001/29).

(3) If the financial gain sought or the damage caused by the perpetration of an act listed in paragraphs (1) and (2), above, is particularly great, the sanction shall be not less than two years imprisonment and a fine of from 2 to 10 million drachmas. If the guilty party has perpetrated any of the aforementioned acts by profession" or at a commercial scale" or if the circumstances in connection with the perpetration of the act indicate that the guilty party poses a serious threat to the protection of copyright or related rights, the sanction shall be imprisonment of up to 10 years and a fine of from 5 to 10 million drachmas, together with the withdrawal of the trading license of the undertaking which has served as the vehicle for the act. The act shall be likewise deemed to have been perpetrated by way of standard practice if the guilty party has on a previous occasion been convicted of a contravention pursuant to the provisions of the Article or for a violation of the preceding copyright legislation and sentenced to a non-**redeemable period of imprisonment.” Any infringement of copyright and related rights in the form of felony is tried by the competent Three-member Court of Appeal for Felonies”.**

(4) Any person who did not pay the remuneration provided for by Article 18, paragraph (3) hereof to a collecting society is punished with the sanction of paragraph (1), (2) and (3). The same sentence is imposed on the debtor who, after the issuance of the decision of the onemember first instance court, does not submit the declaration under the provisions of article 18, par. 6, of this law. (Last amended by Law 3207/2003, article 10 par. 33).

(5) The sanctions specified in paragraph (1), above, shall be applicable likewise to any person who:

(a) uses or distributes, or possesses with the intent to distribute, any system or means whose sole purpose is to facilitate the unpermitted removal or neutralization of a technical system used to protect a computer program;

(b) manufactures or imports or distributes, or possesses with intent to distribute, equipment and other materials utilizable for the reproduction of a work which do not conform to the specifications determined pursuant to Article 59 of this Law;

(c) manufactures or imports or distributes, or possesses with intent to distribute, objects which can thwart the efficacy of the above-mentioned specifications, or engages in an act which can have that result;

- (d) reproduces or uses a work without utilizing the equipment or without applying the systems specified pursuant to Article 60 of this Law;
- (e) distributes, or possesses with intent to distribute, a phonogram or film without the special mark or control label specified pursuant to Article 61 of this Law.
- (6) Where a sentence of imprisonment is imposed with the option of redeemability, the sum payable for the redemption shall be 10 times the sum specified as per the case in the Penal Code.
- (7) Where mitigating circumstances exist, the fine imposed shall not be less than half of the minimum fine imposable as per the case under this Law.
- (8) Any person who proceeds to authorised temporary or permanent reproduction of the database, translation, adaptation, arrangement and any other alteration of the database, distribution to the public of the database or of copies thereof, communication, display or performance of the database to the public, is punished by imprisonment of at least one (1) year and a fine of one (1) to five (5) million drachmas.
- (9) Any person who proceeds to extraction and/or re-utilisation of the whole or of a substantial part of the contents of the database without the authorisation of the author thereof, is punished by imprisonment of at least one (1) year and a fine of one (1) to five (5) million drachmas" (article 12 of Directive 96/9).
- (10) When the object of the infringement refers to computer software, the culpable character of the action, as described in paragraph 1 of article 65A and under the prerequisites provided there, is raised under the condition that the infringer proceeds in the unreserved payment of the administrative fee and the infringement concerns quantity up to 50 programs.
- (11) When the object of infringement concerns recordings of sound in which a work protected by copyright law has been recorded, the unreserved payment of an administrative fee according to the stipulation of par.2 of article 65A and under the prerequisites provided there, the culpable character of the action is raised under the condition that the infringement concerns quantity up to five hundred (500) illegal sound recording carriers.
- (12) The payment of the administrative fee and the raising of the culpable character of the action, do not relieve the infringers from the duty of buying off the copyright and related rights or from the duty of compensating and paying the rest expenses to the holders of these rights, according to the provisions of the relevant laws
- (13) In case of recidivism during the same financial year the administrative fee provided by article 65A doubles.