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Anti-piracy committee and new legal framework according to Law 4821/2021

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Anti-piracy committee

The Committee for the Notification of Copyright and Related Rights Infringement on the Internet (known as the "anti-piracy committee") was first established under Law 4481/2017. Its aim is to deal with cases of online infringement of copyright and related rights through an extrajudicial mechanism.

The anti-piracy committee consists of three members:

- the president of the Hellenic Copyright Organisation;
- a representative of the Hellenic Telecommunications and Post Commission (EETT); and
- a representative of the Hellenic Data Protection Authority.

The procedure before the anti-piracy committee is administrative. It enables any rights holder to submit an application concerning the unlawful use and disposition of its works on the Internet. If the application is accepted, the infringed work will be removed, or access to it will be disabled (depending on the circumstances), within a specific and brief period, without suspending or affecting the exercise of claims for the same dispute before the courts. However, if an action has been brought before the courts by the same applicant with the same claim either before or during the examination of the case by the anti-piracy committee, the procedure before the anti-piracy committee will stop and the case will be filed.

While the anti-piracy committee has been established since 2017, it has not been particularly effective or efficient. Online pirates have been able to find new ways to overcome any obstacle that the anti-piracy committee and Law

New legal provisions

The introduction of new legal provisions in 2021, which strengthen the protection of copyright and related rights in the online environment, seems to have changed this situation. Specifically, article 66E(10A) of Law 2121/1993 was amended by the newly enacted Law 4821/2021, which was published a few months ago in the *Government Gazette* and has already changed the scenery in the field of cyberpiracy in Greece.

The new provisions brought substantial improvements to the protection of holders of protected copyright or related rights in the context of national or international television broadcasts that are to be broadcasted via a live stream, especially in cases of events that are popular in the context of the online audience. These provisions are intended to strengthen the protection of copyright holders of such events, especially in cases where the illegal content is expected to be transmitted via universal resource locator (URL), internet protocol address or domain name. Protection will be strengthened even where a particular URL, internet protocol address or domain name is not specifically mentioned in an anti-piracy committee decision on disabled access, as well as where the infringement continues after the issuance of such decision.

New anti-piracy procedure

According to the revised article 66E(10A) of Law 2121/1993, after an application of any beneficiary,⁽¹⁾ the anti-piracy committee may order access to a URL, internet protocol address or domain name to be disabled for a period of at least 15 days if:

- a large-scale infringement of protected copyright or related rights is imminent in relation to national or international television events that are to be broadcasted live;
- the infringement will take place, for example, through specific URLs, internet protocol addresses or domain names that support unauthorised subscription in any way; and
- there is an urgent need to prevent an immediate, serious and imminent danger or irreparable harm to the public interest or to the beneficiary.

If the anti-piracy committee even suspects that an infringement of rights is imminent, it is enough for the decision to be taken.

The beneficiary must submit its application to the anti-piracy committee no later than 15 working days before the scheduled broadcasting of the event. If the anti-piracy committee finds that the application is admissible, it accepts the application and calls the online provider to disable access to the online content and take any other measure that it finds reasonable in order to ensure the cessation, non-repetition or prevention of the infringement between six and 12 hours from the notification of the decision. Within this

deadline, the internet provider must send a declaration of compliance to the competent department of the EETT. This decision must be issued and sent to the providers and the EETT at least 24 hours before the broadcast of the event.

Other new features of Law 4821/2021

Second-level domains

Law 4821/2021 has also introduced that the anti-piracy committee may require access to a second-level domain to be disabled, even if access to the content is given by a third or next-level domain.

Repetition of infringement

Another issue that has been regulated by the new law is the repetition of the infringement via any technical means after the issuance of the anti-piracy committee's decision. In such cases – that is, if an infringement or a repetition of the infringement of the content referred to in such a decision is threatened by any technical means – the applicant may apply to the anti-piracy committee to ask for the issuance of a new decision. The applicant need not pay a new fee for the case examination, under paragraph 3, if it submits evidence to prove that there has been a violation of the anti-piracy committee's decision, or a threat of repetition of the infringement (Law 2121/1993, article 66E(9)).

Transferred broadcasts

The force of a decision by the anti-piracy committee to block access to illegal content – as well as any URL, internet protocol address or domain to which it explicitly refers – is extended to any other URL, internet protocol address or domain name to which the illegal broadcast may be "transferred" after the issuance of the decision. As a result, if the illegal content is transferred to another URL, internet protocol address or domain after the issuance of the anti-piracy committee's decision, the EETT will immediately order the provider to block access to the infringing URLs, internet protocol addresses or domains via email and inform the anti-piracy committee as well. After that, providers that have more than 50,000 subscribers are obliged to disable access to the content within 30 minutes of receipt of the order.

Comment

It seems that, due to the recent amendments, the phenomenon of cyberpiracy – as well as the response time of the competent authorities with regard to possible infringements – will be substantially reduced, and relevant copyrighted works will, in the future, be protected in a more effective way. This is obvious just by looking at the number of URLs, internet protocol addresses and domains that have already been blocked via the procedure explained above: 62 domains and 102 internet protocol addresses have been blocked within four months (from October 2021 to January 2022). It seems that the next few years will be crucial for the struggle against cyberpiracy; hard times may be soon to come for pirates.

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Endnotes

(1) The "beneficiary" may be any person whose copyright or related rights are infringed on the internet (eg, authors, performers, publishers and collective management organisations).