

INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE

2008 SPECIAL 301 REPORT

GREECE

Special 301 Recommendation: IIPA recommends that Greece be placed on the Watch List in 2008.

EXECUTIVE SUMMARY

The level of copyright piracy in Greece remained among the worst of European Union Member States during 2007. Despite good cooperation between the copyright industries and the police, the overall intellectual property enforcement system in Greece fails to tackle the endemic and large-scale piracy problem. While Internet piracy is still at a nascent stage in Greece, a legislative problem in the data protection law poses a huge hurdle to pursuing investigations and litigation against infringers, especially in the peer-to-peer file-sharing area. The copyright industries report good cooperation from the Hellenic Copyright Office (OPI) and the Ministry of Foreign Affairs (MFA). However, much stronger leadership is needed to implement the kind of anti-piracy actions required to rid the Greek market of widespread piracy. To this end, the OPI task force in Athens, along with the Task Force in northern Greece, must be institutionalized and operate on a permanent basis, possibly with oversight by an Inter-ministerial Steering Committee.

With respect to business software piracy, in the last two years, the Government took the right decisions and has taken significant actions to fight software piracy. Actions such as having the tax police (YPEE) issue two waves of software audit letters issued to small- and medium-sized companies are having an effect and they should be systemized and further enhanced to ensure a drastic decrease in piracy. Civil software actions continue at a satisfactory pace. While some promising legal reforms were passed in 2007, the measures have faced administrative difficulties and have not been implemented. For example, the amended copyright law now provides administrative fines for certain infringing acts (including software and sound recording piracy), but the ministerial decree to impose these fines still needs to be fully implemented. Similarly, another June 2007 ministerial decree that granted authority to law enforcement to take against street vendors engaged in the distribution of pirated products has not yet been fully implemented, due also to administrative difficulties and the fact that more than one Ministry is involved in its full implementation. This stalemate is starting to have an adverse effect on the police and other officials, who want to take actions but are stymied. Furthermore, the lack of deterrent sentences handed down in-practice continues to frustrate rights holders, as most sentences are suspended. Many defendants rarely receive any sanctions, and those who do, usually receive suspended sentences. The ineffective operation of the Greek judiciary continues to frustrate efforts to enforce the copyright law in any meaningful manner.

PRIORITY ACTIONS IN 2008

Enforcement

- Announce a national anti-piracy campaign, aimed at creating specific and measurable results including more raids, more public awareness, more prosecutions, and more criminal (and non-suspended) sentencing at deterrent levels.
- Institutionalize the OPI task force in Athens, along with the Task Force in northern Greece, and create an accountable oversight body/steering committee.
- Continue good cooperation with the police on inspections, raids and other anti-piracy activities; encourage greater cooperation from the Immigration and Municipal police.
- Initiate greater involvement by the tax police (YPEE) in anti-piracy actions affecting all copyright sectors, expanding on the good work they are doing in the software sector. (1) It is important that YPEE continues the software sector project that it has begun by sending direct mails (letters) to all Greek companies with more than 50 employees. (2) YPEE should impose administrative fines for both sellers and buyers of pirate music and other pirated copyright products. (3) YPEE should continue its software audits when it does tax inspections and publicize any enforcement actions that result from such audits. In addition, YPEE should make music and sound recording audits when inspecting commercial enterprises such as bars and restaurants.

- Institutionalize a new Special Operational Department for IPR issues within YPEE.
- Give law enforcement authorities the mandate and jurisdiction to pursue investigations on university campuses where Internet and hard goods piracy flourishes without significant threat.
- Take action against copyshops making illegal photocopies of books around university campuses, especially at the University of Piraeus and Deree College, and coordinate campus policies to prohibit use of illegal materials on campus.
- Encourage Government ministries and agencies to legalize business software usage in public agencies.
- Direct prosecutors to bring cases more swiftly and aim for deterrent, non-suspended penalties.
- Courts should apply all possible procedural coercive measures to guarantee the defendants' presence at court hearings.
- Instruct all courts (including appeals courts) to issue deterrent sentences, including imprisonment and fines as provided by the law, and direct them to not suspend sentences or fines in practice (suspensions of fines are not permitted under the law).
- Judges serving on the new special IP (civil) courts in Athens, Piraeus, and Thessaloniki should be directed to work only on IPR cases and be relieved of their other duties. Such an IP court should also be established in Patras. The scope of these courts' should be expanded to criminal copyright cases.
- Improve IPR training and education for police, prosecutors, judges, and customs officials.

Legislation

- Support development of amending legislation to permit ISPs to reveal identities of users identified as copyright infringers. Any action should be consistent with the recent European Court of Justice (ECJ) decision in the *Telefonica* case, including appropriate steps to facilitate the ability of right holders to obtain the necessary information to take civil actions to protect their rights.
- Develop legislation to provide Municipal Police throughout the country with the authority to arrest and prosecute street vendors for intellectual property infringements.
- Revise the 1988 law which places an administrative tax on theatrical box office revenues.
- Urgently amend the criminal procedure provisions within the Copyright Law (2121/93) in accordance with rightsholder proposals as submitted to the OPI.
- Develop legislation to make the unauthorized camcording of motion pictures in theatres a criminal offense.

GREECE						
Estimated Trade Losses Due to Copyright Piracy						
(in millions of U.S. dollars)						
and Levels of Piracy: 2005-2007¹						
INDUSTRY	2007		2006		2005	
	Loss	Level	Loss	Level	Loss	Level
Business software²	102.0	59%	93.0	61%	88.0	64%
Sound recordings & musical compositions	NA	NA	30.0	60%	26.0	60%
Motion pictures³	NA	NA	NA	NA	72.0	NA
Entertainment software⁴	NA	NA	30.2	68%	NA	NA
Books	NA	NA	NA	NA	NA	NA
TOTALS	102.0		153.2		186.0	

¹ The methodology used by IIPA member associations to calculate these estimated piracy levels and losses is described in Appendix B of IIPA's 2008 Special 301 submission at www.iipa.com/pdf/2008spec301methodology.pdf. For information on the history of Greece under Special 301, see Appendix D at (<http://www.iipa.com/pdf/2008SPEC301USTRHISTORY.pdf>) and Appendix E at (<http://www.iipa.com/pdf/2008SPEC301HISTORICALSUMMARY.pdf>) of this submission.

² BSA's 2007 statistics are preliminary. They represent the U.S. software publishers' share of software piracy losses in Greece, and follow the methodology compiled in the Fourth Annual BSA and IDC Global Software Piracy Study (May 2007), available at <http://w3.bsa.org/globalstudy/>. These figures cover, in addition to business applications software, computer applications such as operating systems, consumer applications such as PC gaming, personal finance, and reference software. BSA's 2006 piracy statistics were preliminary at the time of IIPA's February 12, 2007 Special 301 filing and were finalized in June 2007 (see <http://www.iipa.com/statistics.html>).

³ MPAA's trade losses and piracy levels for 2006 and 2007 are not available. MPAA did provide 2005 estimates for a select group of countries, using a new methodology that analyzed both physical/"hard goods" and internet piracy. Details regarding MPAA's methodology for 2005 and prior years are found in Appendix B of this IIPA submission.

⁴ ESA's reported dollar figures reflect the value of pirate product present in the marketplace as distinguished from definitive industry "losses." See Appendix B of this report.

COPYRIGHT PIRACY IN GREECE

The piracy situation in Greece remained unchanged in 2007 despite excellent cooperation from the Hellenic Copyright Office, the Ministry of Foreign Affairs and the police. Hard goods piracy remains engrained in cities throughout the country, and appears to present a formidable enforcement challenge. What makes matters more difficult is that the police do not have jurisdiction to pursue IPR cases on university campuses (academic asylum) where Internet and hard goods piracy flourish.

Business software piracy: End-user piracy in Greece remains the biggest piracy threat to the business software industry. In addition, the widespread use of unlicensed software and distribution of low quality pirated CDs across the country indicate that much more work is needed to protect copyright under Greek law. The Business Software Alliance (BSA) reports that its preliminary estimates that the 2007 business software piracy rate in Greece dropped a few points, down to 59%. This drop is likely due to the active mobilization of the Tax Police (YPEE) and their sending software audit letters to small- and medium-sized businesses in Greece last year. It remains imperative that these letters are accompanied by actual enforcement action, where warranted, in order to press for legal software use. BSA's preliminary estimated 2007 losses due to piracy rose to \$102 million. According to a 2008 report issued by BSA-IDC, the information technology sector's contribution to the Greek economy could be even bigger if Greece's PC software piracy rate were to be lowered 10 percentage points over the next four years. This would create an additional 1,035 jobs, \$385 million in local industry revenues and \$130 million in additional tax revenues for federal, regional, and local governments.⁵

Music and record piracy: The recording industry continues to see its legitimate sales drop in large part due to the ongoing rampant piracy of sound recordings. Physical piracy rates have increased during the last five years: over 98% of total pirated music discs are burned CD-Rs. Instances of industrial pressed pirate CDs are rare, and those usually contain international repertoire. Meanwhile, Internet piracy has worsened considerably. Piracy of sound recordings and music in Greece represents well over 50% for both international and local repertoire. The piracy rate for U.S. repertoire is estimated to be close to 60% of the market. It appears that the majority of people involved in most of the infringing actions are immigrants. The Nigerians in particular have gradually taken control of the whole piracy chain, starting with duplication and wholesale distribution and ending retail sale. In 2007, a significant number of Pakistani nationals became active in the pirate market. These networks continue to flourish because the Greek Government does not strongly apply its immigration laws and the judicial system does not effectively deal with copyright offenses.

Audiovisual piracy: The Motion Picture Association (MPA) and its local anti-piracy organization, EPOE, report that the main piracy problem for the film industry in Greece concerns DVD-Rs, mainly by street vendors, small private labs and warehouses. The video retail market contains pirated materials, too. Piracy levels are getting worse and it appears that foreign nationals seeking political asylum are responsible for most of the duplication, production, distribution and sale of pirate product. EPOE has observed an increase in the downloading of major film titles over the past year.

Book and journal piracy: Illegal commercial-scale photocopying of academic textbooks continues in Greece, causing damage to higher education textbook publishers. Photocopy shops near university and college campuses regularly process orders for entire classes of students. Photocopy shops are making cover to cover, bound copies for distribution to students, with little or no deterrent. In fact, bulk discounts for students are common. The authorities should take notice of this issue, tackling the copyshops through effective enforcement and encouraging universities to implement policies that encourage use of legitimate materials on campus.

Internet piracy: Internet piracy is still in its early stages in Greece, unlike the more pervasive online piracy seen in other European countries. Peer-to-peer (P2P) piracy has not yet infiltrated the Greek markets. Currently there are approximately 3.8 million internet users in Greece, representing about 35% of the population (according to internetworldstats.com). There is a legislative deficiency involving Internet piracy cases that pertains to Internet Service Providers (ISPs) requiring a Court or Prosecutor's order to disclose the names of infringing

⁵ The Economic Benefits of Reducing PC Software Piracy, commissioned by BSA and conducted independently by International Data Corporation (IDC), released January 22, 2008, looks at the bottom-line economic benefits of reducing piracy in 42 countries that together account for more than 90 percent of global IT spending in 2007. It is available online at <http://www.bsa.org/idcstudy>.

subscribers. So far, rights holders have asked the Cybercrime Division of the Greek Police to obtain such orders (see further discussion below Legal Reform). The major problem in this area is Greek legislation which prevents ISPs from disclosing information about their subscribers' names or physical addresses in order for rights holders to continue investigations and pursue legal actions against suspected infringers.

COPYRIGHT ENFORCEMENT IN GREECE

While the government adopted several laws and measures in 2007 aimed at improving anti-piracy measures, they have not been fully implemented in-practice. These delays are the cause of considerable concern. In addition, despite years of private sector engagement and political pressure from the U.S. Government calling for the implementation of effective measures, longstanding problems remain in the criminal enforcement system, from prosecution to sentencing. As a result, the US copyright industry continues to lose millions of dollars in potential revenue.

Successful actions with the tax police on business software cases. BSA reports continued good cooperation with the Tax Police (YPEE). During 2007, YPEE sent two waves of software audit letters to small- and medium-sized companies. The first wave involved 1,060 letters to companies with 40-49 employees and the second included 2,303 letters to companies with 26-39 employees. YPEE, however, has not yet sent any follow-up letters and have not yet conducted any raids or audits as a result of these letters. YPEE also conducted 4 software raids. BSA appreciates the work done by YPEE, and looks forward to continuing efforts in 2008. BSA expects that YPEE will continue to send software audit letters, and more importantly, YPEE will follow-up in the appropriate cases by: (a) initiating raids against companies, (b) incorporating software audits in the tax controls, and (c) imposing the administrative penalty when illegal copies of software are found. In addition, BSA believes the Greek Government should publicly commit to fight software piracy. Such a public pronouncement by the government (perhaps coming from the Ministry of Finance) would greatly increase public awareness regarding the risks and illegality of unlicensed software and would codify the government's commitment to protect intellectual property.

Need to implement administrative fines in software and recording cases: BSA's major current concern in Greece is the non-application of the new administrative sanctions by local authorities, including YPEE. Although the Greek Government approved an innovative law amendment in January 2007 that introduced administrative fines for software infringements, the enforcement authorities have not yet implemented this law (see further discussion in legal reform section). Neither the National Police and Tax Police (YPEE) have issued Circulars to adopt the new legal framework on administrative fines nor have they mobilized their resources to do inspections for software piracy. For the last 18 months, the only enforcement activity implemented by the government has been the YPEE's audit letters (mentioned above).

The recording industry also expresses serious concern with the lack of effective administrative enforcement. Because films are not included in this law, infringers who get caught carrying pirate DVDs do not have to pay a fine. One collateral effect reported is that suspects caught with infringing music and software refuse to pay the fine for pirated CDs (even though these are covered by the administrative fine). Pirates prefer to face a full trial, where the Judges keep punishing them with light penalties, usually suspended, even though the law foresees fines of €1,000–10,000 (US\$1,450-11,450), depending on the quantities seized. The Ministry of Culture in its effort to issue a directive adjusting procedural details did not bother to take the suggestions of the recording industry and the local collecting society for music rights (AEPI), two organizations that have a long-standing experience in fighting piracy, into consideration. As a result, the new law is so vague and full of gaps that the police are reluctant to proceed on the basis of the administrative fine procedures, afraid of falling in its many legal traps.

Civil infringement actions: BSA reports that during 2007 it experienced no significant problems related to its software cases. Search orders are granted without major difficulties and these cases are usually settled out of court. In 2007, BSA reports that 6 civil raids were executed, 73 warning letters were sent, and 42 follow-up letters were sent to the targeted companies. BSA filed 6 interim measures, obtained 7 settlements, but did not file any civil lawsuits. The one court decision that was issued was a very positive one (the Court of Appeal accepted BSA's claim for compensation was equal to two times the value of the illegal software). Another case will be watched closely this year. In early 2006, a BSA member company conducted a software audit of a Greek public

entity that is supervised by a Greek government ministry. Over several years, this Greek entity purchased this software through an annual tender process. The audit found the Greek entity had increased its number of users without purchasing additional licenses and also cancelled several tenders aimed at purchasing more licenses. Follow-up efforts by the company to collect amounts due were not productive. The software company has now filed a case in court, requesting damages; the hearing is scheduled for November 2008.

Leadership needed within the Greek government: The Joint Task Force established under the Hellenic Copyright Office (OPI) has been working for almost a year. This group includes representatives from the various Greek Departments and Ministries who attend in their official capacities. The industries believe that it is important that this Task Force be formally institutionalized sooner rather than later, along with the Task Force in northern Greece, which has been operating, informally, longer than the Task Force in Athens, but is now latent.

Over the past year, OPI organized meetings between industries and public authorities involved in anti-piracy issues. During these meetings, the participants had the opportunity to exchange experiences and discuss the problems that they face in their enforcement activities. However, no concrete results or decrease in piracy in the market have resulted from these meetings. Although the initial idea of those meetings was to create a common task force to combat piracy, there has not been any substantial progress on concrete anti-piracy actions. OPI has undertaken a variety of other initiatives (not enforcement related). For example, at the request of the copyright industries, OPI has started a process by which a Memorandum of Understanding may be reached between rightholders and ISPs regarding intellectual property issues. Another possibility would be to develop a voluntary Code of Conduct regarding IP issues with the ISPs. Furthermore OPI has taken some marketing actions with the aim to increase public awareness in copyright issues. At the beginning of 2007, OPI distributed a TV spot made by the BSA to the major TV channels and succeeded in achieving this TV spot broadcast as a public service message. OPI also has commenced cooperation with the Ministry of Education regarding a competition (to create the best copyright message or logo) in primary and secondary schools to increase copyright awareness in schools.

Police actions in the film industry: EPOE reports that the audiovisual industry's relations with the local enforcement authorities continued to improve in 2007. *Ex officio* actions are increasing and as of November 2007, the percentage of *ex officio* cases had increased 16% over last year. EPOE conducted 66 raids (with an equivalent number of criminal actions initiated). There were 94 *ex officio* also with an equivalent number of criminal actions initiated by the police. The enforcement problems remain three-fold: (1) a lack of coordination between the Municipal Police, the City Police and YPEE; (2) an abundance of criminal offenses that are considered more serious than intellectual property infringements; and (3) widespread suspension of sentences. While there has been an increase in *ex officio* police raids in some cities, there also has been a decrease in police interest to go after pirates in certain areas outside of Athens.

Contrary to other sectors, the recording industry reports a substantial drop in actions by the Hellenic Police. The total number of cases, as per police statistics, dropped from 1872 in 2006 to 972 in 2007. This is a dramatic illustration of deteriorating enforcement action against the many pirate operations in Greece.

Few prosecutions: Although this is slowly changing in major Greek cities (such as Athens, Thessaloniki and Patras), Greek prosecutors, especially at the local level, are often reluctant to pursue intellectual property cases and have largely ignored Supreme Court circulars directing them to give intellectual property cases a high priority. Consequently, EPOE has had to utilize the criminal "flagrant crimes procedure" which helps to reduce the court load when a case is postponed indefinitely, but can be invoked only where the defendant is taken into custody within 24 hours of the issuance of the complaint; otherwise the case is assigned to await its typical criminal court hearing, usually more than a year later.

Problems with the courts: In addition to problems with raids and police; another key enforcement problem in Greece rests with the Greek courts.⁶ For example, the one-year imprisonment sentence provided by

⁶ First, at the Misdemeanour (All-Day) Courts for low-scale offenders, judges hand out very light sentences, which are often suspended. This is particularly the case for the courts outside Athens. However, when appeals are filed, no bail is set to guarantee the appearance of the defendant in the higher court and the sentences handed out in first instance are suspended. In addition, the appeal courts do not impose any fines. Second, at Felony Courts for large-scale offenders, the infringers are released until trial by the prosecutors without any bail and in many cases without any limitative clauses. As a result, when the case appears in front of the Felony Court after two to three years' time, the defendant usually does not turn up. Especially in cases where the felon is an immigrant and cannot be easily located and arrested, this tactic

law usually becomes three to four months imprisonment, but suspended for three years, and the €3000 fine (US\$4,350) is simply stricken entirely. In the rare occasions of more severe penalties, the defendants file an appeal, managing to put their sentence on hold. Also, the defendants often do not appear in court on the day of their scheduled hearing. The industry is seeing similar tactics in the felony courts which deal with major piracy cases. The hearings are set two to three years after the arrest, and in the meantime, the defendants are not kept in prison awaiting their trial. This manipulation of the judicial system is in practice translated to lack of punishment and the only problem for the infringers is the loss of their confiscated discs and equipment and the time they spend in the court.

The serious bottlenecks in criminal prosecutions and logjams in the Greek courts hinder effective deterrence. Fortunately, some Courts, especially in Athens, Piraeus, and Thessaloniki, are no longer suspending fines – even when they find mitigating circumstances. The situation could be further improved if the Immigration Service and the Municipal Police, which appear either to be busy with other cases or to lack the legislative mandate to act, could be directed to assist in anti-piracy actions.

Special IP courts, which hear only civil IP cases, have been established in Athens and Piraeus. The copyright industries will continue efforts to expand such courts to Patras, and to incorporate special IP sections that will deal with the criminal aspect of IP violations in three or four major cities rather than all over Greece. Intellectual property courses have become part of the required curriculum in schools for judges. Finally, several years ago the Supreme Court issued a judicial circular to assist in disseminating the Court's view on the importance of IPR protection. This circular was addressed to all the judges nationwide, calling them to apply properly the copyright law. Unfortunately, considering the poor track record of most courts in dealing with IP crime, this judicial circular failed to have any measurable effect.

Border enforcement: An ESA member company reports that the Greek market continues to be flooded with imports of counterfeit cartridge-based games. In the past year, no seizures appear to have been made by the customs authorities. Border enforcement authorities should receive additional training so that the problem of counterfeit imports is adequately addressed in practice.

COPYRIGHT LAW REFORM AND RELATED ISSUES

Greece was the first of the EC member states to complete implementation of this Directive in its Copyright Law of 1993 (Law No. 2121/93, as amended), and the industries are pleased with that implementation. Greece also has implemented the EU Enforcement Directive. Unfortunately, several recently adopted measures still require implementation and additional work is needed.

Copyright Law amendment (2007): Law 3524/2007 amended the Copyright Law to give copyright infringers the option of paying an administrative fine in lieu of criminal prosecution. It was officially published in the Government Gazette on January 26, 2007. A decision by the Ministers of Finance and Culture was issued in September 2007 to provide the procedures of imposing the administrative sanctions, but these have not yet been implemented, due to administrative complications. The amendment provides that street vendors caught in possession of up to 500 music CDs and up to 50 software CDs will be given the opportunity to pay an administrative fine of €20 (US\$29) for each music CD and €1,000 (US\$1,400) for each software CD, but the total administrative fine will be not less than €1,000. The law applies to several, but not all, copyrighted materials; it does apply to sound recordings and business software, with the support of those industries. The MPA lobbied for the complete removal of audiovisual products from this law because of its concern that this would only exacerbate the level of audiovisual piracy because it would not be restricted to only first-time offender.

Seizure and destruction: A recent Ministerial decision issued by the Ministry of Commerce providing for the immediate confiscation and destruction of any counterfeit and pirate products sold by street vendors, is still not applied, despite numerous complaints from IP rights holders and trade organizations. There are still some final adjustments pending, which sadly is delaying the application of this highly important decision.

is equivalent to acquittal. As a result of this court policy, the recording industry reports that several offenders have been arrested and charged two to three or even five to ten times, and have returned to their music piracy business.

Immigration control: The industries were told two years ago that the Ministry of Foreign Affairs intended to introduce legislation whereby immigrant street vendors engaged in any copyright violation will be deported and that Greek Embassies worldwide will be notified so that new visa requests by copyright violators will be denied. Once again, as with so many other initiatives in this area, no step has been taken towards solving this problem, which lies at the root of the pirate retail problem in Greece. On the contrary, during a meeting at the OPI, the representative from the Immigration Control of the Headquarters of the Hellenic Police acknowledged there is no control on illegal immigrants, which make up the bulk of pirate street sellers.

Enforcement authority against street vendors not yet implemented: Ministerial Decree No K1-1178, was signed June 25, 2007, and was intended to help remove street vendors from the streets by empowering the Municipal Police, the Tax Police and the regular Police to confiscate and destroy all items protected by the current intellectual property legislation when sold in the streets by street vendors. However, as discussed above, this Ministerial Decree has not been implemented, despite extensive industry lobbying, for the two principal reasons. First, a tri-partite destruction committee must be created to implement the destruction of the seized counterfeit and pirate items, and the Greek Government has been slow to resolve internal administrative problems between the Ministries. Second, the Municipal Police, who are unarmed and have no authority to arrest people, refuse to go out without armed police escort because they are physically attacked by street vendors. The Ministerial Decree is a welcome step forward. But its successful implementation, as is the case with so many other laudable initiatives, has been unacceptably delayed to the detriment of a struggling copyright sectors. Political pressure must be increased in order to get the three Ministries involved, i.e. Internal Affairs, Public Order and Development, to considerably speed up the implementation process.

Problems with obtaining access to personal data from ISPs: A critical legal issue involves industries' efforts to amend Article 4 of Law 2225/1994 so that ISPs are required to disclose the identity of users suspected of copyright infringement. At present, courts and public prosecutors, based on data protection laws, do not permit the disclosure by ISPs of the identity of owners of internet sites or of an internet connection (IP address) who are involved in intellectual property infringements. A standing committee that was supposed to deal with the amendment of this data protection law (2225/94), which lays down the principles applying to the disclosure of personal data of violators using telecommunication systems. Copyright rights holders proposals were ignored, and as a result, there is no access to data allowing them to enforce their rights against rampant Internet piracy, in particular P2P infringers. This further exacerbates the situation in a market already to a large extent destroyed by huge physical piracy. Reportedly there another committee is reviewing a separate Greek law on electronic crimes, another area where possible engagement on this important issue might occur, but the industry has no further information on any reform/consideration of that law. Any legislative action should be consistent with the recent European Court of Justice (ECJ) decision in the *Telefonica* case, and include appropriate steps to facilitate the ability of right holders to obtain the necessary information to take civil actions to protect their rights.

Government software legalization: BSA reports no progress on government legalization efforts in 2007. The Greek Government should lead by example, stressing the importance of protecting intellectual property rights and legal software use within the Public Administration. By taking these positive steps and implementing policies that support legal software use, the government could raise significant awareness of the problem and help bring down the unacceptably high business software piracy rate.

Box Office Administrative Tax: MPA urges the revision of Law No. 1597 (implemented in February 1988) which includes a box office admission tax ranging from 4%-12% of net ticket prices, with the actual percentage determined by the size of the city in which the cinema is located. (Cinemas benefit from certain tax rebates when screening Greek films.) The tax revenues are the source of government subsidies offered to produce and promote Greek films. According to local MPA member company representatives, this tax has continued to seriously affect box office admissions due to the resulting increase in ticket prices.

IPR TRAINING AND PUBLIC AWARENESS

The copyright industries continue to offer numerous IPR-related training sessions to Greek enforcement officials. For example, during 2007 BSA organized a seminar at YPEE premises in order to train YPEE auditors on how to track illegal software and update their knowledge in software cases. Furthermore, last year was the first time that an IP seminar, aimed at trainee judges, was organized in the National School of Judges in Thessaloniki.