



Law 2121/1993

Copyright, Related Rights and Cultural Matters

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Law 2121/1993 is updated to entail all the latest amendments and addendums. The latest ones had been introduced by the means of the Law 5043/2023 (Official Government Gazette (FEK) A' 91/13.04.2023).

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CHAPTER ONE: OBJECT AND CONTENT OF COPYRIGHT

Article 1: Copyright

1. Authors shall have, with the creation of the work, the right of copyright in that work, which includes, as exclusive and absolute rights, the right to exploit the work (economic right) and the right to protect their personal connection with the work (moral right).

2. The above-mentioned rights shall include the powers to authorize that are provided for in Articles 3 and 4 of this Law.

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Article 2: Object of the right

1. The term work shall designate any original intellectual literary, artistic or scientific creation, expressed in any form, notably written or oral texts, musical compositions with or without words, theatrical works accompanied or unaccompanied by music, choreographies and pantomimes,

audiovisual works, works of fine art, including drawings, works of painting and sculpture, engravings and lithographs, works of architecture and photographs, works of applied art, illustrations, maps and three-dimensional works relative to geography, topography, architecture or science.

2. The term work shall, in addition, designate translations, adaptations, arrangements and other alterations of works or of expressions of folklore, as well as collections of works or collections of expressions of folklore or of simple facts and data, such as encyclopaedias and anthologies, provided the selection or the arrangement of their contents is original. Protection afforded to the works listed in this paragraph shall in no way prejudice rights in the pre existing works, which were used as the object of the alterations or the collections.

2a. Databases which, by reason of the selection or arrangement of their contents, constitute the author's intellectual creation, shall be protected as such by copyright. The copyright protection shall not extend to the contents of databases and shall be without prejudice any rights subsisting in those contents themselves. Database is a collection of independent works, data or other, materials arranged in a systematic or methodical way and individually accessible by electronic or other means.

3. Without prejudice to the provisions of Section VII of this Law, computer programs and their preparatory design material shall be deemed to be literary works within the meaning of the provisions on copyright protection. Protection in accordance with this Law shall apply to the expression in any form of a computer program. Ideas and principles which underlie any element of a computer program, including those which underlie its interfaces, are not protected under this Law. A computer program shall be protected if it is original in the sense that it is the author's personal intellectual creation.

4. The protection afforded under this Law shall apply regardless of the value of the work and its destination and regardless of the fact that the work is possibly protected under other provisions.

5. The protection afforded under this Law shall not apply to official texts expressive of the authority of the State, notably to legislative, administrative or judicial texts, nor shall it apply to expressions of folklore, news information or simple facts and data.

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Article 3: Economic Rights

1. The economic rights shall confer upon the authors notably the right to authorize or prohibit:

- a) the fixation and direct or indirect, temporary or permanent reproduction of their works by any means and in any form, in whole or in part
- b) the translation of their works
- c) the arrangement, adaptation or other alteration of their works
- d) concerning the original or copies of their works, the distribution to the public in any form by sale or

otherwise. The distribution right shall be exhausted within the Community only where the first sale or other transfer of ownership in the Community of the original or copies is made by the rightholder or with his consent

e) the rental in respect of the original or copies of their works. This right shall not be exhausted by the means of any other sale or any other act of distribution of the original or of the copies of the works. This right shall not apply to architectural works and to works of applied arts. Rental means the disposal for use for a limited timeframe and for direct or indirect financial or commercial benefit. In addition, authors of audiovisual works have the right to allow or prohibit public lending, as it is defined by par. 1 of Article 5A, of the original or the copies of works (as amended by paragraph 1 of Article 67 of the Law 5043/2023).

f) the public performance of their works

g) the broadcasting or rebroadcasting of their works to the public by radio and television, by wireless means or by cable or by any kind of wire or by any other means, in parallel to the surface of the earth or by satellite

h) the communication to the public of their works, by wire or wireless means or by any other means, including the making available to the public of their works in such a way that members of the public may access these works from a place and at a time individually chosen by them. These rights shall not be exhausted by any act of communication to the public as set out in this provision

i) the import of copies of their works produced abroad without the creator's consent or the import of copies from a country outside the European Community, when the right over such import in Greece had been retained by the author through contract.

2. The use, performance or presentation of the work shall be deemed to be public when the work thereby becomes accessible to a circle of persons wider than the narrow circle of the family and the immediate social circle of the author, regardless of whether the persons of this wider circle are at the same or at different locations.

3. The author of a database shall have the exclusive right to carry out or to authorize: a) temporary or permanent reproduction by any means and in any form, in whole or in part, b) translation, adaptation, arrangement and any other alteration, c) any form of distribution to the public of the database or of copies thereof. The first sale in the Community of a copy of the database by the rightholder or with his consent shall exhaust the right to control resale of that copy within the Community, d) any communication, display or performance to the public, e) any reproduction, distribution, communication, display or performance to the public of the results of the acts referred to in (b). The performance by the lawful user of a database or of a copy thereof of any of the acts listed above which is necessary for the purposes of access to the contents of the databases and normal use of the contents by the lawful user shall not require the authorization of the author of the database. Where the lawful user is authorized to use only part of the database, this provision shall apply only to that part. Any agreement contrary to the provisions of the previous two sentences shall be null and void.

4. Reproduction of electronic database for private use is not permitted.

5. The exceptions and limitations to the economic rights of copyright as provided under Articles 21A, 21B and 22A shall apply to the reproduction right of the author of a database under section a) of paragraph 3. The limitation provided under paragraphs 2 to 4 of Article 21 is applicable to the rights of the author of a database under the sections a), b), d) and e) of paragraph 3 (as added with Article 28 of the Law 4996/2022 (Article 3 paragraph 1, Article 4 paragraph 1, Article 5 paragraph 1 and Article 6 of the Directive (EU) 2019/790)).

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Article 3A: Transmission of programme-carrying signals by means of direct injection.

1. 'Direct injection' means a technical process by which a broadcasting organisation transmits its programme-carrying signals to an organisation other than a broadcasting organisation, in such a way that the programme-carrying signals are not accessible to the public during that transmission.

2. When a broadcasting organisation transmits its programme-carrying signals by direct injection to signal distributors, without the broadcasting organisation itself directly transmitting their programmes simultaneously to the public, and the signal distributor transmits those signals to the public, it is considered that the broadcasting organisation and the signal distributor participate in only one single act of communication to the public for which they shall obtain a license from rightholders.

3. If the signal distributor provides to the broadcasting organisations solely technical means', to ensure or to improve the reception of the broadcast, he shall not be considered to be participating in an act of communication to the public under paragraph 2.

4. The participation of a broadcasting organisation and a signal distributor in that single act of communication to the public in accordance with paragraph 2 should not give rise to joint liability for that act of communication to the public (as added with Article 4 of the Law. 4996/2022 (Article 2 paragraph 4 and Article 8 paragraph 1 of the Directive (EU) 2019/789)).

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Article 3B: Ancillary online services – Principle of country of origin

1. 'Ancillary online service' means an online service consisting in the provision to the public, by a broadcasting organisation or under its control and responsibility, of radio and television programmes simultaneously with or for a defined period of time after their broadcast by the broadcasting organisation, as well as of any material which is ancillary to this broadcast. The concept of "ancillary online service" includes also such a service which, notwithstanding the fact that it has a clear subordinated relationship with the broadcasting, is available to users separately from the broadcasting

service without there being a precondition for the user to have to obtain access to that broadcasting service, for example via a subscription.

2. The acts of communicating to the public and making available to the public works or other subject – matters of protection, 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, which are taking place when: a) radio programmes and b) television programmes are provided to the public, which consist to: i) news and current affairs programmes, or ii) fully funded, by own resources productions of a broadcasting organization, to an ancillary online service by a broadcasting organization or by its own control and responsibility, as well as acts of reproductions of such works or other subject – matters of protection which are necessary for the provision of this online service, for the access to it or of its use for the same programmes, are considered, for the purposes of exercising copyright and related rights over this acts, that they are taking place exclusively to the Member – State where the broadcasting organization has its principal offices. The broadcaster's fully self-financed productions include the cases where the funds for financing which are used by the broadcasting organization for productions come from public sources, with the exception of the productions which are assigned by the broadcasting organization to producers who are interdependent from the said organization and from the co-producers. The section b) of the first sentence shall not apply to broadcasts of sport events, as well as to the works and other subject – matters of protection which are included thereinto.

3. In determining the amount of the remuneration which is payable for the rights over which the principle of country of origin is applicable, as determined in paragraph 2, the parties shall take into account all aspects of the ancillary online service, such as the features of the service, including the duration of the online availability of programmes included in this service, the audience and the number of subscribers, as well as the language versions to which the service is provided. The first sentence shall not preclude the calculation of the amount of payments on the basis of the revenue of the broadcasting organisation.

4. The principle of country of origin, which is provided in paragraph 2, shall not prejudice the contractual freedom of rightholders, as well as of broadcasting organisations, to agree to the limitation of the exploitation of the rights provided under paragraph 2 of this Article and of Article 81 of the Law 3057/2002 (A' 239). (as added with Article 5 of the Law 4996/2022 ((Article 2 paragraph 1 and Article 3 paragraphs 1, 2 and 3 of the Directive (EU) 2019/789)).

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Article 4: Moral Rights

1. The moral rights shall confer upon the author notably the following rights:

a) to decide on the time, place and manner in which the work shall be made accessible to the public

(publication)

b) to demand that his status as the author of the work be acknowledged and, in particular, to the extent that it is possible, that his name be indicated on the copies of his work and noted whenever his work is used publicly, or, on the contrary, if he so wishes, that his work be presented anonymously or under a pseudonym

c) to prohibit any distortion, mutilation or other modification of his work and any offence to the author due to the circumstances of the presentation of the work in public

d) to have access to his work, even when the economic right in the work or the physical embodiment of the work belongs to another person; in those latter cases, the access shall be effected with minimum possible nuisance to the right holder

e) in the case of a literary or scientific work, to rescind a contract transferring the economic right or an exploitation contract or license of which his work is the object, subject to payment of material damages to the other contracting party, for the pecuniary loss he has sustained, when the author considers such action to be necessary for the protection of his personality because of changes in his beliefs or in the circumstances.

2. With reference to the last case of the preceding paragraph, the rescission takes effect after the payment of the damages. If, after the rescission, the author again decides to transfer the economic right, or to permit exploitation of the work or of a like work, he must give, in priority, the former other contracting party the opportunity to reconstitute the old contract with the same terms or with terms similar to those which were in force at the time of the rescission.

3. The moral rights shall be independent from the economic rights and shall remain with the author even after the transfer of the economic rights.

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Article 5: Resale Right - Droit de Suite

1. The author of an original work of art shall have a resale right, to be defined as an inalienable right *inter vivos*, which cannot be waived, even in advance, to receive a royalty based on the sale price obtained for any resale of the work, subsequent to the first transfer of the work by the author. This right shall apply to all acts of resale involving as sellers, buyers or intermediaries art market professionals, such as salesrooms, art galleries and, in general, any dealers in works of art. The royalty shall be payable by the seller. When an intermediary art market professional is involved, he shall share liability with the seller for payment of the royalty (article 1, par. 1, 2 and 4 of Directive 2001/84).

2. Original work of art means works of graphic or plastic art such as pictures, collages, paintings, drawings, engravings, prints, lithographs, sculptures, tapestries, ceramics, glassware and photographs,

provided they are made by the artist himself or are copies considered to be original works of art. Copies of works of art, which have been made in limited numbers by the artist himself or under his authority, shall be considered to be original works of art for the purposes of the resale right. Such copies will normally have been numbered, signed or otherwise duly authorised by the artist (article 2 of Directive 2001/84).

3. The royalty provided for in paragraph 1 shall be set at the following rates:

- a) 5% for the portion of the sale price up to EUR 50,000.00;
- b) 3% for the portion of the sale price from EUR 50,000.01 to EUR 200,000.00;
- c) 1% for the portion of the sale price from EUR 200,000.01 to EUR 350,000.01;
- d) 0,5% for the portion of the sale price from EUR 350,000.01 to EUR 500,000.00;
- e) 0,25% for the portion of the sale price exceeding EUR 500,000.00.

However, the total amount of the royalty may not exceed EUR 12,500.00 (articles 3 and 4 of Directive 2001/84).

4. The sale prices referred to in the previous paragraph are net of tax (article 5 of Directive 2001/84).

5. The royalty provided above shall be payable to the author of the work and, after his death, to those entitled under him/her.

6. The management and protection of the resale right may be entrusted to collective management organizations operating by resolution of the Ministry of Culture, for the category of works referred to in paragraph 2 (article 6 of Directive 2001/84).

7. For a period of three years after the resale, beneficiaries and collective management organizations may require from any art market professional mentioned in paragraph 1 to furnish any information that may be necessary in order to secure payment of royalties in respect of the resale. The Greek Chamber of Visual Arts shall also be entitled to collect information (article 9 of Directive 2001/84).

8. The term of protection of the resale right shall correspond to that laid down in articles 29, 30, 31, par. 1 and 2, of this law (article 8, par. 1, of Directive 2001/84).

9. Authors who are nationals of third countries and their successors in title shall enjoy the resale right in accordance with national law only if legislation in the country of which the author or his/her successor in title is a national permits resale right protection in that country for Greek authors or authors from other EU Member States and their successors in title. Authors who are not nationals of a Member State but who have their habitual residence in Greece shall also enjoy the resale right.

Article 5A: Public Lending – Enabling provisions

1. Subject to paragraphs 2 to 6, the public lending of lawfully published works is permitted to open to the public lawful owners of their material carriers, in particular libraries, disk and film libraries, with the exception of sound and image carriers which incorporate audiovisual works and radio and television broadcasts. 'Public lending' means the disposal of works for use for a limited time – period and not for direct or indirect financial or commercial benefit, when it takes place from institutions which are open to the public (as amended by paragraph 2 of Article 67 of the Law 5043/2023).

2. The entities of paragraph 1 are owed reasonable remuneration for public lending, which is mandatorily payable to collective management organisations of the rightholders provided under paragraph 4. The public lending from libraries of public educational institutions of primary and secondary education (school libraries), as well as from academic libraries which are members of the Hellenic Academic Libraries Link, is exempted from the obligation of paying remuneration.

3. The obligation of reasonable remuneration which is owed by bodies owned, supervised or subsidized by the State or by local authorities (Organismoi Topikis Autodioikisis (OTA), is defined as a total for all rightholders to the amount of three hundred and fifty thousand (350,000.00) Euros per year, it is therefore by seventy-five percent (75%) by the Ministry of Interior for OTA and by twenty-five percent (25%) from the Ministry of Education and Religious Affairs. The reasonable remuneration of the first sentence is excluded from Value Added Tax and from any other retention. The procedure required, the documentation and the relevant payment titles for the recovery of reasonable remuneration are determined by the means of Joint Decision of the Ministers of Finance, Education and Cultural Affairs, Culture and Sports, and Interior. By a similar decision, the level of the reasonable remuneration shall be updated every three (3) years. The person liable for payment, the documentation and the payment procedure, as well as any other relevant issue may be defined by the means of the decision of the fourth sentence. The criteria for determining the amount of the reasonable fee, as well as for its adjustment, are the objectives of cultural promotion, the turnover of the publishing sector, the total number of libraries, their annual funding, the total number of volumes in their collections, the total number of loans, as well as the international trading practices, adapted to the conditions of Greece in view of its population and its Gross Domestic Product.

4. The remuneration for the public lending of literary works is distributed by seventy percent (70%) to authors and in particular to writers, translators, photographers and authors of visual works and by thirty percent (30%) to publishers. For the public lending of sound recordings, the above remuneration is distributed by fifty – five per cent (55%) to authors, by thirty per cent (30%) to singers – performers and by fifteen per cent (15%) to producers of sound recordings. For the first three (3) years, the remuneration is solely distributed to rightholders - intellectual creators and to publishers of publications. The payment of the remuneration and its level for the public lending of sound recordings

may be determined by the means of the decision provided under the fourth sentence of paragraph 3 (as amended by paragraph 3 of Article 67 of the Law 5043/2023).

5. The remuneration is mandatorily paid to the competent collective management organizations and its payment exempts from any other obligation regarding public lending. The distribution of the remuneration among the organisations of rightholders is defined by the means of an agreement between them. In the case where an agreement has not been achieved until April 30, 2023, and so on, within ninety (90) days from the publishment of the decision of the third sentence of paragraph 3, the decision for the distribution is made by the Hellenic Copyright Organization (H.C.O.). The decision of the H.C.O. shall be drawn up in accordance with the views of the collective management organisations concerned, good faith, fair practices and practices followed at international and Union level. The collective management organizations which do not agree with the decision of the H.C.O. may request from the Single – Member Court of First Instance of Athens, to determine, by way of interim measures, another distribution.

6. Remuneration shall be owed also in the case where public lending is taking place by open to the public libraries of public benefit institutions, organisations and educational institutions which are not regularly funded by the State or local authorities (OTA), the amount of which shall be agreed between the institutions and their entities and collective management organization. If an agreement is not concluded between them until April 30, 2023, any of the parts may ask from the Single – Member Court of First Instance of Athens, to determine, by way of interim measures, the amount of the remuneration. Paragraph 3 applies in relation to criteria for the determination of the remuneration and paragraphs 4 and 5 for the distribution of the remuneration (as added with Article 34 of the Law 4996/2022 (Article 2 paragraph 1 section b), Articles 5 and 6 of the Directive (EC) 2006/115)).

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CHAPTER TWO - THE INITIAL SUBJECT OF COPYRIGHT

Article 6: The initial rightholder

1. The initial holder of the economic right and the moral right in a work shall be the author of that work.
2. The above-mentioned rights shall be vested in the author of a work without resort to any formality.

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Article 7: Works of Joint Authorship, Collective and Composite Works

1. The term work of joint authorship shall designate any work which is the result of the direct collaboration of two or more authors. The initial right holders in respect of the economic and moral rights in a joint work shall be the co authors of that work. Unless otherwise agreed, the rights shall be shared equally by the co authors.

2. The term collective work shall designate any work created through the independent contribution of several authors acting under the intellectual direction and coordination of one natural person. That natural person shall be the initial right holder of the economic right and the moral right in the collective work. Each author of a contribution shall be the initial right holder of the economic right and the moral right in his own contribution, provided that that contribution is capable of separate exploitation.

3. The term composite work shall designate a work which is composed of parts created separately. The authors of all of the parts shall be the initial co-right holders of the rights in the composite work, and each author shall be the exclusive initial holder of the rights of the part of the composite work that he has created, provided that that part is capable of separate exploitation.

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Article 8: Employee - Created Works

Where a work is created by an employee in the execution of an employment contract the initial holder of the economic and moral rights in the work shall be the author of the work. Unless provided otherwise by contract, only such economic rights as are necessary for the fulfilment of the purpose of the contract shall be transferred exclusively to the employer.

The economic right on works created by employees under any work relation of the public sector or a legal entity of public law in execution of their duties is ipso jure transferred to the employer, unless provided otherwise by contract.

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Article 9: Audiovisual works

The principal director of an audiovisual work shall be considered as its author.

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Article 10: Presumptions

1. The person whose name appears on a copy of a work in the manner usually employed to indicate authorship, shall be presumed to be the author of that work. The same shall apply when the name that appears is a pseudonym, provided that the pseudonym leaves no doubt as to the person's identity.
2. In the case of collective works, computer programs or audiovisual works, the natural or legal person whose name or title appears on a copy of the work in the manner usually employed to indicate the right holder shall be presumed to be the right holder of the copyright in the particular work.
3. Paragraph 1 of this article shall apply mutatis mutandis to the holders of rights related to copyright with regard to their protected subject matter, as well as to database creators for the special right. (article 5, item b', of Directive 2004/48).
4. The presumption referred to in paragraphs (1) and (2), above, may be rebutted by evidence to the contrary.

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Article 11: Fictitious Initial Right Holder

1. Any person who lawfully makes available to the public anonymous or pseudonymous works is deemed as the initial holder of the economic and moral right towards third parties. When the true author of the work reveals his identity, he acquires the above-mentioned rights in the condition they are in as a result of the actions of the fictitious right holder.
2. In the case of the previous paragraph, the moral right shall belong to the fictitious right holder as that is compatible with his status.

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CHAPTER THREE: TRANSFER, EXPLOITATION AND EXERCISE OF RIGHTS

Article 12: Transfer

1. The economic right may be transferred between living persons or mortis causa.
2. The moral rights shall not be transferable between living persons. After the death of an author, the moral rights shall pass to his heirs, who shall exercise the rights in compliance with the author's wishes, provided that such wishes have been explicitly expressed.

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Article 13: Exploitation Contracts and Licenses

1. The author of the work may conclude contracts, by which he entrusts economic rights to the other contracting party (exploitation contracts). The other party to the contract undertakes the obligation to exercise the rights thus entrusted.
2. The author of the work may authorize another person to exercise economic rights (exploitation licenses).
3. Exploitation contracts and licenses may be exclusive or non-exclusive. Exclusive exploitation contracts and licenses shall empower the other contracting party to exercise the rights conferred by the contract or license excluding any third person. Non-exclusive exploitation contracts and licenses shall give the right to the other contracting party to exercise the rights conferred by the contract or license in parallel to the author and other contracting parties. In the absence of an agreement to the contrary, the other contracting party shall be entitled in his own name to seek legal protection against illegal infringements by third parties of the rights he exercises.
4. Where doubt exists about the exclusivity of an exploitation contract or license the contract or license shall be deemed to be non-exclusive.
5. The contract or license may in no circumstance confer any total right over the future works of the author, and shall never be deemed to refer also to forms of exploitation which were unknown on the date of the contract.
6. The rights of a person who undertakes to carry out the exploitation of a work or who acquires the possibility of exploitation may not be transferred between living persons without the consent of the author.

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Article 14: Form of Legal Acts

Acts dealing with the transfer of economic rights, with the assignment or licensing of the right of exploitation and with the exercise of the moral right shall be null and void, unless they are concluded in writing. Nullity may be invoked only by the author.

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Article 15: Extent of Transfer and of Exploitation Contracts and Licenses

1. The transfer of the economic right and exploitation contracts or contracts licensing the exploitation of that right may restrict the rights they confer, their scope and duration, the geographical application and the extent or the means of exploitation.
2. If the duration of the transfer or of the exploitation contract or license is unspecified, its duration shall be deemed to be limited to five years, provided conventional mores do not indicate otherwise.
3. If the geographical application of the transfer or of the exploitation contract or license is unspecified, the said legal acts shall be deemed to apply to the country in which they were concluded.
4. If the extent and the means of exploitation which the transfer concerns or for which the exploitation or the exploitation license is agreed are unspecified, it shall be deemed that the said acts refer to the extent and the means that are necessary for the fulfilment of the purpose of the contract or license.
5. In all cases involving the transfer of the economic right or the granting of an exclusive exploitation license, the person who acquires the right or the license shall ensure that within a reasonable period of time, the work is accessible to the public via an appropriate form of exploitation.

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Article 15A: Transparency obligation

1. The natural or legal person to whom the author had licenses or transferred his rights or the lawful successors of this person are obliged to provide to the author on a regular basis, and anyway at least once a year, up to date, relevant and sufficient information, taking into account the specificities of each sector, in relation to the exploitation and promotion of its work, in particular as regards the modes of exploitation, all revenues generated and the remuneration due.
2. Where the rights referred to in paragraph 1 have been subsequently licensed, the author or his special representative shall, at his request, receive from sub-licensees and other successors additional information, if the first contractual counterpart of the author does not hold or does not provide all the information that would be necessary for the purposes of paragraph 1. Where that additional information is requested, the first contractual counterpart of the author shall provide information on the identity of those sub-licensees. The author may address any request to the sub – licensees directly or indirectly through his contractual counterpart.
3. The obligation set out in paragraph 1 shall be proportionate and effective in ensuring a high level of transparency in every sector. In duly justified cases where the administrative burden resulting from the obligation set out in paragraph 1 would become disproportionate in the light of the revenues generated

by the exploitation of the work, the transparency obligation is limited to the types and level of information that can reasonably be expected in similar cases.

4. The obligation set out in paragraph 1 does not apply when: a) the contribution of the author is not significant having regard to the overall work or performance, unless the author demonstrates that he or she requires the information for the exercise of his or her rights under Article 32A and requests the information for that purpose and b) Article 25 of the Law 4481/2017 (A' 100) is applicable as regards as the provision of information to rightholders in relation to the management of their rights, in relation to the provision of information to authors and other rightholders from collective management organizations and independent management entities, as well as by all entities which fall within the scope of the Law 4481/2017.

5. For licenses or exploitation contracts or contracts under which economic rights are transferred for the purpose of exploiting works which are subject to agreements resulting from collective bargaining, the transparency rules of the relevant agreement which results from collective bargaining shall be applicable provided that such rules meet the criteria provided for in paragraphs 1 to 4.

6. Any agreement preventing compliance herewith is void. Invalidity can only be invoked by the author (as amended by Article 22 of the Law 4996/2022 (Article 19 and Article 23 paragraph 1 of the Directive (EU) 2019/790)).

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Article 15B: Right of revocation

1. Where an author had licensed or transferred his or her economic rights over a work or other protected subject - matter of protection on an exclusive basis for the purpose of exploitation, he or she has the right to revoke either in whole or in part the license or the transfer of rights, or to terminate the exclusive character of the contract, where the exploitation of this work or other subject – matter of protection is not taking place.

2. The right of revocation or of termination of the exclusive character of the contract under paragraph 1 may only be exercised after a reasonable time following the conclusion of the exclusive licence or the transfer of the rights. The author shall notify his or her counterparty and set an appropriate deadline by which the exploitation of the rights which consist of the subject – matter of the exclusive license or the transfer contract shall take place.

3. If the work includes the contribution of more than one authors, the exercise of the right provided under paragraph 1 from an individual author is excluded, in the case where his or her contribution is not important, taking into account the total work.

4. The right of revocation shall not apply to film and in general audiovisual works.

5. Paragraph 1 shall not apply if the lack of exploitation is mostly due to circumstances that the author can reasonably be expected to remedy.

6. Any contractual provision derogating from the revocation mechanism provided under paragraph 1 is valid, only if it is based on an agreement resulting from collective bargaining (as added with Article 25 of the Law 4996/2022 (Article 22 of the Directive (EU) 2019/790)).

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Article 16: Consent of the Author as Exercise of the Moral Right

The granting of consent by an author for an action or an omission which would otherwise constitute an infringement of his moral right shall be deemed to be a form of exercise of his moral right, and shall be binding upon him.

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Article 17: Transfer of the Physical Carrier

Unless there exists prior agreement to the contrary, in writing, with the initial right holder of the economic right, the transfer of the ownership of the physical carrier into which the work has been incorporated, whether in the original form or in any form of copy, shall not constitute a transfer of the copyright or confer on the new owner any rights to exploit the work.

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CHAPTER FOUR: LIMITATIONS OF THE ECONOMIC RIGHT

Article 18: Reproduction for Private Use

1. Without prejudice to the following paragraphs, the reproduction of a lawfully published work shall be permissible without the author's consent and without remuneration, provided that this reproduction is intended for the user's own private use. The term 'private use' shall not include a use made by an enterprise, a service or an organization.

2. The right to make a reproduction for private use shall not apply in cases where such an act conflicts with the normal exploitation of the work, or where the authors' legitimate interests are prejudiced, and notably:

a) in the case where an architectural work in the form of a building or any similar construction is reproduced, and,

b) when technical means are used for the reproduction of a work of fine arts which circulates in a restricted number of copies, or when the reproduction is a graphical representation of a musical work.

3. (a) If, for the free reproduction of the work for private use, technical means are used, such as audio or video recorders or audio and video recorders, magnetic tapes or other material suitable for the reproduction of sound or images or sound and images, including digital reproduction devices and media, in particular, CD-RW, CD-R, DVD and other storage media with a capacity of more than 4 GB, computers, portable electronic devices (tablets), smartphones, devices or components, irrespective of whether their operation falls within the context of computers and are used for the digital copying, transcription or reproduction by any other means, photocopying machines and paper suitable for photocopies, scanners and printers, including the three - dimensional ones, a reasonable remuneration is due to the creator of the work and to the holders of related rights under this provision, with the exception of the items to be exported (as amended by Article 52 par. 2 subpar. a) of the Law 4961/2022). The reasonable remuneration shall be determined as follows:

(a) The remuneration due for computers, portable electronic devices (tablets) and smartphones is set at 2% of their value. Such a remuneration shall be distributed between authors, performers or performing artists, producers of recorded magnetic tapes or other sound or image or sound and image recording medium, and publishers of printed material. The distribution of the reasonable remuneration rates in respect of the technical means referred to in the previous sub-paragraph to collective management organisations representing each category or subcategory of rightholders, as well as the collection and methods of payment shall be determined in accordance with paragraph 9.

b) The remuneration due for sound or image or sound and image recording apparatus, magnetic tapes or any other media suitable for sound or image or sound and image reproduction, for digital reproduction devices and media, and other storage media with a capacity of more than 4 GB, as well as the remuneration due for devices or components irrespective of whether their operation takes place in the context of computers or not and are used for the purposes of digital copying, transcription or reproduction by any means, is set at 6% of their value. The remuneration due for digital reproduction devices and media, and other storage media, as well as for devices or components irrespective of whether their operation takes place in the context of computers or not and are used for the purposes of digital copying, transcription or reproduction by any means, shall be distributed among the collective management organisations representing copyright and related rights holders in accordance with the procedure set out in paragraph 9. The remuneration due for sound or image or sound and image recording apparatus shall be allocated to the respective rightholders as follows: 55% to authors, 25% to performers or performing artists, and 20% to producers of recorded magnetic tapes or any other sound or image or sound and image recording medium.

c) The remuneration due for photocopying machines, scanners, including the three - dimensional ones, printers, including the three - dimensional ones, and for the paper suitable for photocopying, is set at 4% of their value (as amended by Art. 53 par. 2 subpar. B Law 4961/2022). Such a remuneration shall

be shared equally between authors and publisher of printed material. Any multifunctional machine capable of copying shall be also included within the meaning of 'photocopying machines'.

In any of the aforementioned cases, the value shall be calculated upon import or disposal from the factory. The remuneration shall be paid by the importers or the producers of those items, it shall be entered on the invoice and shall be collected by the collective management organisations operating on the basis of an authorization issued by the Minister of Culture and Sports and covering, either in whole or in part, the category of rightholders concerned.

4. a) Any person importing or obtaining through intra-Community acquisition or producing and providing technical equipment and/or paper suitable for photocopies which, in accordance with paragraph 3, are subject to the payment of a reasonable remuneration, shall, within thirty (30) days from the end of each calendar quarter, refer, by the means of a solemn declaration in writing pursuant to Law 1599/1986, to HCO:

(aa) the quantity and total value of the technical means and/or the paper suitable for photocopying that he/she imported or acquired within the Community or produced and provided within the immediately preceding calendar quarter per category and type of technical means, and;

(bb) that this is the actual quantity and total value without any concealment.

(b) Any collective management organisation shall have the right to request at any time from any debtor, by the means of a written notification, to solemnly declare in writing in accordance with Law 1599/1986, to HCO:

(aa) the quantity and total value of the technical means and/or the paper suitable for photocopying per category and type of technical means in detail, which, in accordance with paragraph 3, are subject to the payment of a reasonable remuneration and which, on a case-by-case basis, he/she imported or acquired within the Community or produced and provided, and;

(bb) that this is the actual quantity and total value without any concealment.

Within one (1) month from the communication of such a request, the person liable to such a declaration shall submit to HCO the above mentioned solemn declaration, signed by itself in the case of sole proprietorship, or, if it is a company, by its statutory representative.

5. If the person liable to submit the solemn declaration referred to in paragraph 4 fails to comply with that obligation, the Single-Member Court of First Instance shall, in accordance with the procedure of interim measures, sentence the person called on to proceed to the immediate submission of the solemn declaration, in any case of non-compliance, to a penalty payment ranging from three thousand (3,000) to thirty thousand (30,000) euros to the requesting collective management organisation, in accordance with paragraph 2C of Article 54 of Law 4481/2017.

6. Any collective management organisation is entitled, at its own cost, to request the investigation of the accuracy of the content of any solemn declaration carried out by a sworn auditor appointed by HCO. In the case where the person required to submit such a declaration refuses to accept the

aforementioned audit, its performance shall be ordered by the Single – Member Court of First Instance, in accordance with the above specified. Each audit statement issued shall be submitted to HCO, and any collective management organisation is entitled to receive a copy of such a statement. A new inspection requested by other collective management organisations in respect of the same solemn declaration shall be excluded.

7. The rights of collective management organisations referred to in the previous paragraphs are also afforded and may be exercised against anyone to all enterprises importing, producing, making available or selling technical means and media that are subject to the payment provided for under this Article. In the event that a verification is carried out by a sworn auditor, the relevant costs shall be borne by the enterprise that requested it.

8. In the case where the importer is liable for the payment of the reasonable remuneration, related either to the import or the intra-Community acquisition of the sound or image or sound and image media or technical means referred to in paragraph 3, the remuneration due shall be calculated on the basis of the value entered on the foreign company's invoice, while the note to the invoice provided for by this Article shall be made to the invoice related to the disposition of such media and technical means, mentioning that the remuneration calculated on the basis of the aforementioned value as referred to in paragraph 3, is included in the discounted issue amount. The remuneration becomes chargeable three (3) months following the import.

9. In the case where in the same category or sub- category of rightholders exist more collective management organizations and the agreement for the determination among them of the percentage of equitable remuneration is not succeeded until April 1st of each year, the allocation of percentages of this equitable remuneration to the collective management organizations of each category or sub – category of rightholders, the method of collection and payment, as well as any other relevant detail are determined by the means of a decision of the H.C.O., which shall be issued within a term of eight (8) months from the commencement or following an application submitted by any collective management organization or following a respective request of the H.C.O., of the procedure of adoption of a decision before the H.C.O. and in any case until November 30rd of each year. The decision of the H.C.O. is formulated in accordance with the views of the interested collective management organisations, good faith, business ethics and the practices followed at international and community level. The collective management organisations which do not agree with the decision of the H.C.O. may request from the Single – Member Court of First Instance, judging within the proceedings of interim measures, to determine another allocation, the debtors, though, are obliged to pay to the collective management organisations the equitable remuneration based on the decision of the H.C.O.. This payment results to repayment and to their release.

*In accordance with paragraph 2(a) of Article 117 of the Law 5039/2023, paragraph 1 is in force since January 1st, 2022.

**In accordance with paragraph 2(a) of Article 117 of the Law 5039/2023, for the first implementation of the first sentence of paragraph 9 of Article 18 of the Law 2121/1993, as amended with paragraph 1 hereinto, in relation to the cases pending before the H.C.O. until the entry into force of this Law, a deadline is granted for the issuance of the decision of the H.C.O. until July 31st, 2023.

10. Foreign companies which are not established in Greece and which have not obtained an operating license in accordance with paragraph 4a of Art. 29 of the Custom Code (Law 2960/2001, A' 265), as introduced by Law 4132/2013 (A' 59) and the Ministerial Decision 1126/12.6.2013 (B' 1420), shall not be liable for the payment of a reasonable remuneration for the products imported under the deferment of VAT regime. The reasonable remuneration due to rightholders shall be paid by the first buyer established within the Greek territory who obtains the products from foreign companies which have been authorized in accordance with paragraph 4a of the Customs Code, with the purpose of making them available within the territory of the state, and it is mentioned as a percentage rate and as an amount on the tax document issued by the aforementioned companies upon the delivery of the aforementioned products, and collected by collective management organisations as defined in this Article. The aforementioned companies shall notify the beneficiary collecting societies the data related to the deliveries made within the territory of the state, providing, in particular, full reporter on the buyer, the quantity, the value, the species code, the date of purchase, as well as any other element deemed necessary for the collection of the remuneration, by the means of quarterly statements, in accordance with paragraph 8. Any details related to the implementation of this paragraph may be specified by a decision issued by the Minister of Culture and Sports.

11. Collective management organisations shall provide and post on their websites a swift and effective procedure for the return of the reasonable remuneration collected in respect of the technical means referred to in paragraph 3, provided that a relevant application has been submitted by an enterprise or a professional, and the applicant succeeds in proving that these means are profoundly intended for uses other than the reproduction for private use. Such an application for reimbursement shall be submitted exclusively by an enterprise or a professional and not by third importers or traders. The refund procedure for reasonable remunerations shall provide, among others, for the collective management organisation to which such an application related to each of the cases referred to in subparagraphs (a) to (c) of paragraph 3 will be submitted (as amended with a.37 par.1 Law 4540/2018).

Note: (Art. 37 par. 2 Law 4540/2018)

~~*Without prejudice to the second subparagraph, the provisions of paragraph 1 shall apply retroactively from the date of entry into force of Law 4481/2017 (A' 100). With regard to the existing, at the entry into force of this Law, proceedings concerning Art. 18 of Law 2121/1993 and until they are concluded in the form of a final judgement, Art. 18 of Law 2121/1993 continues to apply in the version applicable before its amendment by paragraph 1 (as amended with article 104 Law 4605/2019).*~~

Article 19: Quotation of Extracts

Quotation of short extracts of a lawfully published work by an author for the purpose of providing support for a case advanced by the person making the quotation or a critique of the position of the author shall be permissible without the consent of the author and without payment, provided that the quotation is compatible with fair practice and that the extent of the extracts does not exceed that justified by the purpose. The quotation of the extract must be accompanied by an indication of the source of the extract and of the names of the author and of the publisher, provided that the said names appear in the source.

Article 20: School Textbooks and Anthologies

1. The reproduction of lawfully published literary works of one or more writers in educational textbooks approved for use in primary and secondary education by the Ministry of National Education and Religions or another competent ministry, according to the official detailed syllabus, shall be permissible without the consent of the authors and without payment. The reproduction shall encompass only a small part of the total output of each of the writers. The provision is applicable only as it concerns the reproduction by means of printing.

2. After the death of the author it shall be permissible to reproduce his works in a lawfully published anthology of literary works of more than one writer, without the consent of the right holders and without payment. The reproduction shall encompass only a small part of the total output of each of the writers.

3. The reproduction, as specified in paragraphs (1) and (2), above, shall not conflict with the normal exploitation of the work from which the texts are taken and must be accompanied by an indication of the source and of the names of the author and the publisher, provided that the said names appear in the source.

Article 21: Use for Teaching Purposes

1. It is allowed without the author's authorization and without paying a remuneration the printed reproduction of articles which have been lawfully published to a journal or a periodical of short excerpts of a work or of parts of a short work or of a work of applied art, lawfully published, provided that it takes place exclusively for teaching activities or exams in an educational institution, to the extent that it is justified by the intended non-commercial purpose, it is in line with good morals and it

does not prevent the normal exploitation. The reproduction shall be accompanied by the indication of the source and of the names of the author and of the publisher, unless this is impossible.

2. Without the author's authorization, the reproduction, the communication to the public and the making available to the public, for the digital use of works for the sole purpose of illustration during teaching or exam, are allowed to the extent justified by the intended non – commercial purpose, provided that this use: a) is taking place under the responsibility of the educational institution, within its premises or in other places or through secure electronic environment to whom only the pupils or the students or the teaching staff of the educational institution have access, b) it does not exceed the five per cent (5%) of the total extent of the work or does not exceed an article lawfully published to a newspaper or a periodical or a poem or a work of visual arts, including photographic works, and c) it is accompanied by a reference to the source, including the name of the author and of the publisher, unless it is determined that this is not possible.

3. Paragraph 2 shall not apply to the extent that appropriate licenses are easily available to the market, which allow the acts of paragraph 2 and respond to the needs and specificities of educational institutions, In this case collective management organizations take the necessary measures in order to ensure the availability, the information and the easy access of educational institutions to appropriate licenses by posting them to their website and notifying them to the Hellenic Copyright Organization to respectively inform its own website.

4. The use of works or other subject – matters of protection for the sole purpose of illustration for teaching through secure electronic environment is considered to take place exclusively to the Member State where the education institution has its registered offices, provided that it takes place in accordance with paragraph 2.

5. For the use of works within the framework of paragraph 2 users owe the payment of a reasonable remuneration to authors and publishers of the works, which is proportional to the extent of the use taking place within the framework of the exception and the value of the works which are reproduced. The remuneration is mandatorily received by the Collective Management Organization which represents the interested category of rightholders.

6. Any contractual provision contrary to paragraphs 2, 3, 4 and 5 is void (as the title of the Article and the Article had been amended by Article 10 of the Law 4996/2022 (Article 5 and Article 7 paragraph 1 of the Directive (EU) 2019/790)).

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Article 21A: Definitions of text and data mining, of the research organisation and of the cultural heritage institution – Exception concerning the reproduction of works for the purpose of mining texts and data for scientific research purposes and exclusion of contradicted contractual provisions

1. For the application of this Article the following definitions apply: a) ‘text and data mining’ means any automated analytical technique aimed at analysing text and data in digital form in order to generate information which includes but is not limited to patterns, trends and correlations. b) ‘research organisation’ means a university, including its libraries, a research institute or any other entity, the primary goal of which is to conduct scientific research or to carry out educational activities involving also the conduct of scientific research: (ba) on a not-for-profit basis or by reinvesting all the profits in its scientific research; or (b) pursuant to a public interest mission in such a way that the access to the results generated by such scientific research cannot be enjoyed on a preferential basis by an undertaking that exercises a decisive influence upon such organisation. c) ‘cultural heritage institution’ means a publicly accessible library or museum, an archive or a film or audio heritage institution.

2. The reproduction of works or other subject – matters of protection for the purpose of conducting text and data mining for the purpose of scientific research which takes place from research organisations and cultural heritage institutions, is allowed. The text and data mining, is permissible to the material to which research organisations and cultural heritage institutions have lawful access.

3. Copies of works or other subject – matters of protection which are created in accordance with paragraph 2 shall be stored under the responsibility of the research organisation and of the cultural heritage institution with an appropriate level of security and they may be secured for scientific research purposes, including the verification of the results of the research.

4. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject – matters of protection are hosted. Such measures shall be proportionate and they shall not go beyond what is necessary to achieve that objective.

5. Rightholders, research organisations and cultural heritage institutions define commonly agreed best practices concerning the application of the obligation and of the measures referred to in paragraphs 2 and 3 respectively. The practices of the first sentence are notified without delay to the Hellenic Copyright Organisation and posted on its website.

6. Any contractual provision contrary to the exception provided herein is void (as added with Article 8 of the Law 4996/2022 (Article 2 paragraph 1, 2 and 3, Article 3 and Article 7 paragraph 1 of the Directive (EU) 2019/790)).

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Article 21B: Exception for text and data mining from reproduction and extraction of lawfully accessible works and other material

1. The reproduction and extraction of works and other material to whom access is lawful with the purpose of conducting text and data mining is lawful on the condition that such use has not been

expressly restricted by the author or other rightholder in an appropriate manner, such as machine-readable means in the case of content made publicly available online.

2. Reproductions and extractions which are taking place in accordance with paragraph 1 may be retained for as long as is necessary for the purposes of text and data mining (as added with Article 9 of the Law 4996/2022 (Article 4 of the Directive (EU) 2019/790)).

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Article 22: Reproduction of an additional copy by non-profit libraries or archives

1. It is allowed, without the author's authorization and without a remuneration, the reproduction of an additional copy of non --commercial libraries or archives, which have a copy of the work in their permanent collection, in order to retain such a copy or to transfer it to other, non – commercial, library or archive. The reproduction s permitted only if it is impossible to procure such a copy from the market in a short time and on reasonable terms.

2. Abolished (as abolished with Article 43 and Article 54 of the Law 4996/2022).

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Article 22A: Preservation of cultural heritage

1. The creation of copies of works or other subject - matters of protection which are permanently in their collections, in any form or medium is allowed to cultural heritage institutions referred to in point c) of paragraph 2 of Article 21A, as well as third parties which are acting on their behalf and under their responsibility, exclusively for purposes of preserving such works or other subject – matters of protection and to the degree required for such a preservation.

2. Any contractual provision contrary to the exception provided under paragraph 1 is void (as added with Article 11 of Law 4996/2022 (Article 6 and Article 7 paragraph 1 of the Directive (EU) 2019/790)).

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Article 23: Reproduction of Cinematographic Works

In cases where the holder of the economic right abusively withholds consent for the reproduction of a cinematographic work of special artistic value, for the purpose of preserving it in the National Cinematographic Archive, the reproduction shall be permissible without his consent and without payment, subject to a decision by the Minister of Culture, taken in conformity with the prior opinion of the Cinematography Advisory Council.

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Article 24: Reproduction for Judicial or Administrative Purposes

To the extent justified for a particular purpose, the reproduction of a work for use in judicial or administrative procedures shall be permitted without the consent of the author and without payment.

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Article 25: Reproduction for Information Purposes

1. To the extent justified for the particular purpose, the following acts of reproduction shall be permissible without the consent of the author and without payment:

- a) For the purpose of reporting current events by the mass media, the reproduction and communication to the public of works seen or heard in the course of the event
- b) For the purpose of giving information on current events, the reproduction and communication to the public by the mass media of political speeches, addresses, sermons, legal speeches or other works of the same nature, as well as of summaries or extracts of lectures, provided the said works are delivered in public

2. Wherever possible, the reproduction and communication to the public shall be accompanied by an indication of the source and of the name of the author.

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Article 26: Use of Images of Works Sited in Public Places

The occasional reproduction and communication by the mass media of images of architectural works, fine art works, photographs or works of applied art, which are sited permanently in a public place, shall be permissible, without the consent of the author and without payment.

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Article 27: Public Performance or Presentation on Special Occasions

The public performance or presentation of a work shall be permissible, without the consent of the author and without payment on the following occasions:

- a) at official ceremonies, to the extent compatible with the nature of the ceremonies
- b) within the framework of staff and pupil or student activities at an educational establishment, provided that the audience is composed exclusively of the aforementioned persons, the parents of the pupils or students, persons responsible for the care of the pupils or students, or persons directly involved in the activities of the establishment.

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Article 27A: Certain permitted uses of orphan works

1. It is permitted to be made accessible to the public within the meaning of article 3 (1) (h) and to be reproduced for the purposes of digitization, making available to the public, indexing, cataloging, preservation or restoration (permitted uses) by publicly accessible libraries, educational establishments or museums, archives or film or audio heritage institutions, as well as from public-service broadcasting organisations established in a Member State of the European Union (beneficiaries of orphan works), works in their collections, for which no right holder has been identified or even if is identified, none has been located despite a diligent search carried out by the beneficiaries of orphan works, according to the terms of this article (orphan works).

2. This regulation shall apply only to:
a. works published in the form of books, journals, newspapers, magazines or other writings contained in the collections of publicly accessible libraries, educational establishments or museums as well as in the collections of archives or of film or audio heritage institutions;

b. cinematographic or audiovisual works and phonograms contained in the collections of publicly accessible libraries, educational establishments or museums as well as in the collections of archives or of film or audio heritage institutions;

c. cinematographic or audiovisual works and phonograms produced by public-service broadcasting organisations up to 31 December 2002 and contained in their archives;

d. works and other protected subject-matter that are embedded or incorporated in, or constitute an integral part of, the above mentioned works or phonograms, to the extent that those works (of cases a, b, c, d) are protected by copyright or related rights and are first published in a Member State of the European Union or, if not published, are first broadcast in a Member State of the European Union. If these works are not published or broadcast, they can be used by the beneficiaries of orphan works only if: a) they have been made publicly accessible by anyone of the beneficiaries of orphan works (even in the form of a lending) with the consent of the rightholders, and b) it is reasonable to assume that the rightholders would not oppose the permitted uses referred to in this article.

3. Where there is more than one rightholder in a work or phonogram, and not all of them have been identified or, even if identified, located after a diligent search has been carried out and recorded in accordance with paragraphs 6 and 7, the work or phonogram may be used in accordance with the paragraphs hereinabove provided that the rightholders that have been identified and located have, in relation to the rights they hold, authorised the beneficiaries of orphan works to carry out the permitted uses in relation to their rights.

4. The use of orphan works is permitted to the beneficiaries of orphan works only in order to achieve aims related to their public-interest missions, in particular the preservation of, the restoration of, and the provision of cultural and educational access to, works and phonograms contained in their collections. The beneficiaries of orphan works may generate revenues in the course of such uses, for

the exclusive purpose of covering their costs of digitising orphan works and making them available to the public.

5. The beneficiaries of orphan works indicate the name of identified authors and other rightholders in any use of an orphan work with the following labelling: “Orphan work: [...] [no of entry in the Single Online Database of the Office for Harmonization in the Internal Market]”.

6. By issuing a decision, the Hellenic Copyright Organization Board of Directors will determine the appropriate sources for a diligent and in good faith search to be carried out by the beneficiaries of orphan works to identify and locate the rightholders according to paragraph 1 in a work or phonogram, including works and protected subject matter contained in them prior to their use. The diligent search shall be carried out by the beneficiaries of orphan works or by third parties on behalf of the beneficiaries of orphan works, in the European Union Member State of the first publication, or in the absence of publication, of the first broadcast. In respect of cinematographic or audiovisual works the producer of which has his headquarters or habitual residence in a Member State of the European Union the diligent search should be carried out in the Member State of his headquarters or habitual residence. If the works have neither been published nor broadcast pursuant to the last sentence of paragraph 2, the diligent search shall be carried out in the Member State of the European Union where the beneficiary of orphan works use that made the work publicly accessible is established. If there is evidence to suggest that a search in sources of information of other countries is to be carried out, the search in those other countries should be carried out also.

7. Beneficiaries of orphan works that carry out a diligent search shall keep a search record on file throughout the term of use of the orphan work and seven (7) years after the termination of such use and provide concrete information to the Hellenic Copyright Organization, that shall immediately forward this information to the Single Online Database of the Office for Harmonization in the Internal Market. Such information shall contain:

- a) a full description of the orphan work and the names of the identified authors or rightholders,
- b) the results of the diligent search carried out by the beneficiaries of orphan works, which led to the conclusion that a work or a phonogram is considered an orphan work,
- c) a statement from the beneficiaries of orphan works for the permitted uses they intend to make,
- d) a possible change to the orphan work status of a work (notification of new data that they have been informed of),
- e) contact information of the beneficiaries of orphan works,
- f) any other information as specified by decision of the Hellenic Copyright Organization Board of Directors and posted on the Hellenic Copyright Organization’s website, according to the procedure determined by the Office for Harmonization in the Internal Market regarding the Database.

8. A diligent search is not required for works that have already been recorded in the Single Online Database of the Office for Harmonization in the Internal Market as orphans. A work or phonogram

shall be considered an orphan work if it has been characterized as such in any Member State of the European Union.

9. If the rightholder of a work or phonogram or other protected subject-matter that has been recorded as an orphan comes forward, then he has the right to put an end to the orphan work status of the work in so far as his rights are concerned and ask for the end of use of the work by the beneficiary of orphan works, as well as for the payment of compensation for the use of the work that has been made by the beneficiary of orphan works. The beneficiary of orphan works that makes use of the work is liable for the end of orphan work status of a work. The beneficiary of orphan works will have to decide within twenty (20) working days, calculated from the day following the date the application is filled by the person appearing as the rightholder, if the application and the submitted evidence by the appearing as rightholder is sufficient to establish a right on the specific orphan work, and it either characterises the work as “non-orphan” or rejects the application. If the beneficiary of orphan works does not decide on the application within the above mentioned period or if, despite having approved the application, continues to make use of the work, then the provisions of articles 63A to 66D shall apply. If a work is rendered “non-orphan” according to the Single Online Database of the Office for Harmonization in the Internal Market the beneficiary of orphan works is obliged to end its use within ten (10) working days from the reception of the relevant notice from the above mentioned Office. The compensation shall amount to half of the remuneration that is, usually or according to law, paid for the kind of use that has been made by the beneficiary of orphan works and the payment of such compensation shall be made within two (2) months from the end of orphan work status of a work. If the parties do not reach an agreement, the terms, the period, and the level of compensation shall be determined by the Court of First Instance of Athens by interim measures.

10. In any case, if it is proven that a work has been wrongly found to be an orphan work due to a search which was not diligent and in good faith, then provisions of articles 63A to 66D shall apply.

11. The Hellenic Copyright Organization shall not be liable for the diligent search carried out by a beneficiary of orphan works, nor liable whether an orphan work status of a work is established or is ended.

12. This article shall be without prejudice to the provisions on anonymous or pseudonymous works, and to the provisions on rights management according to the current law” (as added with article 7 Law 4212/2013).

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Article 27B: Use of out – of – commerce works and other subject – matters of protection, cross – border uses by cultural heritage institutions, publicity measures and dialogue with interested parties

1. A work or other subject - matter of protection shall be deemed to be out of commerce when it can be presumed in good faith that the work or other subject matter is not available to the public through customary channels of commerce, after a reasonable effort has been made to determine whether it is available to the public and provided that ten (10) at least years had passed which shall be calculated from January 1st of the year that follows their publication.

2. Collective management organisations, in accordance with their mandates from rightholders, may conclude non-exclusive licenses for non-commercial purposes with cultural heritage institutions as defined under point c) of paragraph 1 of Article 21A, for the reproduction, distribution, communication to the public or making available to the public of out-of-commerce works or other subject – matters of protection which are permanently in the collection of such institutions, irrespective of whether all rightholders covered by the license have respectively mandated collective management organisations, provided that the following conditions are met: a) the collective management organisation concerned is, on the basis of its mandates, sufficiently representative of rightholders in the relevant type of works or other subject – matters of protection, as well as of the rights which are subject to the license, and b) all rightholders are guaranteed equal treatment in relation to the terms of a given license. In any case, the representativeness of the organisation from whom a license is required, within the meaning provided herein, is determined on the basis of the state where the cultural heritage institution to which it pertains is established.

3. Cultural heritage institutions are allowed without a license and without a remuneration to reproduce, distribute, make available and provide to the public, exclusively for non – commercial purposes, out-of-commerce works or other subject – matters of protection that are permanently in their collections, on condition that: a) the name of the author or any other identifiable rightholder is indicated, unless this turns out to be impossible, and b) such works or other subject – matters of protection are made available on non-commercial websites.

4. The exception provided under paragraph 3 is solely applicable to types of works or other subject – matters of protection for which no collective management organisation, from those which are established and operate lawfully within the Greek territory, fulfils the conditions provided under point a) of paragraph 2.

5. Authors may, at any time, declare to the collective management organisation or to the cultural heritage institution that they wish the exclusion of their works or other subject – matters of protection from the licensing mechanism set out in paragraph 2 or from the application of the exception provided for in paragraph 3, either in general or in specific cases, including the cases where their declaration is submitted following the conclusion of the respective license or after the beginning of the permitted use. For the cases of the first sentence, paragraph 4 of Article 7 of the Law 4481/2017 (A' 248) applies.

6. This Article shall not apply to sets of out-of-commerce works or other subject – matters of protection if, on the basis of the reasonable effort referred to in paragraph 1, there is evidence that such sets predominantly consist of: a) works or other subject -matters of protection, except from cinematographic or audiovisual works, which were first published or, in the absence of publication, their first broadcast had taken place in a third country, or b) cinematographic or audiovisual works, of which the producers have their headquarters or habitual residence in a third country, or c) works or other subject – matters of protection of third - country nationals, where after a reasonable effort no Member State or third country could be determined pursuant to points a) and b). By way of derogation from point a), this Article shall apply where the collective management organisation is sufficiently representative, within the meaning of point a) of paragraph 2, of rightholders of the relevant third country.

7. The license granted in accordance with paragraph 2, may allow the use of out – of – commerce works or other subject – matters of protection by cultural heritage institutions in any Member State. The uses of works or other subject – matters of protection which are permitted under the exception provided under paragraph 3 are considered to take place exclusively to the Member State where the cultural heritage institution that makes such a use, is established.

8. Information from cultural heritage institutions, collective management organisations or relevant public authorities, for the purposes of the identification of the out-of-commerce works or other subject – matters of protection which are covered by a license granted in accordance with paragraph 2, or used under the exception provided for in paragraph 3, information concerning the options available to rightholders, in accordance with paragraph 5, as well as information concerning the contractual parties of a license, the territories covered and the uses, is made permanently, easily and effectively accessible via the public single online portal of the European Union Intellectual Property Office, for at least six (6) months before the reproduction, the distribution, the communication or making available to the public of works or other subject – matters of protection, in accordance with the license under paragraph 2 or under the exception of paragraph 3. The registered users of the above portal who post the relevant information are liable for its accuracy.

9. For the implementation of paragraphs 1 and 2, the Hellenic Copyright Organization conducts consultations with authors or other rightholders, collective management organisations and cultural heritage institutions in each field and encourages the regular dialogue between representative users' and rightholders' organisations, including collective management organisations, and any other relevant stakeholder organisations, on a sector-specific basis, to foster the relevance and usability of the licensing mechanisms set out in paragraph 2, as well as the effectiveness of the measures taken to ensure the protection of authors whose works or other subject – matters of protection are out – of – commerce (as added with Article 13 of the Law 4996/2022 (Articles 8 to 11 of the Directive (EU) 2019/790)).

Article 28: Exhibition and Reproduction of Fine Art Works

1. Museums which own the physical carriers into which works of fine art have been incorporated shall be entitled, without the consent of the author and without payment, to exhibit those works to the public on the museum premises, or during exhibitions organized in museums.

2. The presentation of a fine art work to the public, and its reproduction in catalogues to the extent necessary to promote its sale, shall be permissible, without the consent of the author and without payment.

3. In the cases dealt with in paragraphs (1) and (2), above, reproduction shall be permissible, provided such reproduction does not conflict with the normal exploitation of the work and does not unreasonably prejudice the legitimate interest of the author.

Article 28A: Permitted uses for the benefit of persons who are print disabled and persons with other disabilities

1. For the purposes of this Article the following definitions apply:

a) 'work' means a work in the form of a book, magazine, scientific or other, newspaper or other kind of writing, notation, including sheet music, and related illustrations, in any media, including in digital format and in audio form, such as audiobooks, which is protected by copyright and which is published or otherwise lawfully made publicly available;

b) 'beneficiary person' means, regardless of any other disability, a person who:

(aa) is blind;

(bb) has a visual impairment which cannot be improved so as to give the person visual function substantially equivalent to that of a person who has no such impairment, and who is, as a result, unable to read printed works to substantially the same degree as a person without such an impairment;

(cc) has a perceptual or reading disability and is, as a result, unable to read printed works to substantially the same degree as a person without such disability;

(dd) is unable, due to a physical disability, to hold or manipulate a book or to focus or move their eyes to the extent that would be normally acceptable for reading.

c) 'accessible format copy' means any copy of a work that gives a beneficiary person access to the work in an alternative manner or an alternative form, allowing, among others, such person to have access as feasibly and comfortably as a person without any of the impairments or disabilities referred to in point b);

d) 'authorised entity' means any organisation, association, union or other entity, that had been

authorised or that is recognised to provide beneficiary persons with instructional training, education, adaptive reading and access to information on a non-profit basis. An 'authorised entity' also means a public or a non-profit organisation that provides the same services to beneficiary persons as one of its primary activities, as an institutional obligation or as part of its public-interest mission (as amended with Art. 3 Law 4672/2020) (Art. 2 Directive (EU) 2017/1564).

2. It shall be permissible, with no authorization of the author and without remuneration, to carry out any act that is necessary to enable:

a) a beneficiary person, or a person acting on their behalf, to make an accessible format copy of a work, to which the beneficiary person has lawful access, and which is intended for their own exclusive use;

b) an authorised entity to make an accessible format copy of a work, to which it has lawful access, or to communicate, make available, distribute or lend this copy to a beneficiary person or another authorised entity on a non-profit basis for the purpose of exclusive use by a beneficiary person (as amended with Art. 4 Law. 4672/2020) (Art. 3 Directive (EU) 2017/1564).

3. Any agreement contrary to par. 2 shall not be allowed (as amended with Art. 4 Law 4672/2020) (Art. 3 Directive (EE) 2017/1564).

4. Each accessible format copy shall respect the integrity of the work, with due consideration given to the changes required to make the work accessible in the alternative format (as amended with Art. 4 Law 4672/2020) (Art. 3 Directive (EU) 2017/1564).

5. It shall be permissible, with no authorization of the author and without remuneration, to an authorised entity to carry out the acts provided under par. 2 point b) on behalf of a beneficiary person or other authorised entity established in another EU Member State. It is also permissible to a beneficiary person or an authorised entity established in Greece to obtain and have access to an accessible format copy from an authorised entity established in an EU Member State (as amended with Art. 5 Law 4672/2020) (Art. 4 Directive (EU) 2017/1564).

6. In the case where an authorised entity which is established in Greece carries out the acts provided under paragraphs 2 and 5:

a) It establishes and follows its own practices to ensure that it:

aa) distributes, communicates and makes available accessible format copies of works only to beneficiary persons or other authorised entities;

bb) takes appropriate steps to discourage the unauthorised reproduction, distribution, communication to the public or making available to the public of accessible format copies of works;

cc) demonstrates due care in, and maintains records of, its handling of works and of accessible format copies thereof;

dd) publishes and updates, possibly on its website or through other online or offline channels,

information on how it complies with the obligations laid down in points (aa) to (cc). It shall be presumed that authorised entities meet the prerequisites described above if complying with the standards and guidelines that the National Library of Greece draws up in accordance with point ia) par.

4. Art. 1 Law 3149/2003 (Α'141).

b) Provides, on request, in an accessible way, to beneficiary persons, other authorised entities or rightholders:

aa) the list of works for which it has accessible format copies and the available formats;

bb) the name and contact details of the authorised entities with which it has engaged in the exchange of accessible format copies in accordance with paragraphs 2 and 5 (as amended with Art. 6 Law 4672/2020) (Art. 5 Directive (EU) 2017/1564).

7. Publishers shall provide competent entities, in digital format, files of works provided that they keep them in a digital format. In the case of non – compliance with this obligation, Art. 946 Code of Civil Procedure is, in particular, to be applied. Disputes arising under this paragraph are to be dealt within the procedure of interim measures heard by the Single – Member Court of First Instance having local jurisdiction (as amended with Art. 6 Law 4672/2020) (Art. 5 Directive (EU) 2017/1564).

8. A list of accessible formats copies of works is kept in the National Library, of the type of accessible formats to which works had been reproduced, as well as of the competent authorities which keep them. Competent authorities shall provide, within a reasonable period following the making of accessible formats, National Library with the necessary information for the updating of the list (as amended with Art. 6 Law 4672/2020) (Art. 5 Directive (EU) 2017/1564).

9. Compensation to rightholders for uses of primary, secondary and higher education textbooks shall take the same form as that applicable to those intended for non - beneficiaries (as amended with by Art. 7 Law 4672/2020) (Art. 6 and 7 Directive (EU) 2017/1564).

10. Competent authorities carrying out the acts provided under par. 5, may communicate their name and contact details to the Hellenic Copyright Organization (HCO) which provides this information to the European Commission (as amended with Art. 7 Law 4672/2020) (Art. 6 and 7 Directive (EU) 2017/1564).

11. The processing of personal data carried out within the framework of this Article is subject to the law governing personal data protection (as amended with Art. 7 Law 4672/2020) (Art. 6 and 7 Directive (EU) 2017/1564).

12. Reproduction, communication to the public and making available to the public of works, for the benefit of deaf people, shall be permissible, with no authorization of the author and without remuneration, in the case where such uses are directly related to their disability, and they are not commercial in nature to the extent required by reason of a certain disability, in accordance with this

Article except for paragraph 5. The conditions of those uses may be further specified by means of a joint decision issued by the Minister of Culture and Sports and the Minister of Education and Religious Affairs. (as amended with Art. 8 Law 4672/2020) (Art. 5 par. 3 point b) Directive 2001/29, as amended with Art. 8 Directive (EU) 2017/1564).

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Article 28B: Exception from the Reproduction Right

Temporary acts of reproduction which are transient or incidental, which are an integral and essential part of a technological process and whose sole purpose is to enable: a) a transmission in a network between third parties by an intermediary or b) a lawful use of a work or other protected subject-matter, and which have no independent economic significance, shall be exempted from the reproduction right.

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Article 28C: Clause of General Application concerning the Limitations

The limitations provided for in Section IV of Law 2121/1993, as exists, shall only be applied in certain special cases which do not conflict with a normal exploitation of the work or other protected subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder.

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CHAPTER FIVE: DURATION OF PROTECTION

Article 29: Duration in General

1. Copyright shall last for the whole of the author's life and for seventy (70) years after his death, calculated from 1st January of the year after the author's death.
2. After the expiry of the period of copyright protection, the State, represented by the Minister of Culture, may exercise the rights relating to the acknowledgment of the author's paternity and the rights relating to the protection of the integrity of the work deriving from the moral rights pursuant to Article 4(1)(b) and (1)(c) of this Law.

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Article 30: Works of joint-authorship and musical compositions with lyrics

1. With respect to collaborative works, copyright lasts as long as the life of the last surviving author and seventy (70) years following his death, calculated from the 1st of January of the year following the

death of the last surviving author.

2. The term of protection of musical compositions with lyrics is the same as the one mentioned in paragraph 1, provided that both contributions, by the composer and the lyricist, have been created specifically for the particular musical composition with lyrics (as amended with article 54 Law 4481/2017).

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Article 31: Special Commencement of the Duration

1. In the case of anonymous or pseudonymous works, the term of copyright shall last for seventy (70) years computed from 1st January of the year after that in which the work is lawfully made available to the public. However if, during the above period, the author discloses his identity or when the pseudonym adopted by the author leaves no doubt as to his identity, then the general rules apply.

2. Where a work is published in volumes, parts, instalments, issues or episodes and the term of protection runs from the time when the work was lawfully made available to the public, the term of protection shall run for each such item separately.

3. The term of protection of audiovisual works shall expire seventy years after the death of the last of the following persons to survive: the principal director, the author of the screenplay, the author of the dialogue and the composer of the music specifically created for use in the audiovisual work.

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Article 31A: Works of visual arts which have fallen into public domain

1. When the term of protection of a work of visual art has expired, any material resulting from an act of reproduction of that work shall not be protected by copyright or related rights, unless the material resulting from that act of reproduction is original in the sense that it is the author's own intellectual creation.

2. When the term of protection of a work of visual art has expired, any material resulting from an act of reproduction of that work shall not be protected by copyright or related rights, unless the material resulting from that act of reproduction is original in the sense that it is the author's own intellectual creation.

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CHAPTER SIX: RULES RELATING TO EXPLOITATION CONTRACTS AND LICENSES

Article 32: Author's remuneration

1. When the author enters into an exploitation contract or grants a license or transfers his economic rights for the purpose of exploiting his work, he shall receive an appropriate and proportionate remuneration which is determined into a specific percentage. The basis for the calculation of the percentage is all, without exception, the gross income or expenses, or the combined gross income and expenses, realized by the activity of the counterparty and derived from the exploitation of the work. Exceptionally, the remuneration may be calculated at a certain amount, the amount of which must be appropriate and proportionate, in the following cases: a) the basis for calculating the percentage of the remuneration is practically impossible to be determined or there is a lack of the means for the monitoring the implementation of the percentage, b) the costs required for the calculation and monitoring are disproportionate to the remuneration to be received, c) the nature or conditions of the exploitation make the application of the percentage impossible, in particular when the author's contribution is not an essential element of the whole of the intellectual creation or when the use of the work has a secondary character in relation to the object of exploitation. The waiver or the contractual limitation of the author's rights provided for in this Article, is void. Invalidity may be only invoked by the author.

2. This shall apply without prejudice to art. 4858/2021 (A' 220) (as added by art. 17 of Law 4996/2022 (article 14 of Directive (EU) 2019/790)).

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Article 32A: Claim for additional remuneration

1. In the absence of an agreement, deriving from collective bargaining, in force and that provides for a mechanism granting the additional remuneration provided for herein, the author in person or through his special attorney, is entitled to claim additional, appropriate and fair remuneration from the party with whom he had entered into an contract or to whom he had granted a license or to whom he had transferred his economic rights for the purpose of exploitation, or from the successors in title of such a party, when the remuneration originally agreed turns out to be disproportionately low compared to all the subsequent relevant revenues derived from the exploitation of the work. For the determination of the remuneration, the special circumstances of each case at issue, the author's contribution, as well as the particularities and the remuneration practices of different fields of content, shall be taken into account.

2. Paragraph 1 does not apply to agreements concluded by collective management organisations and independent management entities, as well as by other entities for which Article 2 of the Law 4481/2017 (A' 100) is applicable.

3. Any waiver or contractual limitation of the rights of the author which are provided for in paragraph 2 is void. Invalidity may only be invoked by the author (as added with Article 23 of the Law 4996/2022 (Article 20 and Article 23 paragraph 1 of the Directive (EU) 2019/790)).

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Article 33: Arrangements concerning the contract of printed publication and translator's rights

1. The remuneration that the publisher of a printed publication owes to the author for the reproduction and the distribution of the work or of its copies, shall be agreed to a certain percentage on the retail selling price of all copies sold. When the printed publication contract concerns a literary work such as a short story, novella, novel, poem, essay, critical essay, theatrical work, travel work, biography, which is published in its original language in book form, excluding pocket books, the remuneration that the publisher owes to the author after the sale of one thousand (1,000) copies cannot be less than 10% of the retail price of all copies sold.

2. By way of derogation from the previous paragraph, the author's remuneration may be agreed to a certain amount in the following cases: a) collective works, b) encyclopedias, dictionaries, anthologies of third - party works, c) school books and handbooks, d) scrapbooks, diaries, agendas, practical guides, printed games and educational materials such as maps, atlases, e) prefaces, commentaries, introductions, presentations, f) illustrations and photographic material of printed publications, g) non-literary illustrated children's books, h) luxury editions of a limited number of publications, i) magazines, newspapers.

3. If there are more authors, and the relationship between them has not been regulated otherwise, the remuneration in percentage is distributed among them according to the extent of each one's contribution. In the case where one or more authors are not protected under the provisions of copyright laws, the protected authors shall take the percentage of the remuneration agreed or that they would take in accordance with paragraph 1 of this Article, if all authors were protected.

4. In the case of rental of copies by third parties, the remuneration for the provision of the necessary license shall be equally distributed between the author and the publisher.

5. In cases where the author's remuneration is determined as a percentage of the retail sale, all copies of the work must be signed by the author, unless another monitoring control is agreed upon.

6. The remuneration that the publisher of a printed publication owes to the translator of a work for the translation, the reproduction and distribution of the work, is agreed to a certain percentage of the retail price of all copies sold. The provisions of paragraphs 2, 4 and 5 of this Article apply mutatis mutandis.

7. The name of the translator must be mentioned prominently on the main title page of the book. Following an agreement with the publisher, the name of the translator may also be mentioned on the cover of the book (as amended by Article 35 of the Law 4996/2022 (Article 1 paragraph 1 point a) and Article 6 paragraph 1 of the Directive (EC) 2006/115)).

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Article 34: Rules Relating to Audiovisual Production Contracts

1. A contract dealing with the creation of an audiovisual work between a producer and an author shall specify the economic rights which are to be transferred to the producer. If the aforementioned provision is not met, the contract shall be deemed to transfer to the producer all the economic rights which are necessary for the exploitation of the audiovisual work, pursuant to the purpose of the contract. When the master from which copies for exploitation are to be made, is approved by the author, the audiovisual work shall be deemed to be accomplished. No alteration, abridgment or other modification shall be made to the definitive form of the audiovisual work, as the latter has been approved by the author, without his prior consent. Authors of individual contributions to an audiovisual work may exercise their moral right only in relation to the definitive form of the work, as approved by the author.

2. The contract between the producer of an audiovisual work and the creators of individual contributions incorporated in the work shall specify the economic rights which are transferred to the producer. If the aforementioned provision is not met, the contract between the producer and the authors of individual contributions, other than the composers of music and writers of lyrics, shall be deemed to transfer to the producer those powers under the economic right which are necessary for the exploitation of the audiovisual work, pursuant to the purpose of the contract. Where the contributions to an audiovisual work are capable of separate use, the economic right in relation to other uses shall remain with their authors.

Authors of audiovisual contributions are considered to be the author of the screenplay, the author of the dialogue, the composer of music, the director of photography, the stage designer, the costume designer, the sound engineer and the final prosecutor (editor).

3. 3. The intellectual creator reserves the right to separate remuneration for any way of exploitation of the audiovisual work. This remuneration shall be determined in accordance with Article 32. The producer of the audiovisual work is obliged to provide information to the intellectual creator in accordance with Article 15A. Short advertising films are excluded from the regulation of this paragraph (as amended by Article 21 paragraph 2 of the Law 4996/2022 (Article 18 of the Directive (EU) 2019/790)).

4. When visual or audiovisual recordings carrying a fixation of an audiovisual work are the object of a rental arrangement, the author shall in all cases retain the right to an equitable remuneration. This provision shall apply also in the case of a rental arrangement relating to sound recordings.

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Article 34A: Negotiation mechanism concerning access to and availability of audiovisual works on video – on – demand platforms

When the parties are facing difficulties in concluding contracts or granting licenses for the purpose of making available audiovisual works on video-on-demand services may rely, they can, if they wish, to request the assistance of the Hellenic Copyright Organisation (H.C.O.) or the assistance of mediators, applied accordingly in the rest of paragraph 9 of Article 35. To draw – up the table of the H.C.O. the opinion of rightholders and of the businesses offering video – on – demand services, is requested. The H.C.O. and the mediators provide assistance to the parties with their negotiations and help the parties reach agreements, including, where appropriate, by submitting proposals to them (as added with Article 16 of the Law 4996/2022 (Article 13 of the Directive (EU) 2019/790)).

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Article 35: Regulations for radio and television broadcasting and rebroadcasting

1.As long as there is not contrary agreement in case of repetition of a work by radio or television no further consent of the author is requires beyond the original, but the broadcaster is obliged to pay additional remuneration to the author which is determined for the first repetition to a percentage of at least fifty per cent (50%) of the amount which was initially agreed and for any subsequent to aa percentage of twenty per cent (20%). The provision of the previous sentence does not apply to the relations between collective management organisations and users which are regulated by Article 56 of this Law.

2. The radio or television broadcasting contract, if there is not a contrary agreement, does not provide to the counterparty the power to allow to third people the broadcast or rebroadcast of the work to the public by electromagnetic waves or by material conductors or by any other means, parallel to the earth's surface or via satellites.

3. The communication of a work to the public by satellite is considered to take place exclusively to the Member State of the European Union in the territory of which, under the control and responsibility of the broadcasting organization, signals containing programs are introduced in an uninterrupted chain of transmission to the satellite and thence to the ground. If the signals containing programmes are in coded form, then there is a communication to the public via satellite, insofar as the means for decoding the programme are made available to the public by the broadcasting organization or with its

consent. In the case where the communication to the public by satellite is taking place to a non – EU Member State, which does not provide for the level of protection, which is provided under this Law, as amended with this Law, the following apply: i) if the signals containing programs are transmitted by satellite from a transmitting station to a satellite located in a Member State, the act of communication to the public by satellite is deemed to have taken place in that Member State and the rights may be exercised against the person who puts into operation the transmitting station to satellite, ii) if a transmitting station to satellite located in a Member State is not used, but the act of the communication to the public by satellite had been assigned by a broadcasting organization which is established in a Member State, the act is considered to had taken place to the Member State where the broadcasting organisation has its main establishment and the rights may be exercised against the broadcasting organisation. “Communication to the public by satellite” means the act of introducing, under the control and responsibility of the broadcasting organisation, the signals including programmes which are intended to be received by the public in an uninterrupted chain of transmission to the satellite and from there to the ground. The authorization for the communication to the public of a work by satellite shall be acquired only by the means of an agreement.

4. The cable retransmission of broadcasts by other Members States to Greece takes place, in respect to copyright, in accordance with this Law and on the basis of individual or collective contracts between authors and cable network operators. “Cable retransmission” means the simultaneous, unaltered and unabridged retransmission by a cable or microwave system for the purpose of reception by the public of an initial transmission from another Member State, wired or wireless, including the transmission by satellite of television or radio programmes intended for reception by the public, regardless of how the operator of a cable retransmission service obtains the programme-carrying signals from the broadcasting organisation for the purpose of retransmission.

5. ‘Retransmission’ means any simultaneous, unaltered and unabridged retransmission, other than cable retransmission as defined in the last sentence of paragraph 4, intended for reception by the public, of an initial transmission from another Member State of television or radio programmes intended for reception by the public, where such initial transmission is by wire or over the air including that by satellite, but is not by online transmission, provided that: a) the retransmission is carried out by a party other than the broadcasting organisation which made the initial transmission or under whose control and responsibility that initial transmission was made, regardless of how the party carrying out the retransmission obtains the programme - carrying signals from the broadcasting organisation for the purpose of retransmission, and b) where the retransmission is over an internet access service as defined in point (2) of the second paragraph of Article 2 of Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union, it is carried out in a managed environment.:

'Managed environment' means an environment in which an operator of a retransmission service provides a secure retransmission to authorised users, which provides for a level of content security which can be compared to the level of security where only authorized users may have access to retransmissions and the provided level of security may be compared with the level of security for the content transmitted over managed networks, such as cable or closed circuit IP-based networks, in which content that is retransmitted is encrypted.

6. The acts of retransmission of radio and television programmes referred to in paragraphs 4 and 5 are subject to an authorization by the holders of the respective exclusive rights of broadcasting and communication to the public. The right of rightholders who are not broadcasting organisations, to provide for an authorization or to deny the the provision of a retransmission license, may be exercised solely by collective management organisations.

7. When in the case of the second sentence of paragraph 6 the rightholder had not entrusted management of the retransmission right to a collective management organisation, the collective management organisation which manages rights of the same category shall be deemed to have the right to grant or refuse the authorisation for a retransmission for that rightholder. In that case, where more than one collective management organisation manages rights of the same category, the rightholders is free to choose among them the collective management organisation, which he authorizes to manage the retransmission right. If he does not, then it is considered that they have jointly the right to grant or deny the provision of authorization for retransmission. The above - mentioned rightholder has the same rights and the same obligations which derive from an agreement between an operator of a retransmission service and a collective management organisation or organisations which act pursuant to previous sentences, with the rightholders who had entrusted the management to the organisation or to the organisations, and he may invoke these rights within a period of three (3) years from the date of the retransmission that includes his work or other subject - matter of protection.

8. Paragraphs 6 and 7 shall not apply to retransmission rights which are exercised by a broadcasting organisation, in respect of its own transmissions, irrespective of whether the related rights are its own or they had been transferred to it by another rightholders. Broadcasting organisations and operators of retransmission services conduct negotiations regarding authorisation for retransmission in good faith.

9. When no agreement has been concluded between the collective management organisation and the operator of retransmission services or between the operator of retransmission services and the broadcasting organisation, regarding authorization for the retransmission of a broadcasting in accordance with paragraphs 4 and 5, any of the interested parties has the right to request the assistance of one or more mediators chosen from a table of independent and impartial arbitrators, which is drawn up by the Hellenic Copyright Organisation (HCO) every two (2) years. The HCO may ask

for the opinion of collective management organisations and of the cable – network operators for the drawing – up of the above - mentioned table. Arbitrators assist in negotiations and may make proposals to the parties. It shall be deemed that all parties accept the proposal of the previous sentence, if none of them raises objections within a time – limit of three (3) months from the notification of the proposal (as amended by Article 3 of the Law 4996/2022 (Article 2 paragraphs 2 and 3 and Articles 4, 5, 6 and 9 of the Directive (EU) 2019/789)).

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Article 36: Theatrical Performance Fee

1. The rights of playwrights shall be determined as a percentage of gross receipts after deduction of the public entertainment tax.
2. The fee shall be based on the gross receipts for the whole of the program of a performance of original works or translations or adaptations of ancient or more recent classical works, the minimum fee shall be 22 percent for performances in state theatre and 10 percent for performances in private theatres. For translations of modern works of the contemporary international repertory, the minimum fee shall be 5 percent. Where a program contains works by more than one playwright, the fee shall be shared among them in proportion to the duration of each playwright's work.

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Article 37: Musical Accompaniment of Films

The minimum fee payable to the composers of musical and song accompaniment of films, shown to the public in cinema halls or other spaces, shall be 1 percent of gross receipts after deduction of the public entertainment tax.

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Article 38: Photographers' Rights

1. In the absence of an agreement to the contrary, a transfer of the economic right or exploitation contract or license dealing with the publication of a photograph in a newspaper, periodical or other mass media shall refer only to the publication of the photograph in the particular newspaper, periodical or mass media specified in the transfer or exploitation contract or license and to the archiving of the photograph. Every subsequent act of publication shall be subject to payment of a fee equal to half the current fee. The publication of a transferred photograph from the archive of a newspaper, periodical or other mass media shall be permitted only when accompanied by a reference to the title of the newspaper or of the periodical or to the name of the mass media, into whose archive the photograph was initially and lawfully placed.

2. Where the publication of a photograph is facilitated by the surrender of the photographic negative, use shall be made of the negative, in the absence of an agreement to the contrary, only for the first publication of the photograph, after which the negative shall be returned to the photographer.
3. The photographer shall retain the right to access and request the return to him of his photographs, which have been the object of an exploitation contract or license arrangement with a particular newspaper, periodical or other mass media and which have remained unpublished three months after the date of the exploitation contract or license.
4. Each act of publication of a photograph shall be accompanied by a mentioning of the photographer's name. This shall apply likewise when the archive of a newspaper or of a periodical or of another mass media is transferred.
5. The owner of a newspaper or of a periodical shall not be entitled to publish a photograph created by a photographer, employed by him, in a book or album publication without the employee's consent. This shall apply likewise to the lending of a photograph.

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Article 39: Nullity of Contrary Agreement

Except where provided for elsewhere in law, any agreement which lays down conditions contrary to the provisions of the articles of this Section, or which imposes a fee level lower than that prescribed in this Section, shall be null and void in respect of those of its clauses which are deleterious to the authors.

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Article 39A:

1. Disputes concerning the transparency obligation under Article 15A and the claim for additional remuneration under Article 32A may be submitted to an alternative dispute resolution procedure, insofar as the parties agree, applicable to the rest accordingly paragraph 9 of Article 35. Representative organisations of authors may initiate such procedures following a specific request of one or more authors.
2. Any contractual provision excluding recourse to mediation is void. Invalidity may only be invoked by the author (as added with Article 24 of the Law 4996/2022 (Article 21 of the Directive (EU) 2019/790)).

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CHAPTER SEVEN: SPECIAL PROVISIONS CONCERNING COMPUTER PROGRAMS AND THE SUI GENERIS RIGHT OF DATABASE MAKER

Article 40: Programs Created by Employees

The economic right in a computer program created by an employee in the execution of the employment contract or following instructions given by his employer shall be transferred ipso jure to the employer, unless otherwise provided by contract.

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Article 41: Exhaustion of a Right

The first sale in the European Community of a copy of a program by the author or with his consent shall exhaust the distribution right within the Community of that copy, with the exception of the right to control further rental of the program or of a copy thereof.

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Article 42: Restrictions

1. In the absence of an agreement to the contrary, the reproduction, translation, adaptation, arrangement or any other alteration of a computer program shall not require authorization by the author or necessitate payment of a fee, where the said acts are necessary for the use of the program by the lawful acquirer in accordance with its intended purpose, including correction of errors.
2. Reproduction which is necessary for the purposes of loading, displaying, running, or storage of the computer program shall not fall under the restriction of the previous paragraph and shall be subject to authorization by the author.
3. The making of a backup copy by a person having a right to use the computer program may not be prevented by contract insofar as it is necessary for the use of the program, and shall not necessitate an authorization by the author or the payment of a fee.
4. The person having a right to use a copy of a computer program shall be entitled, without the authorization of the author and without payment of a fee, to observe, study or test the functioning of the program in order to determine the ideas and principles which underlie any element of the program, if he does so while performing any of the acts, which he is entitled to do. Any agreement to the contrary shall be prohibited.
5. Reproduction of a computer program for private use other than in the circumstances specified in paragraphs (3) and (4), above, shall be prohibited.

6. The limitation provided under Art. 28A paragraphs 1 to 11 is also applicable to the rights of the holder of rights over a computer program (as added with Art. 9 par. 1 Law 4672/2020) (Art. 3 par. 1 Directive (EU) 2017/1564).

7. Paragraphs 2 to 4 of Article 21 apply also to the right of reproduction, to the right of translation, adaptation or other modification, as well as to the right of distribution of the author or other holder of rights over a computer programme.

8. Article 21B applies also to the right of reproduction to the right of translation, adaptation or other modification of the author or other holder of rights over a computer programme.

9. Article 22A applies also to the right of reproduction of the author or other holder of rights over a computer programme (as added with Article 29 of the Law 4996/2022 (Article 4 paragraph 1, Article 5 paragraph 1 and Article 6 paragraph 1 of the Directive (EU) 2019/790)).

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Article 43: Decompilation

1. The person having the right to use a copy of a computer program shall be entitled to carry out the acts referred to in Article 42(1) and (2) without the authorization of the author and without the payment of a fee when such acts are indispensable to obtain the information necessary to achieve the interoperability of an independently created computer program with other programs, provided that the information necessary to achieve interoperability has not previously been easily and readily available to the person having the right to use the computer program, and provided that these acts are confined to the parts of the original program which are necessary to achieve the said interoperability.

2. The provisions of paragraph (1) shall not permit the information obtained through its application:

- a) to be used for goals other than to achieve the interoperability of the independently created computer program
- b) to be given to others, except when necessary for the interoperability of the independently created computer program or
- c) to be used for the development, production or marketing of a computer program substantially similar in its expression to the initial program, or for any other act which infringes copyright

3. The provisions of this Article may not be interpreted in such a way as to allow its application to be used in a manner which would conflict with a normal exploitation of the computer program or would unreasonably prejudice the author's legitimate interests.

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Article 44

Art. 44 has been abolished by article 8 par. 8 of Law 2557/1997.

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Article 45: Validity of Other Provisions and Agreement

1. The provisions of this Section shall be without prejudice to other legal provisions, relating notably to patent rights, trade marks, unfair competition, trade secrets, protection of semi-conductor products or the law of contract.
2. Agreements contrary to the provisions of Article 42(3) and (4) and Article 43 of this Law shall be null and void.
3. Articles 15A, 15B and 32A shall not apply to authors of computer programs within the meaning of par. 3 of article 2 (as added by article 26 of Law 4996/2022 (article 23 par. 2 of Directive (EU) 2019/790)).

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Article 45A: Sui Generis Right of the Maker of the Database

1. The maker of a database has the right, which shows that there has been qualitatively and/or quantitatively a substantial investment in either the obtaining, verification or presentation of the contents, to prevent extraction and/or re-utilization of the whole or of a substantial part, evaluated qualitatively and/or quantitatively, of the contents of that database. The maker of a database is the individual or legal entity who takes the initiative and bears the risk of investment. The database contractor is not considered as maker.
2. For the purposes of this article: a) extraction shall mean the permanent or temporary transfer of all or a substantial part of the contents of a database to another medium by any means or in any form, and b) re-utilization shall mean any form of making available to the public all or a substantial part of the contents of a database by the distribution of copies, by renting, by on-line or other forms of transmission. The first sale of a copy of a database within the Community by the rightholder or with his consent shall exhaust the right to control resale of that copy within the Community.

Public lending is not an act of extraction or re-utilization.
3. The right referred to in paragraph 1 is effective regardless of whether the said database or the content thereof are protected by the provisions on copyright or other provisions. Protection on the basis of the right referred to in paragraph 1 does not prejudice potential rights on their content. The sui generis right of the maker of a database may be transferred with or without consideration and its exploitation may be assigned by license or contract (article 7 par.3 and 4 of Directive 98/9).

4. The repeated and systematic extraction and/or re-utilization of immaterial parts of the content of the database are not allowed, if they involve actions opposed to the normal exploitation of the database or unjustifiably prejudice the lawful rights of the maker of the database (article 7, par.5 of Directive 96/9).

5. The maker of a database made available to the public by any means cannot prevent the lawful utilization of the database from extracting and/or re-using immaterial parts of its content, being evaluated qualitatively or quantitatively, for any purpose whatsoever. If the lawful user is entitled to extract and/or re-utilize part only of the database, the present paragraph is applicable only to such part. The lawful user of a database made available to the public by any means cannot: a) perform acts that are opposed to the normal exploitation of such database or unjustifiably prejudice the lawful interests of the maker thereof, b) cause damage to the beneficiaries of the copyright or related rights for works or performances contained in the said database. Any agreements contrary to the arrangements provided for in the present paragraph are null and void (articles 8 and 15 of Directive 96/9).

6. The lawful user of a database which had been made available to the public by any means may, without the authorization of the maker of the database, to extract or/and to reuse essential part of its content: a) α) when it is about extraction, for educational or research purposes, provided that the source is mentioned and to the extent that this is justified by intended non – commercial purpose, b) when it is about extraction or/and reuse for public – security reasons or for purposes of administrative or procedure. The sui – generis right applies to databases whose makers or rightholders are nationals of a Member State or have their habitual residence in the territory of the European Union. It also applies to companies and enterprises which had been established in accordance with the legislation of a Member State and which have their statutory registered offices, their central administration or their principal establishment within the European Union. When the specific Company or enterprise has solely its statutory registered office in the territory of the European Union, its activities must be genuinely and continuously linked to the economy of a Member State (Articles 9 and 11 of the Directive 96/9). The limitation provided under Article 28A paragraphs 1 to 11 applies also to the sui – generis right of the maker of a database. The limitations to the author's economic right under paragraphs 2 to 4 of Article 21 and of Articles 21A, 21B, and 22A apply also to the sui – generis right of the maker of a database, in respect of the acts provided for in paragraph 1 (as amended by Article 30 of the Law 4996/2022 (Article 3 paragraph 1, Article 4 paragraph 1, Article 5 paragraph 1 and Article 6 of the Directive (EU) 2019/790)).

7. The right provided for in this article shall run from the date of completion of the making of the database. It shall expire fifteen (15) years from the 1st of January of the year following the date of completion. In the case of a database which is made available to the public in any manner whatsoever before expiry of the period provided for above, the term of protection by that right shall expire fifteen

years from the 1st of January of the year following the date when the database was first made available to the public. Any substantial change, evaluated qualitatively and/or quantitatively, to the contents of a database, including any substantial change resulting from the accumulation of successive additions, deletions or alterations, which would result in the database being considered to be a substantial new investment, evaluated qualitatively and/or quantitatively, shall qualify the database resulting from that investment for its own term of protection.

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CHAPTER EIGHT: RELATED RIGHTS

Article 46: License by Performers

1. The term performers shall designate persons who in any way whatsoever act or perform works, such as actors, musicians, singers, chorus singers, dancers, puppeteers, shadow theatre artists, variety performers or circus artists.

2. Performers or performing artists have the right to authorise or prohibit: a) the fixation of their performances, b) the direct or indirect, temporary or permanent reproduction by any means and form, either in whole or in part, in respect of the fixation of their performances, c) the distribution to the public of the recording medium with the fixation of their performances, by sale or otherwise. The distribution right shall not be exhausted within the European Union in relation to the recording medium with the fixation of the performance, except from the case of the first sale within the European Union, that takes place by the rightholder or with his consent, d) the rental of the recording medium with the fixation of the performance. This right shall not be exhausted by any sale or other act of distribution of the above - mentioned recording media, e) the broadcast, by any means, such as electromagnetic waves, satellites, cables, as well as the communication to the public of the recording medium with the illegal recording of their live performance, f) the communication to the public of their live performance, which takes place by any means, except from broadcasting, g) the making available to the public, by wire or wireless means, in such a way that anyone may have access to the recording to a recording medium of their performance, from a place and at a time individually chosen by them. This right shall not be exhausted by any act of making available to the public within the meaning of this provision (Articles 4 paragraphs 2 and 3, 4 of the Directive 2001/29) (as amended by Article 36 of the Law 4996/2022 (Article 1, Article 3 paragraph 1 point b) and Article 6 of the Directive (EC) 2006/115)).

3. Subject to contractual clauses to the contrary, explicitly specifying which acts are authorized, the acts listed in paragraph (2), above, shall be presumed to have been authorized when a performer has entered into an employment contact, having as its object the operation of those particular acts, with a party who is doing such acts. The performer shall at all times retain the right to remuneration for each

of the acts listed in paragraph (2), above, regardless of the form of exploitation of his performance. In particular, the performer shall retain an unwaivable right to equitable remuneration for rental, if he has authorized a producer of sound or visual, or audiovisual recordings, to rent out recordings carrying fixations of his performance.

4. Where a performance is made by an ensemble, the performers making up the ensemble shall elect and appoint in writing one representative to exercise the rights listed in paragraph (2) above. This representation shall not encompass orchestral conductors, choir conductors, soloists, main role actors and principal directors. If the performers making up an ensemble fail to appoint a representative, the rights listed in paragraph (2), above, shall be exercised by the director of the ensemble.

5. The transfer inter vivos of the rights provided for in paragraph 2, as well as their waiving, are prohibited. It is possible to entrust the management and protection of those rights to collective management organisations as defined in Article 12 of the Law 4481/2017 (A' 100).

6. Articles 15A, 15B, 32, 32A, 39 and 39A shall apply mutatis mutandis also to the licenses and exploitation contacts concluded by performers or performing artists (as paragraph 5 was amended by Article 27 paragraph 1 and paragraph 6 was added with Article 27 paragraph 2 of the Law 4996/2022 (Articles 18 – 23 of the Directive (EU) 2019/790)).

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Article 47: License by Producers of Sound and Visual Recordings

1. Phonogram producers (producers of sound recordings) have the right to authorise or prohibit: a) the direct or indirect, temporary or permanent reproduction by any means and form, either in whole or in part, in respect of their phonograms, b) the distribution to the public of the above - mentioned recording media which they had produced by sale or otherwise. The distribution right shall not be exhausted within the European Union in relation to the recording medium with the fixation of the performance, except from the case of the first sale within the European Union, that takes place by the rightholder or with his consent, c) the rental of the above - mentioned recording media. This right shall not be exhausted by any sale or other act of distribution of the above - mentioned recording media, d) the making available to the public, by wire or wireless means, in such a way that anyone may have access to their phonograms, from a place and at a time individually chosen by them. This right shall not be exhausted by any act of making available to the public within the meaning of this provision , e) the import of the above-mentioned recording media that were produced abroad without their consent or, if it is an import from countries outside the European Union, if the right to import them into Greece had been contractually retained by the producer. (Articles 2, 3 paragraph 2 and 3, 4 of the Directive

2001/29) (as amended by Article 37 of the Law 4996/2022 (Article 1, Article 3 paragraph 1 point c) and Article 6 of the Directive (EC) 2006/115)).

2. Producers of audiovisual works (producers of sound or sound and image recording media) have the right to authorize or prohibit: a) the direct or indirect, temporary or permanent reproduction by any means and for, either in whole or in part, in respect of the original and replicas (copies) of their films, b) the distribution of the above – mentioned recording media which they had produced by sale or otherwise. The distribution right shall not be exhausted within the European Union in relation to the recording medium with the fixation of the performance, except from the case of the first sale within the European Union, that takes place by the rightholder or with his consent, c) the rental or the public lending of the above – mentioned recording media. This right shall not be exhausted by any sale or other act of distribution of the above - mentioned recording media (as amended by paragraph 4 of Article 67 of the Law 5043/2023), d) the making available to the public, by wire or wireless means, in such a way that anyone may have access from a place and at a time individually chosen by them to the original and copies of their films. This right shall not be exhausted by any act of making available to the public within the meaning of this provision, e) the import of the above-mentioned recording media that were produced abroad without their consent or, if it is an import from countries outside the European Union, if the right to import them into Greece had been contractually retained by the producer, f) the broadcasting or rebroadcasting by any means, including the satellite transmission or the retransmission of the above – mentioned recording media in accordance with paragraphs 4 and 5 of Article 35, as well as their communication to the public (as amended by Article 38 of the Law 4996/2022 (Article 1, Article 3 paragraph 1 point d) and Article 5 of the Directive (EC) 2006/115/EK)).

3. The term producer of sound recordings shall designate any natural or legal person who initiates and bears the responsibility for the realization of a first fixation of a series of sounds only. The term producer of visual or sound and visual recordings shall designate any natural or legal person who initiates and bears responsibility for the realization of a first fixation of a series of images with or without sound.

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Article 48: License from Radio or Television Organizations

1. Broadcasting organisations have the right to authorise or prohibit: a) the retransmission of their broadcasts by any means, such as electromagnetic waves, satellites, cables, b) the communication to the public of their broadcasts, c) the recording of their broadcasts to sound or sound and image recording media, either such broadcasts are transmitted by wire or wireless means, including the cable or satellite transmission, d) the direct or indirect, temporary or permanent reproduction by any means and form, either in whole or in part, in respect of the material integration of their broadcasts which are transmitted by wire or wireless means, including the cable or satellite transmission, e) the distribution

to the public of the recording media with the recording of their broadcasts, by sale or otherwise. The distribution right shall not be exhausted within the European Union, as regards as the recording media with the fixation of the broadcasts, except from the case of the first sale within the European Union that takes place by the rightholder or with his consent, f) the rental or the public lending of the recording medium with the recording of their broadcasts. This right shall not be exhausted by any sale or other act of distribution of the above - mentioned recording medium, g) the making available to the public (as amended by paragraph 5 of Article 67 of the Law 5043/2023), g) the making available to the public, by wire or wireless means, in such a way that anyone may have access to the material integration of their broadcasts, from a place and time individually chosen by them. This right shall not be exhausted by any act of making available to the public within the meaning of this provision. (Articles 2, 3 paragraph 2 and 3, 4 of the Directive 2001/29) (as amended by Article 39 of the Law 4996/2022 (Article 1, Article 6, Article 7 paragraphs 2 and 3 and Article 9 paragraph 1 point d) of the Directive (EC) 2006/115)).

2. Radio or television organizations shall not have the right provided for in paragraph (1) (c), above, when they merely retransmit by cable the broadcasts of a radio or television organization.

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Article 49: Right to Equitable Remuneration

1. (1) When sound recordings are used for a radio or television broadcast by any means, such as wireless waves, satellite or cable, or for communication to the public, the user shall pay a single and equitable remuneration to the performers whose performances are carried on the recordings and to the producers of the recordings. This remuneration shall be payable only to collecting societies. The said collecting societies shall be responsible for negotiating and agreeing the remuneration levels, raising the claims for the payment and collecting the remuneration from the users (as amended with article 54 p.6 a) Law 4481/2017 without prejudice to article 53. par. 11 Law 4481/2017 - *Article 54 par. 1 b) Law 4481/2017 mistakenly reads "without prejudice to paragraph 12" instead of "paragraph 11).*

2. Without prejudice to the obligatory assignment of the administration of rights and the collection of the remuneration by collecting societies operating according to Articles 54 to 58 of the Law, the right of performers to the reasonable remuneration prescribed under paragraph (1), above, shall not be assignable.

3. The collected remuneration shall be distributed in order of 50 percent to the performers and 50 percent to the producers of the recordings. The distribution of the collected remuneration among the various performers and among the various producers shall be effected pursuant to agreements among them that are contained in the rules of each collecting society.

4. Performers shall have the right to an equitable remuneration in respect of any radio or television rebroadcast of their performance transmitted by radio or television. Without prejudice to the possibility of assigning the administration of rights and the collection of remuneration to collecting societies according to the provisions of Articles 54 to 58 of this Law, an equitable remuneration prescribed in this paragraph shall not be assignable.

5. (5) “When visual or audiovisual recordings are used for radio or television broadcast by any means, such as wireless waves, satellite or cable or communication to the public, the user shall pay equitable remuneration to the performers, whose performances are carried on the recordings. The provisions of paragraph 1 item b and c as well as paragraphs 2 and 4 of the present article shall be applicable *mutatis mutandis*” (as amended with article 54 par. 6 b) Law 4481/2017 without prejudice to article 53. par. 11 Law 4481/2017 - *Article 54 par. 1 b) Law 4481/2017 mistakenly reads “without prejudice to paragraph 12” instead of “paragraph 11).*

6. (6) Repealed with article 54 p.6 c) Law 4481/2017 without prejudice to article 53. par. 11 Law 4481/2017 - *Article 54 par. 1 b) Law 4481/2017 mistakenly reads “without prejudice to paragraph 12” instead of “paragraph 11*

7. Pending litigation during the time that the single collecting society is being established is pursued by the original parties until it is irrevocably resolved (as added with article 46 Law 3905/2010).

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Article 50: Moral Right

1. During their lifetime, performers shall have the right to full acknowledgment and credit of their status as such in relation to their performances and to the right to prohibit any form of alteration of their performances.

2. After the death of a performer that person’s moral right shall pass to his heirs.

3. The provisions of Article 12(2) and Article 16 of this Law shall be applicable *mutatis mutandis* to the moral right of performers.

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Article 51: Rights of Publishers

Publishers of printed matter shall have the right to authorize or prohibit the reproduction by reprographic, electronic or any other means of the typesetting and pagination format of the works published by them, if the said reproduction is made for exploitation purposes.

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Article 51A: Protection of Previously Unpublished Works

Any person who, after the expiry of copyright protection, for the first time lawfully publishes or lawfully communicates to the public a previously unpublished work, shall benefit from a protection equivalent to the economic rights of the author. The term of the protection of such rights shall be twenty five (25) years from the time when the work was first lawfully published or lawfully communicated to the public and is calculated from 1st January of the year after the first lawful publication or communication to the public.

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Article 51B: Protection of press publications concerning online uses – Enabling provision

1. For the purposes herein, ‘press publication’ means a collection composed mainly of literary works of a journalistic nature, but which can also include other works or other subject – matters of protection and which: a) constitutes an individual item within a periodical or regularly updated publication under a single title, such as a newspaper or a general or special interest magazine, b) has the purpose of providing the general public with information related to news or other topics, and c) is published in any media under the initiative, editorial responsibility and control of a service provider. Periodicals that are published for scientific or academic purposes, such as scientific journals, are not press publications for the purposes herein.

2. Publishers of press publications established in a Member State have, in relation to the online use of their publications by information society service providers, within the meaning of section b) of paragraph 1 of Article of the Presidential Decree 81/2018 (A’ 151) the right to authorise or prohibit: a) the direct or indirect, temporary or permanent reproduction by any means and form, either in whole or in part and b) the making available to the public, by wire or wireless means, in such a way that anyone may have access to them from a time and place individually chosen. The above – mentioned rights shall not apply to private or non – commercial uses of press publications by individual users, uses of individual words or very shorts extracts of publication and acts of posing hyperlinks. Very short extracts shall be deemed as those, the use of which does not affect the effectiveness of the rights of publishers, which which is affected, in particular, when the use of the extracts replaces the publication itself or prevents the interested party from reading it.

3. The rights provided for under paragraph 2 shall not prejudice the rights provided in accordance with national law and the Union law to authors and other rightholders in relation to works or other subject – matters of protection which are incorporated into a press publication. The rights of paragraph 2 shall not be shall not be invoked against those authors and other rightholders and, in particular, shall not deprive them of their right to exploit their works and other subject matter independently from the press publication in which they are incorporated. When a work or other subject - matter of protection is

incorporated in a press publication on the basis of a non-exclusive license, the rights provided for in paragraph 2 shall not be invoked to prohibit the use by other authorised users. Similarly, invocation of the rights of paragraph 2 shall not be made to prohibit the use of works or other subject - When a work or other subject matter is incorporated in a press publication on the basis of a non-exclusive license, the rights provided for in paragraph 1 shall not be invoked to prohibit the use by other authorised users. Similarly, invocation of the rights provided for in paragraph 2 shall not be made to prohibit the use of works or others subject - matters of protection for which protection has expired.

4. Authors of works which had been incorporated into a press publication shall receive a percentage of the annual revenues received by press publishers from information society service providers. The percentage of the previous sentence amounts to twenty-five percent (25%) of the annual revenue of publishers whose businesses employ less than sixty percent (60%) of the authors under a contract of dependent labor and to fifteen percent (15%) of the revenue of publishers, whose businesses exceed the above percentage of employees in a dependent labor relationship. The right of authors shall be inalienable, with the exception of its management by collective management organisations, and contrary contractual clauses are void. Eligible authors include those who receive an old-age or disability pension.

5. The remuneration of publishers from information society service providers shall be determined, taking into account the online traffic of the subject – matters of protection, the years of activity and the market share of the information society service providers and of the publishers, the number of journalists employed by each publisher, the financial benefits, as well as any other criterion deemed as appropriate for its calculation. By the means of a decision of the Plenary Session by the Hellenic Telecommunications and Post Commission (EETT) a Regulation is issued, under which the criteria of the previous sentence are specified.

6. If within sixty (60) days from the submission of an invitation for the beginning of negotiations from one of the interested parties, an agreement for the amount of the remuneration is not achieved, every part may submit a request within the next thirty (30) days, in which its financial proposal is specified, for the establishment of an extraordinary committee by EETT in accordance with Article 5 of the Ref. No. 1004/40/30.8.2021 decision of EETT (B' 4660), concerning the capability of establishing committees, hearing committees and working groups. The committee calls both parties to submit a memorandum on the request of the first sentence of this paragraph within thirty (30) days and, provided that both parties submit a memorandum, sets a deadline for the rebuttal of both sides' memorandums. Subsequently, the committee issues, within sixty (60) days from the day itself sets as the time for completion of the submission of opinions and data, and submits to the interested parties, even if both did not take part in the procedure before it, a confidential opinion, according to Article 3 of the Ref. No. 1004/40/30.8.2021 of the decision of EETT, in relation to the handling of confidential documents, concerning the reasonable amount of the remuneration in application of the criteria of the

Regulation of par. 5, the judicial use of which is permitted. The committee, for the purpose of effectively exercising its advisory competence, can by the means of its decision ask from any of the interested parties to provide to it all the necessary financial data for the determination of the above – mentioned remuneration in accordance with the criteria set – out into the Regulation of paragraph 5 and to regulate the maintenance of the visibility of the publishers' content in the search results of providers until the issuance of its opinion. In the case of non – compliance with the decisions of the previous sentence, the committee may impose to the to the non-compliant party an administrative fine of fifty thousand (50.000,00) Euros up to ten million (10.000.000,00) Euros. If the parties during the proceeding of the first until the fifth sentence of this paragraph end up to an agreement in relation to the amount of the remuneration, they shall inform the committee by the means of a joint declaration, which refrains from further actions. By the means of a joint decision of the Ministers of Finance, Culture and Sports and Digital Governance, the amount of the fee requested, as condition of admissibility, for the examination by EETT of the request submitted for the issuance of the confidential opinion.

7. If none of the parties requests apply within the deadline the issuance of the opinion of the Committee under paragraph 6 or at least one of them does not accept the opinion of this committee, and in general, if the parties do not reach an agreement in relation to the amount of the remuneration, this is provisionally determined by the means of a request from any of the parties by the Single – Member Court of First Instance of Athens by way of interim – measures and definitely by the same Court by way of the procedure of settling property disputes of the Code of Civil Procedures. The competent for the provisional and definitive determination of the remuneration Court can, following a request from any litigant which may submitted also before the appointed hearing in accordance with the procedure of Article 691 of the Code of Civil Procedure: a) to order the submission from the parties of the necessary evidence for the determination of the remuneration, b) to regulate on a temporary basis the παράβαση των διαταγών του maintenance of the visibility of the content of publishers to the search results of providers, and c) to impose for any violation of its orders a penalty of fifty thousand (50.000,00) Euros to ten million (10.000.000,00) Euros, which accrues to the State's exchequer (as added with Article 18 of the Law 4996/2022 (paragraph 4 of Article 3 and paragraphs 1 to 3 and 5 of the Directive (EU) 2019/790)).

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Article 52: Type of license, limitations and duration of rights, as well as regulation of other issues

The rights provided for in Articles 46 to 51B are governed by the following rules: a) the legal acts concerning these rights are valid only if they had been made in writing,

b) the limitations, which are provided for the economic right of copyright, apply accordingly to them as well,

c) the duration of the rights of performers or performing artists which are provided for in Articles 46

and 49 of the Law are defined to fifty (50) years following the date of performance, but it cannot be less than the lifetime of the artist.

However,

- if a fixation of a performance over other medium except from a phonogram is published or lawfully communicated to the public within this period, the rights last for fifty (50) years from the date of this first publication or this first communication to the public, depending on which one had first taken place,

- if the incorporation of the performance into a phonogram is published or lawfully communicated to the public within this period, the rights last for seventy (70) years from the date of this first publication or this first communication to the public, depending on which one had first taken place.

d) The rights of phonogram producers (producers of sound recording media) expire fifty (50) years after the material incorporation had taken place. However, if the phonograph had been lawfully published within this period, the rights expire seventy (70) years from the date of the first lawful publication. If a lawful publication had not taken place during the period mentioned in the first sentence and if the phonogram had been lawfully communicated to the public during this period, the rights expire seventy years from the date of the first lawful communication to the public. However, if due to the expiration of the period of protection which is provided under this paragraph, in its wording before being amended by the Directive (EC) 2001/29 of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, the rights of phonogram producers are no longer protected since December 22, 2002, this paragraph shall not have the effect of protecting those rights anew. (Article 11 paragraph 2 of the Directive 2001/29).

aa) If fifty πενήντα (50) years from the lawful publication of the phonogram or -in the absence of such publication- fifty (50) years from its lawful communication to the public, the phonogram producer ceases to offer for sale copies of the phonogram in sufficient quantity to meet the needs of the market or to make it available to the public, by wire or wireless means, in such a way that the anyone may have access to it in a time and place individual chosen, the performer or the performing artist may terminate the contract by which he granted the phonogram producer the exploitation of at least the rights of reproduction, distribution and making available to the public of the material embodiment of his performances. The right of termination of this contract may be exercised if the producer does not perform both acts of exploitation which are referred into the previous sentence within one (1) year from the written notice to him by the perform of the performing artist of his intention to terminate the contract in accordance with the previous sentence. If these rights had been transferred to a third party, in accordance with the subsection gg) the written termination shall be exercised against the producer, as defined in the subsection gg).

bb) Where a contract of the first sentence of the subsection aa) provides to the performer or the performing artist a right to claim a non – recurring remuneration, the performer of the performing artist shall be entitled to receive an annual supplementary remuneration from the phonogram producer

for each full year following the fiftieth year from the lawful publication of the phonogram or - in the absence of such a publication - the fiftieth year from the lawful communication of the phonogram to the public. The payment shall take place within six (6) months from the end of each financial use. Waiver by the performer or the performing artist from the right of the annual supplementary remuneration shall be void.

cc) The total amount allocated by the phonogram producer for the payment of the annual supplementary remuneration which is referred into the subsection bb) corresponds to twenty percent (20%) of the gross revenue obtained by the phonogram producer, during the year preceding that for whom such a remuneration is paid, from the reproduction, distribution and making available of the particular phonogram, after the fiftieth year from the lawful publication of the phonogram or - in the absence of such a publication - after the fiftieth year from the legal communication of the phonogram to the public.

dd) The right of supplementary remuneration of the subsection bb) shall be managed by the collective management organisations of performers – performing artists.

ee) Phonogram producers are obliged upon request to provide annually and in total (for all performers – performing artists who are entitled to the annual supplementary remuneration and for all phonograms) to collective management organisations which manage the annual supplementary remuneration provided under the subsection bb) any information might be necessary in order to ensure the payment of this remuneration.

ff) In the case where a performer or a performing artist is entitled to recurring payments, they shall not be deducted from such payments any advances or any contractually determined retentions in respect of the particular phonogram paid to the performer or to performing artist after the fiftieth year from the lawful publication of the phonogram or - in the absence of such a publication - the fiftieth year from the legal communication of the phonogram to the public.

gg) For the purpose of the above -mentioned subsections aa) to ff) 'phonogram producer' means the primary rightholder or his successor or quasi – successor rightholder or any third person to whom the relevant rights had been transferred.

h) The duration of the rights of producers of audiovisual works (producers of sound or sound and image recording medium) is defined to fifty (50) years following the material incorporation. However, if within this period a lawful publication or a lawful communication to the public of the recording medium had taken place, these rights last for fifty (50) from the date of this first publication or this first communication to the public, depending on which one had first taken place.

i) The duration of the rights of the broadcasting organisations which is provided under Article 48 of this Law is defined to fifty (50) years following the first transmission of a broadcasting, either it is transmitted by wire or wireless means, including the cable or satellite transmission or any other means of transmission.

z) The duration of the right of publishers which is provided for in Article 51 of this Law is defined to fifty (50) years following the last publication of the work.

k) The duration defined in points c), d), e) and f) of this Article shall be calculated from January 1st of the year that follows the generative event.

l) For the purposes of communication to the public by satellite and cable retransmission, the rights of performers or performing artists, of producers of sound recordings or sound and image recordings, as well as of the broadcasting organisations, are protected in accordance with the provisions of the eighth chapter of this Law, applying accordingly the provisions of paragraphs 3 and 4 of Article 35 of this Law.

m) The rights provided for in Article 51B shall expire two (2) years following the publication of the press publication. This period shall be calculated from the year that follows the date of publication of the press publication at issue (as amended by Article 19 of the Law 4996/2022 (Article 15 paragraph 4 of the Directive (EU) 2019/790)).

ma) Article 5A applies mutatis mutandis also to related rights of this Law (as added with Article 40 of the Law 4996/2022 (Article 3 paragraph 1 sentence b) and Article 6 of the Directive (EC) 2006/115)).

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Article 53: Protection of Copyright

The protection provided under Articles 46 to 52 of this Law shall leave intact and shall in no way affect the protection of copyright. In no circumstance shall any of the provisions of the aforementioned Articles be interpreted in such a manner as to lessen that protection. Where performers, producers of sound or visual or audiovisual recordings, radio or television organizations and publishers acquire the copyright in a work in addition to related rights, such rights shall apply in parallel with each other and shall confer the rights deriving there from.

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CHAPTER NINE: ADMINISTRATION BY COLLECTING SOCIETIES

Article 54: Assignment of Administration

Par. 1-4 Not in force (repealed with article 54 par. 1 Law 4481/2017 without prejudice to article 53 par. 11 Law 4481/2017)

Par. 5-6 Not in force (repealed with article 54 par. 1 Law 4481/2017 without prejudice to article 54 par. 14 Law 4481/2017)

Par. 7-9 Not in force (repealed with article 54 par. 1 Law 4481/2017 without prejudice to article 53 par. 11 Law 4481/2017)

10. The Minister of Culture and Sports may, after consulting with the HCO, and provided that there is a strong chance that the collective management organisation is unable to fulfil its obligations, and in particular to collect and attribute to rightholders the sums it receives on their behalf, due to, by way of example, the lack of own funds, appoint, as a pre-emptive administrative measure, a Temporary Commissioner, whose term of office shall be six (6) months, and which term may be renewed twice (2) for up to six (6) months (as amended with article 127 Law 4514/2018).

The Temporary Commissioner shall ensure that users receive payment and attribute it to rightholders. At the same time, the temporary Commissioner shall, on behalf of the organisation, bring any legal actions and appeals for defending the interests of rightholders which it represents, and shall represent the organisation in both judicial and extrajudicial procedures, in order to safeguard the rights of rightholders, as well as in any dispute arising from its own decision or action. In order to achieve these objectives, the Temporary Commissioner supersedes the administration as of the date of publication of his appointment in the Official Government Gazette.

At the same time, the Temporary Commissioner shall intervene, in a decisive manner, by immediately cancelling any act or decision not taken by the Commissioner himself in order not to disrupt the operation of the organisation and to avoid its bankruptcy. The Board of Directors shall keep the Temporary Commissioner informed of other management issues, and in the event that he disagrees with the decision or action which may affect the viability of the organisation or the interests of the rightholders, the Commissioner shall make the decision himself.

The Temporary Commissioner is selected by the Minister for Culture and Sports among persons of recognized prestige and having adequate professional experience in business or organisation management or financial or legal matters. The appointment of a Temporary Commissioner may not be invoked as a reason for amending or terminating any contract or agreement to which the organisation is a party.

The management bodies and the employees of the collective management organisation shall be required to immediately provide the Temporary Commissioner with any information or data requested and to facilitate the performance of his duties. The Temporary Commissioner's liability, upon the exercise of his duties, shall be limited to malicious intent and gross negligence.

To assist the Temporary Commissioner in his work, the HCO may, upon proposal by the Temporary Commissioner, conclude service agreements with legal, financial or technical advisers, as well as with administrative personnel, subject to the approval of those persons and their remuneration by the Minister of Culture and Sports.

Permanent employees of Ministries, independent Authorities, as well as of legal entities governed by public and private law within the General Government, may be seconded to the HCO, in order to assist the Temporary Commissioner in his work (as amended with article 20 par.1 Law 4829/2021). Seconded employees shall receive the entire salary of their organisation. The above remuneration shall be charged on HCO's budget.

The duration of service agreements, as well as of any secondment, may not exceed the length of the

Temporary Commissioner's term of office.

The Temporary Commissioner's remuneration shall be determined, upon recommendation by the HCO, in the decision on his appointment, and shall be charged, along with the management fees and the remuneration of the persons hired to assist in his work, as per above, on the HCO 's budget.

Concerning compensation for work exceeding the mandatory working hours of persons assisting the temporary Commissioner, the provisions of item a of subparagraph 2 of paragraph C of Article 20 of Law 4354/2015 (A' 176) shall apply. Compensation for the above – mentioned mandatory overtime shall be attested by the Temporary Commissioner and shall be charged on HCO's budget.

The Commissioner shall submit to the Minister of Culture and Sports a summary report of his activities at the end of each month, as well as a schedule for the following month and a comprehensive report at the end of his term of office. The term of office of the Temporary Commissioner shall expire upon expiry of the term for which he was appointed. Otherwise, the Minister of Culture and Sports may, by reasoned decision, revoke the appointment of the Temporary Commissioner for reasons connected with the performance of his duties or the need to reorganize the organisation (as amended with article 54 par. 15 a) Law 4481/2017).

Note: Paragraph 10 of Article 54 of Law 2121/1993, as amended by this Law, shall no longer apply:

- (a) if the appointment of the Temporary Commissioner is revoked or terminated by a decision of the Minister of Culture and Sports for any of the reasons set forth in the above provision; or
- (b) if a Commissioner is appointed in accordance with paragraph 2 of article 52 hereof (article 54 par. 15 b) Law 4481/2017).

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Article 55: The Competence of Collecting Societies

1. Collecting societies shall have the competence to perform the following functions:

- a) concluding contracts with users specifying the terms of exploitation of works and the remuneration payable
- b) securing for authors the percentage fee referred to in Article 32(1) of this Law;
- c) collecting remuneration and distributing it among authors as necessary
- d) collecting and allocating among authors the remuneration referred to in Article 18(3) of this Law
- e) effecting all administrative, judicial and extrajudicial tasks necessary to secure lawful protection of the rights of authors and other right holders, notably taking legal steps and court actions, lodging of complaints and serving writs, appearing as civil plaintiffs, seeking the prohibition of acts deemed to infringe rights whose protection is assigned to them and requesting seizure of unlawful copies pursuant to Article 64 of this Law

f) obtaining from users all information needed for the computation, collection and allocation of remuneration

g) carrying out, in collaboration with public authorities or pursuant to the procedure referred to in Article 64 of this Law, all necessary checks at outlets for the sale, rental and lending of copies of works under their protection, and at public performances of works, in order to protect against infringements of the rights of authors. The establishment act of the collecting society can limit its competence to only part of the above-mentioned.

2. A collecting society shall be presumed to have the competence to administer and/or protect the rights in all of the works or in respect of all of the authors concerning which or for whom a declaration of transfer to the society has been effected in writing, or for which it has been granted power of attorney. Where a collecting society operating with the approval of the Minister of Culture and Tourism exercises the right to a single equitable remuneration as described in paragraph 1 Article 49 of this Law it shall be presumed that such collecting society represents without exception all beneficiaries, both national and foreign, and all their works. In such a case, the same shall be presumed where, for each category of beneficiaries there are more collecting societies, given that the rights are exercised by the competent collecting societies altogether (as added with article 46 Law 3905/2010). Regardless of whether its authorization rests on a transfer of rights or on power of attorney, a collecting society shall in all circumstances be entitled to initiate judicial or extrajudicial action in its own name and to exercise in full legitimacy all the rights transferred to it, or for which it holds power of attorney.

3. When seeking the protection of the courts for works or authors under its protection a collecting society shall not be required to provide an exhaustive list of all of the works which have been the object of the unlicensed exploitation, and it may lodge only a sample list.

4. If a right holder disputes a collecting society's competence over a work which is assumed to be included under the declaration referred to in paragraph (2), above, and which has, accordingly, on the basis of that declaration, been included in a contract concluded by the collecting society with a user, the collecting society shall defend the case of the user and offer all possible assistance in any court action which may follow. If the collecting society is adjudged not to have competence over the work, it shall, in addition to any penalty imposed upon it, be liable for the payment of compensation to the user with which it signed the contract, the amount of which shall be determined pursuant to the special safeguarding measures. This provision does not apply in the case of compulsory collective management as described in paragraph 1 Article 49 of this Law (as added with article 46 Law 3905/2010).

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Article 56: Relations with Users

1. When granting users the facility to make use of works assigned to it, a collecting society shall demand from the users payment of the percentage fee specified in Article 32(1) of this Law. The exceptions provided for in Article 32(2) of this Law with respect to the percentage fee shall not apply in these circumstances.

2. A collecting society may not refuse to conclude a contract with a user, as referred to in Article 55(1) a), without good reason. If an aspiring user is of the opinion that the remuneration demanded by a collecting society is clearly in excess of that usually payable in similar circumstances, the aspiring user shall pay to the collecting society, in advance of any use, either the remuneration demanded or an amount determined, upon request, by a court of first instance as being equal to the remuneration usually payable in similar circumstances, pursuant to the safeguarding measures. The final judgment concerning the remuneration shall be rendered by the competent court.

3. Organizations representing users may, together with collecting societies, decide by written agreement to appoint an arbiter, specifically by name or position, to determine the amount of remuneration to be paid by a user before disagreement arises. Before finally deciding on the remuneration due the arbiter may order the user to lodge a down payment. An arbiter thus appointed shall have exclusive competence for the settling of disagreements. The decisions of an arbiter shall be equitable. The Minister of Culture may himself decide to appoint an arbiter. In such a case, recourse to that arbiter by the parties to a dispute shall be voluntary and by agreement. Collecting societies shall draw up lists of the remuneration payable by users (remuneration tariffs) and shall promulgate the said lists in not less than three daily journals, one of which shall be a financial journal. When drawing up and implementing their remuneration tariffs, collecting societies shall refrain from inconsistency and discrimination. The collecting societies and organizations representing users may conclude agreements regulating the remuneration payable by the user in any category of beneficiaries, as well as any other matter concerning the relations of the two sides in the framework of application of the present law, as has been subsequently amended.

4. In order to facilitate the actions referred to in circumstances a), b), c) and d) of Article 55(1), users shall without delay make available to collecting societies lists of the works of which they are producing, selling, renting or lending copies, together with the exact numbers of copies produced or distributed, and likewise lists of the works they are performing publicly, together with a statement of the frequency of such performances.

5. Any dispute between the collecting societies and the users regarding the remuneration payable by the user to the collecting society may be referred to arbitration. The arbitrators are appointed from the list drafted every two years by the Copyright Organization. It is compulsory to take into account the

opinion of the collecting societies and the users when drafting the said list. For all other matters, articles 867 et seq. of the Code of Civil Procedure are applied accordingly.

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Article 57: Relations with Authors

1. A collecting society may not without good reason refuse to undertake for any particular author the administration and/or protection of the rights deriving from the economic rights of that author and the subject of the administration of the collecting society.

2. A collecting society shall consult annually with the authors whose rights are transferred to it in order that the authors may express their views concerning the rules used to determine levels of remuneration, the methods used for the collection and distribution of remuneration and any other matter pertinent to the administration and/or protection of their rights. The collecting societies have to take into consideration these views during the processing of administrative procedures.

3. Authors who transfer the administration and/or protection of their rights to a collecting society, together with the societies which represent them, shall be entitled to all relevant information concerning the activities of the collecting society.

4. Where the author transfers all of his works to a collecting society for administration and/or protection, he shall give the society full information in writing about the publication of those works and shall inform the society whenever he publishes a new work after the date of the transfer of his rights.

5. Collecting societies shall draw up rules for the distribution of remuneration to authors. Distribution shall be effected at least once annually and shall to the highest possible extent be proportionate to the actual use made of the works.

6. For each general category of authors and each form of exploitation, collecting societies shall fix a percentage of the remunerations collected to cover their expenditures. Authors shall be informed of the relevant percentage before they transfer or grant power of attorney over their rights. The fixed percentage may be increased only with the consent of the author or after notice, served one year in advance.

7. An author or a collecting society shall be entitled to abrogate the agreement transferring economic rights where irrefutably good grounds exist for such action. Provided not less than three months' notice is given, the abrogation shall take effect from the end of the calendar year in which it is notified. If less than three months' notice is given, the abrogation shall take effect from the end of the following calendar year.

8. The right of the author to grant or refuse authorisation to a cable operator for a cable retransmission may be exercised only through a collecting society; for all other matters the provision of article 54, paragraph 2, hereof is applicable. Where a rightholder has not transferred the management of his cable retransmission right to a collecting society, the collecting society which manages rights of the same category with the approval of the Ministry of Culture shall be mandated to manage his cable retransmission right. Where more than one collecting society manages rights of that category, the rightholder may be free to choose which of those collecting societies shall be mandated to manage his cable retransmission right. The author referred to in this paragraph shall have the same rights and obligations as the rightholders who have mandated the collecting society and he shall be able to claim those rights within a period of three (3) years from the date of cable retransmission of the broadcast.

9. The provisions of the previous paragraph do not apply to the rights exercised by a broadcasting organization in respect of its own transmission, irrespective of whether the rights concerned are its own or have been transferred to it by other copyright owners and/or other right holders.

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Article 58: Application to Related Rights

The provisions of Articles 54 to 57 shall be applicable mutatis mutandis to the administration and/or protection of the related rights regulated by the provisions of Section VIII of this Law.

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CHAPTER TEN: MEASURES TO PREVENT INFRINGEMENTS

Article 59: Imposition of and Adherence to Specifications

Presidential decrees may be issued, on the recommendation of the Ministry of Culture, laying down specifications for the equipment and other materials used in the making of reproductions of works with a view to preventing or limiting the use of such equipment and materials for purposes which conflict with the normal exploitation of copyright and related rights.

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Article 60: Use of Control Systems

Presidential decrees may be issued on the recommendation of the Minister of Culture, making compulsory the use of equipment or systems which permit the designation of reproduced or used

works and the extent and frequency of the reproduction or use, subject to such methods not causing unjustifiable harm to the lawful interests of users.

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Article 61: Control Labelling

Presidential decrees may be issued, on the recommendation of the Minister of Culture, stipulating that visual or sound or visual and sound recordings may circulate only when they carry on their outer casing or in another prominent position a special mark or control label of any type supplied by the competent collecting society, indicating that their distribution on the market or their circulation in some other manner, does not constitute an infringement of the rights of the author.

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Article 62: Prohibition of Decoding

The distribution, use, and the possession with intent to use or distribute, of decoding equipment shall be prohibited without the permission of the broadcasting organizations which transmit encrypted programs by wire or over the air, including by cable or satellite.

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Article 63: Stopping an Infringement or its Continuation

1. Where a potential infringement of copyright is identified, such as where there is a clear intention to offer an unlawful public performance of a theatrical or cinematographic or a musical work, the competent local police authority shall prohibit the infringing act when requested to do so by the author or right holder. When requested, the prosecuting authorities shall grant the police authority any necessary mandate. The same shall apply when the public presentation of a work has been in progress for more than two days without payment of due remuneration.

2. The granting of a city permit (as amended with article 46 Law 3905/2010) permitting the use of musical instruments or certifying the suitability of premises, or of any other license required in law for the use of premises for the performance of musical or other works, whose administration is entrusted to a collecting society competent to authorize the public performance of works, shall be conditional on the deposition by the applicant of a written authorization for the performance, issued by that collecting society.

3. Paragraphs 1 and 2 of this article shall also apply in case of infringement of the beneficiaries of related rights provided for in articles 46, 47 and 48 of this law.

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CHAPTER ELEVEN: LEGAL PROTECTION

Article 63A: Evidence

1. On application by a party which has presented reasonably available evidence sufficient to support its claims of infringement or threat of infringement of the rights under this law and has, in substantiating those claims, specified evidence which lies in the control of the opposing party, the court may order, on application by a party, that such evidence be presented by the opposing party. In the case of an infringement committed on a commercial scale, the court may also order, on application by a party, the communication of banking, financial or commercial documents under the control of the opposing party. The existence of a substantial number of copies shall be considered to constitute reasonable evidence of an infringement committed on a commercial scale. In any event, the court shall ensure the protection of confidential information.

2. In the context of proceedings concerning an infringement of rights under this law and in response to a justified and proportionate request of the claimant, the chairman of a multi-member court or the judge of a one-member court may order, even before the hearing date, that information on the origin and distribution networks of the goods or services which infringe an intellectual property right be provided by the infringer and/or any other person who a) was found in possession of the infringing goods on a commercial scale, b) was found to be using the infringing services on a commercial scale, c) was found to be providing on a commercial scale services used in infringing activities, or d) was indicated by the person referred to in points a), b) or c) as being involved in the production, manufacture or distribution of the goods or the provision of the services.

3. The information referred to in paragraph 2 shall, as appropriate, comprise: a) the names and addresses of the producers, manufacturers, distributors, suppliers and other previous holders of the goods or services, as well as the intended wholesalers and retailers, b) information on the quantities produced, manufactured, delivered, received or ordered, as well as the price obtained for the goods or services in question.

4. Paragraphs 2 and 3 shall apply without prejudice to other statutory provisions which: a) grant the rightholder rights to receive fuller information, b) govern the use in civil or criminal proceedings of the information communicated pursuant to paragraphs 2 and 3 of this article, c) govern responsibility for misuse of the right of information, or d) afford an opportunity for refusing to provide information which would force the person referred to in paragraph 2 to admit to his/her own participation or that of his/her close relatives in an infringement of an intellectual property right, or e) govern the protection of confidentiality of information sources or the processing of personal data.

5. If a party is summoned to produce the evidence referred to in paragraph 1 and unjustifiably fails to produce such evidence, the claims of the party that sought the production or notification of evidence shall be considered as confessed. Any party that unjustifiably violates an order of the court under paragraph 2 shall be sentenced to pay, in addition to legal costs, a monetary fine of EUR 50,000.00 to 100,000.00, which shall devolve to the tax office.

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Article 63B: Legal Costs

In the cases of this law, the general legal costs and fees, obligatorily include any other

In cases covered by this law, legal costs and other expenses shall include any other pertinent expenditure, such as witness costs, attorney fees, fees of experts and technical consultants of the parties and expenses made for the discovery of the infringers, reasonably incurred by the successful party. The provisions of articles 173 et seq. of the Code of Civil Procedure are applied to any other matters.

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Article 64: Injunction measures and Precautionary Evidence

1. In case of alleged infringement of copyright or related right provided for by articles 46 to 48 and 51 or the special right of database creators, the One-member First Instance Court shall order the precautionary seizure of items in the possession of the alleged infringer that constitute means of commission or product or evidence of the infringement. Instead of precautionary seizure, the court may order the detailed description of such items, including the taking of photographs. Article 687§1 of the Code of Civil Procedure shall be applied in such cases and a provisional order shall be issued according to article 691§2 of the Code of Civil Procedure.

2. The court shall order injunction measures or precautionary evidence without needing to specify the works infringed or in threat of infringement.

3. The court may issue against the alleged infringer an injunction intended to prevent any imminent infringement of the rights under this law or to forbid, on a provisional basis and subject, where appropriate, to a penalty payment under article 947 of the Code of Civil Procedure for each infringement or continuation of the infringements of that right. The procedure of articles 686 et seq. of the Code of Civil Procedure shall be applicable in order to ascertain the infringement of the ordered injunction or the pertinent provision of article 691 paragraph 2 of the Code of Civil Procedure. The court may make such continuation subject to the lodging of guarantees intended to ensure the compensation of the rightholder. The court may also order the precautionary seizure or delivery up of

the goods suspected of infringing rights under this law so as to prevent their entry into or movement within the channels of commerce.

4. In the case of an infringement committed on a commercial scale, court may order the precautionary seizure of the property of the alleged infringer, including the blocking of his/her bank accounts. To that end, the court may order the communication of bank, financial or commercial documents, or appropriate access to the relevant information.

5. The injunction measures referred to in paragraphs 3 and 4 may, in appropriate cases, be taken without the defendant having been heard, under article 687 paragraph 1 of the Code of Civil Procedure, in particular where any delay would cause irreparable harm to the rightholder. In that event, if the decision or the order of the court is not notified to the defendant before or during its enforcement, it shall be notified on the first business day following the enforcement; otherwise, any relevant procedural acts shall be null and void.

6. The court may make the provisional measures referred to in paragraphs 1, 3 and 4 subject to the lodging by the applicant of security determined in the decision or provisional order and/or without guarantee and shall specify a time limit for the lodging of the action for the main case under article 693 paragraph 1 of the Code of Civil Procedure, which cannot be more than thirty days. If no action is lodged within the said time limit, the injunction shall be lifted ipso jure.

7. Where the provisional measures are revoked due to any act or omission by the applicant, or where it is subsequently found that there has been no infringement or threat of infringement of the rights under this law, the court may order the applicant, upon request of the defendant, to provide the defendant appropriate compensation for any injury caused by those measures.

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Article 64A: Injunction

Rightholders may apply for an injunction against intermediaries whose services are used by a third party to infringe a copyright or related right. It is the same for the sui generis right of data base maker.

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Article 65: Civil Sanctions

1. In any case of infringement or threat of infringement of copyright or related rights, the author or the rightholder may claim the recognition of this right, the discontinuation of the infringement and its omission in the future. The discontinuation of the infringement may include, at the request of the applicant: a) recall from the channels of commerce of goods that they have found to be infringing rights under this law and, in appropriate cases, with regard to materials and implements principally

used in the creation or manufacture of those goods, b) definitive removal from the channels of commerce, or c) destruction. The rights of the first sentence of this paragraph shall be exercised by right holders against intermediaries whose services are used by a third party to infringe rights under this law (articles 10, par. 1, and 11 of Directive 2004/48).

2. A person who by intent or negligence infringes copyright or a related right of another person shall indemnify that person for the moral damage caused, and be liable for the payment of damages of not less than twice the legally required or normally payable remuneration for the form of exploitation which the infringing party has effected without license.

3. Instead of seeking damages, and regardless of whether the infringement was committed by intent or negligence, the author or the right holder of the related right may demand either the payment of the sum accrued by the infringing party from the unlicensed exploitation of a work, or of the object of a related right, pursuant to Articles 46 to 48 and 51 of this Law, or the profit gained by the infringing party from such an exploitation.

4. (4) For each act of omission contributing to an infringement, the court may impose a fine of eight hundred and eighty (880) to two thousand nine hundred (2,900) euros (as amended with article 54 par. 7 Law 4481/2017) payable to the author or to the right holder of the related rights referred to Articles 46 to 48 and 51 of this Law and imprisonment of up to one year. The same shall apply when the conviction is effected pursuant to the procedure under the safeguarding measures. All other matters shall be regulated pursuant to Article 947 of the Civil Procedure Code.

5. The civil sanctions of this article are applied accordingly in the case that the debtor did not pay the remuneration provided for by paragraph (3) of Article 18 hereof to a collecting society.

6. The civil penalties of this article are also applied in case of infringement of intellectual property of the author of a database and of the sui generis right of the maker of a database.

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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. (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 or related rights 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 and amended with article 54 par.8 a) Law 4481/2017).

2.A. Whoever, without any legitimate right and in violation of the provisions of this Law, reproduces phonograms stored on any technical storage media, including hard disks, whether embedded or not on a computer, shall pay an administrative fine of one thousand (1,000) euros (as added with article 54 par. 8 b) Law 4481/2017).

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 paragraphs 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.

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Article 66: Criminal Sanctions

1. 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 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 no less than a 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 organizations: 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 or 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.

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 six thousand (6,000) to thirty thousand (30,000) euros. 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" (as amended with article 54 par. 9 a) Law 4481/2017).

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 one-member first instance court, does not submit the declaration under the provisions of article 18, par. 6, of this law.

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. By way of exception from the provision of Article 82 (10) (b) of the Penal Code, in the event of conversion of the custodial sentence, the conversion amount is set at five times the limits of the conversion amount provided for each case in the Penal Code (as amended with article 54 par. 9 b) Law 4481/2017).

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 three thousand (3.000) to fifteen thousand (15.000) euros (as amended with article 54 par. 9 c) Law 4481/2017).

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 three thousand (3.000) to fifteen thousand (15.000) euros (article 12 of Directive 96/9) (as amended with article 54 par. 9 c) Law 4481/2017).

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 a quantity of 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, shall result in non-prosecution and any prosecution shall be dismissed under the condition that the infringement concerns quantity up to five hundred (500) illegal sound recording carriers) (as amended with article 54 par. 9 d) Law 4481/2017).

11.A. Where the offense concerns phonograms (musical compositions) stored on any technical storage media or computer, the unconditional payment of the administrative fine by the offender under paragraph 2 of Article 65A and under the prescribed conditions shall result in non-prosecution and the dismissal of any prosecution, provided that the offense relates to up to 1,000 musical compositions (as added with article 54 par. e) Law 4481/2017).

12. The payment of the administrative fee and the and the non-prosecution or the dismissal of criminal prosecution, 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 (as amended with article 9 d) Law 4481/2017 and renumbered with article 9 g) Law 4481/2017)

13. In case of recidivism during the same financial year the administrative fee provided for by article 65A doubles.

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Article 66A: Technological Measures

1. The term technological measures means any technology, device or component that, in the normal course of its operation, is designed to prevent or restrict acts, in respect of works or other subject-matter, which are not authorized by the rightholder of any copyright or any right related to copyright as well as the sui generis right of the data base maker. Technological measures shall be deemed effective where the use of a protected work or other subject-matter is controlled by the rightholders through application of an access control or protection process, such as encryption, scrambling or other transformation of the work or other subject-matter or a copy control mechanism, which achieves the protection objective.

2. It is prohibited to circumvent, without the permission of the rightholder, any effective technological measure when such act is made in the knowledge or with reasonable grounds to know that he is pursuing that objective.

3. It is prohibited without the permission of the rightholder, to engage in the manufacture, import, distribution, sale, rental, advertisement for sale or rental, or possession for commercial purposes of devices, products or components or the provision of services which: a) are promoted, advertised or marketed for the purpose of circumvention of, or b) have only a limited commercially significant purpose or use other than to circumvent, or c) are primarily designed, produced, adapted or performed for the purpose of enabling or facilitating the circumvention of any effective technological measures.

4. The practice of activities in violation of the above provisions is punished by imprisonment of at least one year and a fine of 2.900 to 15.000 Euro and entails the civil sanctions of article 65 Law 2121/1993. The One-Member First Instance Court may order an injunction in accordance with the Code of Civil Procedure, the provision of article 64 Law 2121/1993 also being applicable.

5. For the limitations (exceptions) provided for in fourth Chapter, and concern the photocopying reproduction for private use (Article 18), the reproduction for teaching activities (Article 21), the text and data mining for research purposes (Article 21A), the exception concerning text and data mining (Article 21B), the reproduction from libraries and archives (Article 22), the preservation of cultural heritage (Article 22A), the reproduction for judicial or administrative purposes (Article 24), as well as the reproduction for the benefit of people with disabilities (Article 28A), the legal protection provided

for in paragraph 2 herein does not prejudice the obligation of rightholders to provide to the beneficiaries of the above – mentioned exceptions the means, in order for them to benefit from these exception to the necessary degree, insofar as they have lawful access to the protected work or other subject – matter. If rightholders do not take voluntary measures, including also agreements between rightholders and third parties benefiting from the exceptions, both beneficiaries and third parties benefiting from the above -mentioned exceptions request the assistance of one or more mediators selected from a table of mediators drawn up by the Hellenic Copyright Organization. Mediators make recommendations to interested parties. It is considered that all parties accept this proposal, if none of them raises an objection within a deadline of one month from the notification of the proposal. In the opposite case, the dispute is resolved by the Single - Member Court of Appeal of Athens, which judges in first and last instance. These provisions shall not apply to works or other subject – matters of protection which are made available to the public on the basis of contractually agreed terms, so that the public can access them wherever and whenever they want on the basis of contractually agreed terms (Article 6 paragraph 4 of the Directive 2001/29) (as amended by Article 12 of the Law 4996/2022 (Article 7 paragraph 2 of the Directive (EU) (EE) 2019/790)).

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Article 66B: Rights - Management Information

1. The expression rights management information means any information provided by rightholders which identifies the work or other subject-matter protected by a related right or the sui generis right of data base maker, and which identifies the author or any other rightholder, or information about the terms and conditions of use of the work or other subject-matter, and any numbers or codes that represent such information.

2. It is prohibited for any person to knowingly perform without the permission of the rightholder any of the following acts: a) the removal or alteration of any electronic rights-management information, b) the distribution, importation for distribution, broadcasting, communication or making available to the public of works or other subject-matter protected by a related right or the sui generis right of data base maker, from which electronic rights management information has been removed or altered without authority, if such person knows, or has reasonable grounds to know that by so doing he is inducing, enabling, facilitating or concealing an infringement of any copyright or related right or the sui generis right of data base maker.

3. The violation of the above provisions is punished by imprisonment of at least one year and a fine of 2.900 to 15.000 Euro and entails the civil sanctions of article 65 Law 2121/1993. The One-member First Instance Court may order an injunction in accordance with the Code of Civil Procedure, the provision of article 64 Law 2121/1993 also being applicable.

Article 66C: Publication of Decisions

Decisions of civil or criminal courts concerning rights under this law may, at the request of the applicant and at the cost of the infringer, order the appropriate measures to be taken for the propagation of information relating to the decision, including the posting of the decision, as well as its publication, in summary or in its entirety, in the mass media or the internet.

Article 66D: Codes of Ethics and Information Exchange

1. The business or professional associations concerned, as well as collecting societies or collective protection organizations, shall prepare codes of ethics with the purpose of contributing, at national, Community or global level, to the enforcement of the rights under this law and shall recommend the use of codes in optical discs in order to identify the origin of their manufacture. The codes of ethics and any evaluation of their implementation shall be forwarded to the European Commission.

2. The national correspondent for the rights under this law shall be the Hellenic Copyright Organization.

Article 66E: Enforcement of the Rights on the Internet

1. In cases of copyright or related rights infringement on the internet, the rightholder may follow the procedure provided for in the paragraphs herein. The rightholder of copyright or related rights that are infringed by the offer of products or services on the internet, either through advertisement or through promotion may follow the same procedure. For the purposes of this article, by rightholder is meant the rightholder whose right is infringed on the internet as well as any collective management organisation or collective protection organisation to which has been assigned the collective management or protection of copyright or related rights. Such procedure shall not apply to cases of infringement committed by end users. This procedure shall be without prejudice to the procedure provided for in the Regulation on Management and Assignment of .gr Domain names of the Hellenic Telecommunications and Post Commission (EETT), which is specified by EETT's decision.

2. In order for the procedure provided for in this article to have effect, a Committee is established by decision of the Minister of Culture and Sports for the notification of copyright and related rights infringement on the internet. This Committee shall be assisted by the Hellenic Copyright Organisation (HCO) staff and shall use HCO's premises. It shall be a three-member Committee consisting of HCO's Administrative Board President substituted with HCO's Administrative Board Vice President, an EETT

delegate and his substitute as designated by EETT's President, and a delegate of the Hellenic Data Protection Authority (HDPa) and his substitute as designated by HDPa's President. President of the Committee shall be HCO's President and the EETT's delegate shall be its secretary. The Committee shall have a three (3) year term.

3. By decision of the Minister of Culture and Sports shall be determined any matter relevant to the composition, functions and competence of the Committee. The provisions of article 21 of law 4354/2015 (A'176) as amended by those of article 52 of law 4369/2016 (A'33) shall apply to determine the compensation fee payable to the members of the Committee. The decision of sentence 1 herein shall also determine the fee payable to HCO by the applicant in conjunction with his application to the Committee, as a review fee. Such fee shall be paid in advance and shall be a prerequisite for the commencement of the procedure.

4. The rightholder shall submit his application for termination of infringement either in person or electronically. He shall fill in the pro-forma application to the Committee, which is available on HCO's website. Attached to this he shall submit all and any document referred to therein as mandatory as well as any additional evidence to support his claims. For the submission of the application to be admissible, the rightholder must have made use of the corresponding procedure which the provider had determined and which was concluded within reasonable time but with no result.

5. Within ten (10) working days upon receipt of the application, the Committee shall either (a) archive the case or (b) follow through the procedure.

a. The case shall be archived by means of a Committee act in which mention shall be made of at least one of the following reasons:

aa. non use of pro-forma application

ab. lack of sufficient information

ac. a case is pending between the same parties before the courts or the issuance of a final decision on the dispute at issue

ad. lack of competence

ae. lack of grounds and lack of sufficient evidence (-apparently unsubstantiated-)

af. withdrawal from the application prior to its review

ag. non payment of the review fee pursuant to the provisions of paragraph 3 above

ah. obtaining of a license of use

b. If the procedure follows through, within ten (10) working days from receipt of the application, the Committee shall simultaneously notify the internet access providers and, where possible, the host providers, the administrators and/or proprietors of the websites and/or of the domain names referred to in the application.

Such notice thereof shall include at least the exact definition of the rights allegedly infringed; the law provisions which, by declaration of the rightholder, are violated; a summary of events and the outcome

of the evaluation of evidence; the competent person to whom objections may be raised; the conditions upon which the procedure may be terminated and a mention to the possibility of the voluntary compliance of the parties involved.

6. The administrator or the proprietor of the referred in the application websites or domain names may obtain from the rightholder the relevant permission within ten (10) working days from the date of receipt of the notice. The person who receives such notice may voluntarily within five (5) working days from the date of receipt of the notice comply to the applicant's claim by informing accordingly the Committee through electronic mail or submit to the Committee his objections whereby he shall simultaneously submit all evidence from which it is provided mainly that no infringement thereby occurs.

Such deadlines may extend to the double upon decision by the Committee.

In the case that the person who receives the notice voluntary complies with it, a decision by the Committee is issued in which his voluntary compliance is expressly stated. In the event that a license for use of rights is obtained, the case shall be archived.

Upon expiration of the deadline for objections to be raised and where deemed necessary the Committee shall ask further evidence to be submitted within five (5) working days.

7. Within five (5) working days from expiration of the above deadlines the Committee shall review the case and in no later than forty (40) working days from the submission of the application, it shall notify of its decision the applicant and the person who receives the notice. In such decision:

- a. Where no infringement of copyright or related rights is substantiated, it shall archive the case by issuing a reasoned opinion.
- b. or, where an infringement is substantiated, it shall issue a reasoned decision in which it shall ask from all those that receive it to comply with it within a period of no more than three (3) working days from the date of receipt by them.

In case that the deadlines set out in paragraph 5 above are extended by decision of the Committee pursuant to the provisions of the same paragraph thereof, the deadline of forty (40) working days referred to in the first subparagraph herein shall be extended to sixty (60) working days.

8. Where the Committee substantiates that copyright or related rights are infringed, it shall ask from those that are notified to remove the infringing content from the website where it has been illegally posted or to block access to it and take any other measure deemed appropriate by the Committee that aim at the discontinuation of the infringement, the prevention of recurrence or/and the prevention of infringement.

Where the content is hosted on a website whose server is within the Greek territory, the Committee shall ask from those that are notified the removal of such content and to take any other measure deemed appropriate by the Committee which aim at the discontinuation of the infringement, the prevention of recurrence or/and the prevention of infringement . In case of large scale infringement the

Committee may decide, instead of content removal, the blocking of access to this content and to take any other measure deemed appropriate by the Committee which aim at the discontinuation of the infringement, the prevention of recurrence or/and the prevention of infringement. Where the website is hosted on a server outside the Greek territory, the Committee shall ask the internet access provider to block access to this content and to take any other measure deemed appropriate by the Committee which aim at the discontinuation of the infringement, the prevention of recurrence or/and the prevention of infringement.

9. If after the issuance of the decision of the Committee and its execution there is a violation or a repetition of the infringement of the content referred to in the decision is threatened in any technical way, the applicant may file an application to the Committee asking for the issuance of a new decision without paying new fee as review fee of the paragraph 3, providing evidence that prove that there is an infringement of the decision or threat of repetition of infringement as described above.

10. The Committee shall inform the administrator or the proprietor of the referred in the application websites or/and domain names regarding the filed application, by communicating the application by any means and provides him a deadline of five (5) days, in order for the above-mentioned proprietor or administrator to present his views. The Committee shall issue the decision within ten (10) days from the expiration of the above-mentioned deadline of five (5) days. The Committee creates and updates a catalogue with the domain names and subdomains or/and ip addresses, for which it is substantiated by its decision that there is an infringement of copyright or/and related rights and for the term provided in the above-mentioned decision regarding the term of blocking of access to it.

The Committee shall upload on the website of HCO the decisions issued according to the present Article.

10A. 1. Following an application from the rightholder and provided that:

a) it is imminent a large – scale violation of protected copyright and related rights on the internet for events of either national or global viewing which are going to be transmitted simultaneously with their conduct,

b) the violation will take place, indicatively by certain uniform resource locator (URLs), IP addresses or domain names which support the unauthorized subscription connection by any means, and, in particular, by the use of passwords or of a decoder and

c) there is an urgent case of preventing an immediate, serious and imminent danger or an irreparable damage to the public interest or to the rightholder, the Committee may, by decision, order the blocking of access to the certain uniform resource locator (URL), IP addresses or domain names according to the aforementioned in subparagraph 2, for a period of at least 15 days. For the purposes of taking this decision, it suffices the probability, from the Commission, that a violation of rights is imminent in accordance with the provisions of the points a) and b) (as amended with article 48, par.1 c) Law 4821/2021).

2. (a) The application of the rightholder shall be submitted before the Committee fifteen (15) days at the latest before the scheduled transmission of the event. In the case where the Committee accepts the application, it issues a decision by the means of which internet access providers are ordered to block access to the content and to take any other measure deemed appropriate by the Committee which aims at the discontinuation of the infringement, the prevention of recurrence or/and the prevention of infringement within a time – limit which cannot be less than (6) hours and no longer that twelve (12) hours from the dispatching of the decision. Within the abovementioned deadline, the internet access providers send out statements of compliance to the Committee’s judgment, to the Hellenic Telecommunications and Post Commission (EETT). The decision of the Committee may impose the blocking of access to domain names of second level, even if the access to content is allowed by domain names of third or other level. The decision of the Committee is issued twenty – four hours (24) at the latest before the transmission of event and it is sent, within the same time – limit, by an e-mail to the rightholder, to the service provider and to EETT.in accordance with the communication details under paragraph 7. Following the blocking of access to the content by the internet access providers, the Committee shall notify the decision to website operators and owners of the websites or the domain names referred to in the decision, providing that is aware of their identities.

(b) In the case of infringement of the decision of the Committee, which was issued under the above procedure as well as in the case of, by any technical means, recurrence of the infringement of the content referred to in the forementioned decision of the Committee, the rightholder may submit additional evidence to the Committee regarding the infringement of the decision or the recurrence of infringement without paying new fee as review fee. If by the submitted evidence is speculated the infringement of the decision of the Committee or -by any technical means- the recurrence of the infringement of the rights or content referred to in the forementioned decision, the Committee issues, if needed, a supplementary relevant act. The execution of the supplementary act in the previous subparagraph is implemented according to the procedure of point (a).

(c) The Committee’s decision for the blocking of access of an illegal transmission is extended beyond certain uniform resource locator (URLs), IP addresses or domain names explicitly mentioned in the decision to any other uniform resource locators (URLs), IP addresses or domain names to which the illegal transmission may be transferred after the issuance of the abovementioned decision.

For this reason if, by any technical means, the illegal transmission is transferred to a new uniform resource locator (URL), IP address or domain name, the rightholder may submit to the relevant department of EETT, with a notice to the Committee, any supplementary evidence regarding the infringement of the decision or the recurrence of the infringement, without any time-limit as regards to their submission, even during the transmission and without paying new fee as a review fee.

If by the submitted evidence is speculated the infringement of the Committee’s decision or -by any technical means- the recurrence of the infringement of the rights or content referred to in the

forementioned decision, the relevant department of EETT shall immediately give by email an order to the internet access providers to block the access to the additional uniform resource locator(s) (URLs), IP addresses or domain names and shall notify by email the Committee. This order is effective until the issuance of the relevant supplementary decision by the Committee, which is issued within a month. The internet access providers with more than fifty thousand (50.000) subscribers, are obliged to block the access to the content within the time-limit set out by the EETT's notification and which cannot be longer than thirty (30) minutes from the dispatching of the EETT's order. The Committee, after the EETT' recommendation and taking into consideration especially the supplementary evidence submitted by the rightholder and the order of the relevant EETT's department, shall issue a supplementary act on the first decision, including all the supplementary evidence submitted to the Committee. The act of the previous subparagraph shall be notified by the Committee to the rightholder, the internet access providers and to website operators and owners of the websites or the domain names referred to in its decision, providing that is aware of the identities of the latter (as amended with article 48, par. 2 Law 4821/2021).

3. A rightholder may, at the latest by the issuance of the decision of the Committee, submit before the latter new evidence, concerning in particular, variations of domain names, URLs or IP addresses through which the conduct of infringement is speculated.

4. Administrators and owners of the websites or of the domain names, which are referred to into the decision of the Committee, may bring an action against the latter before the Administrative Court of Athens, within ten (10) days from their notification of the decision. The action shall not automatically suspend the execution of the decision of the Committee. In the case where no action is brought within the said time – limit or in the case where it is dismissed by the court, the blocking of access ordered becomes irrevocable.

5. In the case where the action is to be successful, by virtue of an assessment of the Court that the conditions laid – down under paragraph 1, had not been met, the rightholder who had demanded the issuing of the decision of the Committee, shall pay compensation to the administrator or the owner of the websites or of the domain names who had raised legal proceedings and were affected by the decision of the Committee. The amount of the compensation shall be determined to the appropriate, depending on the circumstances, level, taking into consideration the either reasonable or abusive behavior of the rightholder.

6. For the examination of the application provided under paragraph 1, a payment of a fee is required. By the means of a Joint Decision issued by the Minister of Culture and Sports and the Minister of Digital Governance, special issues with regard to the rightholder's application, the decision of the Committee, the amount and the method of the payment of the fee, are determined.

7. A Special Providers' Register is kept by the Committee, that includes the following information: name, company name, distinctive title and e-mail address of the provider and of the representative of the latter. EETT communicates any of those contact details to the Committee and notifies the latter for every change on the individual details of the Provider's Register (as amended with article 48, par. 7 Law 4821/2021).

8. In the case of an untimely and non – appropriate compliance of providers with the operative part of the decision provided under paragraph 1 and with the obligation to inform and update the information provided under paragraph 7, paragraph 11 shall be applicable (as added by Article 68 of Law 4761/2020).

11 In case of non-compliance with the dictum of the decision, the Committee shall impose a fine of five hundred (500) up to a thousand (1000) Euros for each and every day of non-compliance. The seriousness of the infringement and its repetition shall be amongst the criteria taken into account. The Minister of Finance in conjunction with the Minister of Culture and Sports shall mutually decide on the manner in which the fine shall be imposed and collected, the competent collection authorities and all other relevant matters.

12. The commencement of the procedure before the Committee does not affect or prejudice the right of access to a tribunal for the same dispute. Where, however, the case has been brought to the courts by the same applicant and on the same grounds, the Committee shall archive the case. Also, the issuance of a decision by the Committee does not prevent the interested parties from exercising their right of access to a tribunal for the protection of their legitimate interests.

13. The decisions of the Committee are susceptible to appeal before the Administrative Court of Appeal of Athens within a deadline of sixty (60) days after their notification. The deadline of the exercise of the appeal and its exercise do not suspend the implementation of the decision. The Administrative Court of Appeal of Athens by its decision may, under the request of the applicant, suspend the implementation of the decision by applying respectively the relevant stipulations of the Administrative Procedure Code. Postponement of hearing upon request of the party is possible only once and for proper grounds to a hearing at a date as close as possible, unless there is a case of joining of more cases. Appeal in cassation against the decision of the Administrative Court of Appeal of Athens is possible before the Council of State according to the provisions in force (as replaced by article 68 of Law 4761/2020).

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[Article 66F: Definition of online content-sharing service provider and use of works of other subject – matters of protection by online content-sharing service providers](#)

1. 'Online content-sharing service provider' within the framework of this Article means a provider of an information society service of which the main or one of the main purposes is to store and give the public access to a significant amount of copyright-protected works or other subject – matters of protection uploaded by its users, and which the service organises and promotes for profit-making purposes. Providers of services, such as not-for-profit online encyclopedias, not-for-profit educational and scientific repositories, open source software developing and sharing platforms, providers of electronic communications services as defined in the Law 4727/2020 (A' 184), online marketplaces, business-to-business cloud services and cloud services that allow users to upload content for their own use, are not 'online content-sharing service providers' within the meaning of this Law.

2. For the purposes of implementing this Article, online content-sharing service providers perform an act of communication to the public or an act of making available to the public, when they give the public access to copyright-protected works or other subject - matters of protection uploaded by users. Therefore, online content – sharing service providers, in order to communicate to the public or make available to the public works or other subject – matters of protection, shall obtain an authorisation from the holders of the rights of communicating and making available to the public referred to in point h) of paragraph 1 of Article 3, in point g) of paragraph 2 of Article 36, in point d) of paragraphs 1 and 2 of Article 47, in point g) of paragraph 1 of Article 48, as well as in point b) of paragraph 2 of Article 51B, in particular by concluding a licensing agreement.

3. When an online content-sharing service provider obtains an authorisation, that authorisation shall also cover the acts of communication and making available to the public carried out by users of the services as provided in paragraph 2, provided that they are not acting on a commercial basis or their activity does not generate significant revenues.

4. When an online content-sharing service provider performs an act of communicating to the public or making available to the public, under the conditions mentioned in this Article, the limitation of liability provided under Article 13 of the Presidential Decree 131/2003 (A' 116) shall not apply to cases covered by this Article. In any case, the first sentence herein does not affect the potential implementation of Article 13 of the Presidential Decree to services providers, to whom it concerns, for purposes which are not falling within the scope of this Article.

5. . If no authorisation is granted, online content-sharing service providers shall be liable for unauthorised acts of communication and making available to the public, of copyright-protected works and other subject – matters of protection, unless the service providers demonstrate, in light of the principle of proportionality, that they have: a) made every possible effort to obtain an authorisation, and b) made, in accordance with high industry standards of professional diligence, every possible effort to ensure the unavailability of specific works and other subject – matters of protection for which the rightholders have provided the service providers with the relevant and necessary information, and in any event c) acted expeditiously, upon receiving a sufficiently substantiated notice from the

rightholders, to disable access to, or to remove from their websites, the notified works or other subject – matters of protection, and made every possible effort to prevent their future uploads in accordance with point (b). The above – mentioned exemption from liability shall not apply to service providers whose main purpose is the participation in or the facilitation of copyright piracy.

6. In order to determine if the service provider has complied with its obligations in accordance with paragraph 5, and in light of the principle of proportionality, the following elements, among others, shall be taken into account: a) the type, the audience and the size of the service and the type of works or other subject – matters of protection uploaded by the users of the service, as well as b) the availability of suitable and effective means and their cost for service providers.

7. By way of derogation from paragraph. 5, new online content-sharing service providers, the services of which have been available to the public in the European Union for less than three (3) years and which have an annual turnover below ten (10) million (10.000.000,00 Euros, calculated in accordance with Commission Recommendation of May 6th, 2003 concerning the definition of micro, small and medium-sized enterprises (2003/361/EC (L 124), are liable for unauthorized acts of communicating and making available to the public works and other subject – matters of protection, unless they prove, in light of the principle of proportionality, that they have made every possible effort to obtain a license and they had acted expeditiously, upon receiving a sufficiently substantiated notice from the rightholders, to disable access to, or to remove from their websites, the notified works or other subject – matters of protection to whom the notification concerns. Where the average number of monthly unique visitors of such service providers, calculated on the basis of the previous calendar year, exceeds five million (5.000.000,00) Euros, these providers shall also demonstrate that they have made every possible effort to prevent further uploads of the notified works and other subject – matters of protection for which the rightholders have provided relevant and necessary information.

8. The cooperation between online content-sharing service providers and rightholders shall not hinder the availability of works or other subject – matters of protection uploaded by users, which do not infringe copyright and related rights, including works or other subject – matters of protection which are covered by an exception or limitation. Users may upload and make available content generated by users on online content-sharing services for: a) quotation, criticism, review and b) use for caricature, parody or pastiche.

9. The application of this Article shall not lead to any general monitoring obligation. Online content-sharing service providers provide rightholders, at their request, with sufficient information on the functioning of their practices with regard to the cooperation referred to in paragraph 5 and, where licensing agreements are concluded between service providers and rightholders, information on the use of content covered by the agreements between online content-sharing service providers and rightholders.

10. Online content-sharing service providers shall put in place an effective and expeditious complaint and redress mechanism, which is available to users of their services, in the event of disputes over the disabling of access to, or the removal of, works or other subject – matters of protection uploaded by them. Where rightholders request to have access to their specific works or other subject – matters of protection, the access to which has been disabled, or to have those works or other subject – matters of protection removed, they shall duly justify their requests. Complaints submitted under the mechanism provided for in the first sentence shall be processed without undue delay and the decisions to disable access to or remove uploaded content shall be subject to human review. In the event of a dispute between rightholders and users, the dispute may be resolved with the assistance of one or more mediators, applied accordingly for the rest paragraph 9 of Article 35.

1. Online content-sharing service providers shall inform their users in their terms and conditions that they can use works and other subject – matters of protection under exceptions or limitations to copyright and related rights provided for in Union law.

2. This Article shall not allow the identification of individual users nor the processing of personal data. The processing of personal data is taking place only in accordance with the Law 3471/2006 (A' 133) (as added with Article 20 του ν. 4996/2022 (Article 2 paragraph 6 and Article 17 of the Directive (EU) 2019/790)).

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CHAPTER TWELVE: FINAL AND TRANSITIONAL PROVISIONS

Article 67: Applicable Legislation

1. Copyright in a published work shall be governed by the legislation of the State in which the work is first made lawfully accessible to the public. Copyright in an unpublished work shall be governed by the legislation of the State in which the author is a national.

2. Related rights shall be governed by the legislation of the State in which the performance is realized, or in which the sound or visual or sound and visual recording is produced, or in which the radio or television broadcast is transmitted or in which the printed publication is effected.

3. In all cases, the determination of the subject, object, content, duration and limitations of the right shall be governed by the legislation applicable pursuant to paragraphs (1) and (2), above, with the exception of any exploitation license arrangement. The protection of a right shall be subject to the legislation of the State in which the protection is sought.

4. Paragraphs (1), (2) and (3), above, shall apply except where they run contrary to any international convention ratified by Greece. In the case of States not conjoint with Greece through the ratification of an international convention, paragraphs (1), (2) and (3), above, shall be applicable as regards the protection of copyright or of any particular object of copyright or of any particular related right, provided that the legislation of the relevant state offers adequate copyright protection to works first made accessible to the public in Greece and to related rights stemming from acts effected in Greece.

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Article 68: Law not Retroactive

1. Works for which the duration of protection has expired prior to the entry into force of this Law shall remain without copyright protection.
2. The protection prescribed under Article 2(3) and Articles 40 to 53 shall become applicable to computer programs created in the past and to related rights stemming from acts effected in the past from the date of the entry into force of this Law.
3. Contracts concluded before the entry into force of this Law shall be governed by the preceding legislation for one year from the date of the entry into force of this Law.

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Article 68A: Diachronic Law

1. The term of protection provided for in Articles 29, 30 paragraph 1, 31 and 52 shall apply to all related works and related rights protected in at least one Member State on 1.7.1995 pursuant to national laws on copyright and related rights.. Third parties who undertook the exploitation of works or subject matter which are protected by related rights that had become common possession before the entry into force of the present law may continue the said exploitation in the same ways, with the same means and to the same extent until 1.1.1999. The term of protection provided for in Article 30 (2) shall apply to musical compositions with lyrics provided that either the musical composition or the lyrics were protected in at least one Member State of the European Union on 1 November 2013 and to musical compositions with lyrics created after this date, subject to any exploitation acts carried out before 1 November 2013 and to any acquired rights of third parties (as amended with article 54 par.10 b) Law 4481/2017).
2. The agreements concerning the exploitation of works and other protected subject matter which were valid before 1.1.1995 are subject as of 1.1.2000 to the provisions of article 35, paragraph 3, of the present law, provided that they expire after this date. If an international co-production agreement concluded before 1.1.1995 between a co-producer from a Member-State and one or more co-producers from other Member-States or third countries expressly provides for a geographic

distribution system of the exploitation rights of the co-producers for all means of communication to the public without distinction between the arrangements applicable for communication to the public by satellite and the provisions applicable to other means of communication and if the communication to the public by satellite would prejudice the exclusivity, particularly the language exclusivity, of one of the co-producers or his assignees in a specific territory, the consent of the beneficiary of the said exclusivity, whether he is the co-producer or an assignee, is required for the authorisation of communication to the public by satellite by a co-producer or his assignees. The term of protection provided for in article 30 of this law shall apply to musical compositions with lyrics, if either the musical composition or the lyrics were protected in at least one Member State of the European Union on November 1st, 2013 and to musical compositions with lyrics which come into being after that date, without prejudice to any acts of exploitation that have been performed before November 1st, 2013 and any acquired rights from third parties. If, due to this provision, there is a revival of rights that have been transferred or otherwise assigned to third parties based on license or contract, the extension of the term of protection shall benefit the final beneficiary or the special assignee thereof. Otherwise, the heir of the creator will benefit. The term of protection provided in cases (c) and (d) of article 52 applies to the material fixations of the performances and to the phonograms in relation to which the performer or the phonogram producer are still protected, by virtue of those provisions in the version thereof in force on 30 October 2011, as at 1 November 2013, and to fixations of performances and phonograms which come into being after that date (as added with article 5 Law 4212/2013).

1a. In the absence of clear contractual indications to the contrary, a contract on transfer or assignment of article 52 (aa) and (dd), concluded before 1 November 2013 shall be deemed to continue to produce its effects beyond the moment at which, the performer would no longer be protected, according to article 52(c), in the version thereof in force before the Implementation of Directive 2011/77 into national law (as added with article 5 Law 4212/2013).

3. The provisions on orphan works provided for in article 27A shall apply to all the works and phonograms protected by copyright or related rights for the first time from 29.10.2014 onwards, while they shall be without prejudice to the validity of acts concluded and rights acquired before the above mentioned date” (as added with article 8 Law 4212/2013).

4. Agreements concerning the exercise of copyright and related rights which refer to: a) acts of communication to the public works of other subject – matters of protection, by wire or wireless means, as well as the making available to the public works of other subject – matters of protection by wire or wireless means, in such a way that the public may have access to them from a time and place individually chosen by them, which are taking place within the framework of providing an online service, the access to it or the use of such an online service and which is in force on June 7th, 2021 are subject to Article 3B from January 7th, 2023, provided that they expire following that date. Licenses which had been granted for acts of communication to the public which fall within the scope

of Article 3A and which are in force on June 7th, 2021, are subject to Article 3A from June 7th, 2025, provided that they expire following that date.

5. Paragraph. 5 of Article 3, Articles 15A, 15B, 21, 21A, 21B, 22A, 27B, 31A, paragraphs 1, 3 and 4 of Article 32, paragraph 3 of Article 34, Articles 32A, 34A, 39A, paragraphs 7, 8 and 9 of Article 42, paragraph 3 of Article 45, the last sentence of paragraph 6 of Article 45A, the last sentence of paragraph 5 and paragraph. 6 of Article 46, Article 51B, point z) of Article 52, paragraph 6 of Article 66A and Article 66F, which constitute implementation of the Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC, shall apply from June 7th, 2021 and the acts which had been concluded and the rights which had been acquired before June 7th, 2021 shall not be prejudiced. In particular, the the application of paragraph 6 of Article 51B, concerning the provision of the procedure for the determination of the remuneration of publishers from information society service providers, shall begin from March 1st, 2023, and until that date paragraph 7 of the same Article is directly applicable.

6. Paragraph 2 of Article 51B shall not apply to press publication which have been published for the first time before June, 6th 2019.

7. Licensing or transfer of rights agreements of authors and performers are subject to the transparency obligation provided under Article 15A since June 7th, 2022 (as paragraphs 4, 5, 6 and 7 had been added with Article 55 του ν. 4996/2022).

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Article 69: Establishment of the Copyright Organization

1. A legal entity in private law under the jurisdiction of the Ministry of Culture shall be established at a registered address in Athens under the title "The Copyright Organization." The purpose of the Copyright Organization shall be the protection of authors and of holders of related rights, the supervision of the collecting societies, the implementation of this Law and of related international conventions, the preparation of legal studies on matters pertaining to copyright and related rights and the representation of Greece in dealings with all the competent international organizations and with the institutions of the European Community. HCO may also organize any kind of seminars to educate and inform judges, lawyers, civil servants, authors, holders of related rights, educators, students on copyright and related rights, and to provide mediation services on copyright, related rights and collective management issues, as well as time-stamping services, namely by providing certified dates in relation to works or objects of protection which may be protected by copyright and/or a related right (time stamping services). In no circumstance shall the Copyright Organization have as its purpose the

administration of rights pursuant to Articles 54 to 58 of this Law (as emended with article 54 par.11 Law 4481/2017).

2. The Hellenic Copyright Organization shall be subsidized with a contribution of 1% of the annual gross revenue of each collective management organization, payable by 31st October of each year, on the basis of the balance sheet of the previous year, and received in accordance with the Public Revenue Collection Code. The annual balance sheets of collecting societies shall be submitted to the Hellenic Copyright Organization and the Ministry of Culture. The above are also applicable to the collective protection organizations obliged to draw up an annual balance sheet, which is submitted to the Hellenic Copyright Organization and the Ministry of Culture. Gross revenue is the revenue defined in the Unified Accounting Plan. The Hellenic Copyright Organization may also receive grant financing from international organizations and the Instruments of the European Community, gifts and bequests, grants from any third party and the revenues due to it for the rendering of services. For the commencement of its operation the Hellenic Copyright Organization shall receive a one-off grant of 20 million drachmas from the budget of the Ministry of Culture. The Copyright Organization may also be subsidised from the funds of the Ministry of Culture or the proceeds of the LOTTO and PRO-TO lotteries.

3. Matters pertaining to the main focus and detailed field of competence of the Copyright Organization within the framework of its overall purpose, the exact manner of its overall purpose, the exact manner of its powers and the procedure relating to its exercise of them, its management and the supervision of its administration, its internal structure and personnel, the fees it charges for services which may, as required, be adjusted by decision of the Minister of Culture, the determination of its scientific, management and ancillary staffing requirement, its remuneration and every other detail shall be determined by Presidential Decree issued on the joint recommendation of the Minister of Culture, the Minister to the Office of the Prime Minister and the Minister of Finance.

4. The Copyright Organization is a legal entity for public welfare. The Copyright Organization is not part of the public sector and is not subject to the provisions of public accounting nor the provisions on public commissions and public works and other related provisions. The Copyright Organization operates for the public benefit under the rules of private economy and is governed by private law.

5. The Copyright Organization enjoys all administrative, economic and judicial exemptions as well as all procedural and essential privileges of the State.

6. The Rules of Construction Contracts, Design, Supply and Service to the Hellenic Copyright Organization is established by a decision of the Hellenic Copyright Organisation's Board of Members (as added with article 46 Law 3905/2010).

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Article 70: Collecting Societies Already Functioning

1. Collecting societies which are already functioning at the date of the promulgation of this Law shall, within 12 months of the entry into force of this Law, lodge with the Ministry of Culture the statement and copy of their rules required under Article 54 (4) of this Law and generally shall carry out all other actions necessary to comply with this Law.

2. Societies of authors which at the date of the promulgation of this Law are carrying on the administrative activity referred to in Article 5 of Law No. 4301/1929 and Article 43 of Law No. 1597/1986 may continue to carry on that activity for 24 months from the date of the entry into force of this Law.

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Article 71: Implementation of Directives of the European Community

1. Articles 2(3) and 40 to 45 of this Law shall constitute implementation of Council Directive 91/250/EEC of May 14, 1991, on legal protection of computer programs.

2. Articles 3 paragraph. 1, section e), 5A, 9, 34, 46, 47, 48, 49, 52 and 53 consist of implementation of the Directive (EC) 2006/115 of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (as added with Article 44 of the Law 4996/2022 (Implementation of the Directive (EC) 2006/115).

3. Articles 35 paragraphs 3 and 4, 35 paragraphs 5 to 8. 52h and 68A paragraph 2 of the present law are added in application of the Council Directive 93/83/EEC of 27th September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission (as amended with article 54 par. 12 b) Law 4481/2017).

4. Articles 11, 29 (1), 30 (1), 31, 51A, 52c, d, e, f, g and 68A (1) of this Law implement Directive 93/98/EEC of the European Council of 29 October 1993 harmonizing the term of protection of the right, as well as of copyright and of certain related rights (as amended with article 54 par. 12 c) Law 4481/2017).

5. Articles 2a, 3 paragraph 3, 45A, 64 last sentence, 65 paragraph 6, 66 paragraph 9 and 10, 72 paragraph 8 of this law are adopted in application of Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases.

6. Art. 3 paragraph 1, 28A paragraph 12, 28B and 28C, 46 paragraph 2, 47 paragraphs 1 and 2, 48 paragraph 1, 52 point d), 64A, 66 paragraphs 1 and 2, 66A and 66B of this Law, constitute an implementation of the Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information

society, as amended by the Directive (EU) 2017/1564 of the European Parliament and of the Council of 13 September 2017 (as amended with Art. 9 par. 3 Law 4672/2020) (Art. 3 par. 1 Directive (EU) 2017/1564).

7. Article 5 constitutes the implementation of Directive 2001/84/EC of the European Parliament and of the Council of 27 September 2001 on the resale right for the benefit of the author of an original work of art.

8. Articles 10, paragraphs 3, 63A, 63B, 64, 65, paragraphs 1, 66C and 66D constitute the implementation of Directive 2004/48 of the European Parliament and of the Council of 27 September 2001 on the enforcement of intellectual property rights.

9. Articles 30 (2), 52 (c), second subparagraph, 52 (d), second and third sub-paragraphs, 52 (d), subparagraphs aa to gg, 68A paragraph 1, third to sixth sub-paragraph and Article 68A, paragraph 1 implement Directive 2011/77/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 2006/116/EC on the term of protection of copyright and certain related rights." (as amended with article 54 par. 12 c) Law 4481/2017)

10. Articles 27A and 68A paragraph 3 constitute an application of Directive 2012/28/EU of the European Parliament and Council of 25th October 2012 on certain permitted uses of orphan works (as added with article 9 Law 4212/2013).

11. Art. 28A paragraphs 1 to 11, Art. 42 paragraph 6 and the last point of paragraph 6 Art. 45A Law 2121/1993, constitute an implementation of the Directive 2017/1564/EU of the European Parliament and of the Council of 13 September 2017 (as added with Art. 9 par. 4 Law 4672/2020) (Art. 3 par. 1 Directive (EU) 2017/1564).

12. The second sentence of paragraph 4 and paragraphs 5 to 9 of Article 35, as well as Articles 3A, 3B and paragraph 4 of Article 68A consistute of implementation of the Directive (EU) 2019/789 of the European Parliament and of the Council of 17 April 2019 laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes, and amending Council Directive 93/83/EEC (L 130) (as added with Article 45 of the Law 4996/2022 (Implementation of the Directives (EU) 789/2019 και (EE) 790/2019).

13. Paragraph 5 of Article 3, Articles 15A, 15B, 21, 21A, 21B, 22A, 27B, 31A, paragraphs 1, 3 and 4 of Article 32, Articles 32A, 34A, 39A, paragraphs 7, 8 και 9 of Article 42, paragraph 3 of Article 45, the last sentence of paragraph 6 of Article 45A, the last sentence of paragraph 5 and paragraph 6 of Article 46, Article 51B, point z) of Article 52, paragraph 5 of Article 66A and Article 66F constitute implementation of the Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and

2001/29/EC (as added with Article 45 of the Law 4996/2022 (Implementation of the Directives (EU) 789/2019 και (EE) 790/2019).

Note: The Directives of the European Directive were implemented to the Greek Copyright Law with the following amendments:

Act No. 2557/1997 (Article 8)(Satellite and Cable Directive 93/83/EC and Term Directive 93/98/EEC); Act No. 2819/2000 (Article 7)(Database Directive 96/9/EC); Act No. 3057/2002 (Article 81) (Information Society Directive, 2001/29/EC); Act No. 3524/2007 (Resale Right Directive 2001/84/EC and the Enforcement Directive 2004/48/EC).

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Article 72: Repeal of Provisions and Regulation of other Matters

1. From the date of the entry into force of this Law every provision which runs counter to this Law or deals with matters which are regulated by this Law shall be repealed. Specifically, the following laws and parts of laws shall be repealed: GYPG/1909 and 2387/1920, Legislative Decree No. 12/15 of June 1926, Laws Nos. 4186/1929, 4301/1929 and 4489/1930, Article 2(1) of Legislative Decree 619/1941, Legislative Decree No. 2179/1943, Laws Nos. 763/1943, 1136/1944 and 56/1944, Article 12 of Law No. 3188/1995, Legislative Decree No. 4264/1962, Article 4 of Law No. 1064/1980, Articles 5 and 10 to 22 of Law No. 1075/1980, Article 19 of Law No. 1348/1983 and Articles 3, 40, 43 and 46 of Law No. 1597/1986.

2. Law No. 988/1943 shall remain in force.

3. Collecting societies established and functioning pursuant to Articles 54 to 58 of this Law shall have the right to organize conferences on matters pertaining to copyright and related rights and to participate in such conferences. Articles 54 to 58 of this Law shall not prevent the concluding of reciprocal contracts between collecting societies established in other countries and collecting societies established in Greece.

4. Until July 1, 1994, paragraphs (1), (2) and (3) of Article 49 of this Law shall not be applicable to phonograms used for presentations to the public in cafes in communes with populations of less than 5,000 inhabitants.

5. Article 38(4) a) of this Law shall apply to the publication of any photograph whatsoever.

6..Paragraph 6 has been abolished by art. 4 par. 2 Law 3524/2007.

7. The association under the name Association of Greek Composers (EMSE) may continue to exercise its managing activity as a collective management organization until December 1999.

8. The regulations on the right of the author of a database and the sui generis right of the maker of a database shall be without prejudice to provisions concerning in particular copyright, rights related to copyright or any other rights or obligations subsisting in the data, works or other materials incorporated into a database, patent rights, trade marks, design rights, the protection of national treasures, laws on restrictive practices and unfair competition, trade secrets, security, confidentiality, data protection and privacy, access to public documents and the law of contract.

9. (9) A Presidential Decree, issued upon proposal of the Minister of Culture and Sports, may allow for the codification of the legislation on copyright, related rights and collective management in its entirety, for the amendment of the order and numbering of the provisions, for the merging of similar provisions and, in general, for any amendments necessary for the administrative codification of such legislation (as amended with article 54 par. 12 b) Law 4481/2017).

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CHAPTER 13 - CULTURAL MATTERS AND OTHER ARRANGEMENTS

Articles 73 to 76 are not reproduced here because they do not concern copyright or neighbouring rights

CHAPTER FOURTEEN: ENTRY INTO FORCE

Article 77

With the exception of Article 69, this Law shall enter into force from the date of its promulgation in the Official Journal. Article 69 of this Law shall enter into force six months after the date of the promulgation of this Law in the Official Journal.

We command the promulgation of this Law in the Official Journal and its implementation as a law of the State.

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