

EUROPEAN COMMUNITIES – ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS FOR MOTION PICTURES AND TELEVISION PROGRAMS

Notification of Mutually Agreed Solution

The following communication, dated 20 March 2001, from the Permanent Mission of the United States, the Permanent Mission of Greece and the Permanent Delegation of the European Commission to the Chairman of the Dispute Settlement Body, is circulated pursuant to Article 3.6 of the DSU.

The United States of America, Greece and the European Communities wish to notify the Dispute Settlement Body that they reached a mutually satisfactory solution to the matter raised by the Government of the United States in WT/DS124/1 and WT/DS125/1 dated 7 May 1998 concerning the obligations of the European Communities and Greece under the Agreement on Trade-Related Aspects of Intellectual Property Rights to ensure that the enforcement system in Greece permits effective action against copyright infringement by television stations and constitutes a deterrent to further infringements.

With a view to enhancing the effectiveness of procedures for the enforcement of intellectual property rights, Greece passed legislation on 13 October 1998 (Law 2644/98), Article 17 of which provides an additional enforcement remedy for copyright holders whose works were infringed by television stations operating in Greece.

- This legislation provides for the immediate closure of television stations that infringe intellectual property.
 - Over the past years, Greece has taken action under Article 17 to close down four television stations that were proven to have broadcast illegally US copyrighted works.
 - Since March 1998, estimated levels of television piracy in Greece have fallen significantly and the criminal convictions for television piracy have also been issued in Greece during this time.
1. The United States of America, Greece and the European Communities agree on the need to maintain adequate legislation for the protection and effective enforcement of copyright and related rights concerning audiovisual works.
 2. Greece reaffirms that its legal enforcement systems will continue to permit effective prompt action against copyright infringement by television stations, and constitute an effective deterrent to further infringements.

3. Greece will continue to apply effective deterrence against any increase in the level of television piracy in Greece and to this end the Government of the United States will encourage contacts between US copyright holders and the Greek authorities, on the legitimacy and authenticity of specific claims to copyright and related rights.
4. Greece will continue to enforce Article 17 of Law 2644/98, Article 4 of Law 2328/95, the Copyright Law and the relevant provisions of Greek legislation ensuring an effective deterrent against piracy.
5. Greece will employ its best endeavours to achieve effective administrative supervision of television stations in relation to compliance with copyright and related laws concerning audiovisual works.
6. The United States of America, Greece and the European Communities will continue contacts aimed at exchanging information and views of the effective enforcement of international obligations and national legislation.
7. Based on these developments, the United States of America, Greece and the European Communities have agreed to terminate consultations on this matter and the United States wishes formally to withdraw this matter from further attention under the provisions of the Dispute Settlement Understanding.
8. This Agreement is without prejudice to the rights or obligations of the United States of America, Greece and the European Communities under the TRIPS Agreement.

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