

**NATIONAL SITUATION FOR PRIVATE COPYING EXCEPTION – GREECE**

Last winter and after the Copydan-Nokia C/463-12 decision, all CMOs involved in the collection of private copying remuneration, have decided to collaborate in order to claim private copying remuneration from mobile phone importers. Legal proceedings have been initiated. Extra-judicial letters have been sent to almost all mobile phones' importers, while for some of those who have not responded at all, requests for injunction measures have been filed. The first request was made against the Greek importer of the French mobile phones ARCHOS, namely AMY S.A., in order to declare imports for the first semester of 2014. This request has been followed by similar actions against the VODAFONE importer as well as Huawei.

In the meantime, and just before the Christmas holidays, the OPI state body (Hellenic Copyright organization) has initiated the long-expected public consultation process for the incorporation of the 2014/26 Directive into Greek Legislation. A draft text has been posted on an official state website, for comments. In the said draft a new provision has been added in the Private Copying existing provisions, imposing a 2% (!) levy on the import price of PCs, as private copying remuneration. In the current private copying provisions valid until today, private copying levy on all media/devices is currently **set at 6%** - with the exception of reprography devices/media for which a 4% rate is provided.

Many of the CMOs believe that a 6% has to be imposed universally to all similar devices, including PCs and we are currently working on this direction. Meanwhile, the public consultation which begun on December the 23<sup>rd</sup>, officially ended on the 15<sup>th</sup> of January but was extended for another week, due to huge controversial issues, among which the new provision for PCs which attracted the attention of all the industry players, who strongly opposed to the provision, either separately, or via their unions.

In the beginning of 2016, the decision on the first case against ARCHOS has been issued and it was in favor of CMOs. AMY S.A. has been obliged to comply with its obligation to declare imports for the period in question, including mobile phones. One positive result was that the judge took into consideration in his decision all the CMOs' arguments that the mobile phones are –according to the Greek Law- subjected to the levy as all other devices/media, due to their ability to play, record and store (reproduce) content via several means (i.e. camera, internal memory, recording function e.t.c.).

This positive decision has been followed by the hearing of the case of CMOs against VODAFONE, during which the Greek Union of IT and Telecommunications' Industries (SEPE) has intervened, in favor of their member VODAFONE. The decision has not been issued yet.

Late March, the next hearing will take place against HUAWEI and the CMOS are preparing for a strenuous battle, seeking legal opinions by prominent academic figures, for both legal and technical issues that the opposition will most probably raise in order to exclude mobile phones from the obligation to pay private copying remuneration using their main argument: i.e. that mobile phones are PCs and therefore excluded for the obligation.

Thank you!