

FIRST ISSUE
ISSUE NUMBER 25
4 MARCH 1993

LAW 2121/1993

COPYRIGHT, RELATED RIGHTS AND CULTURAL MATTERS

We, the President of the Hellenic Republic, hereby grant our assent to the following law which Parliament has approved:

SECTION 1
OBJECT AND CONTENT OF COPYRIGHT

Article 1 Copyright

1. Intellectual authors shall have, with the creation of the work, the right of copyright over 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 of authorization provided in [Articles 3](#) and [4](#) of this Law

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, photographs, works of applied art, illustrations, maps, 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 popular tradition, as well as collections of works or collections of expressions of popular tradition or of simple facts and data, such as encyclopaedias, anthologies and data bases, 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 on the pre-existing works, which were used as the object of the alterations or the collections.

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 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, and shall not apply likewise to expressions of popular tradition, news information and to simple facts and data.

Article 3 The economic right

1. The economic right shall confer upon the author notably the power to permit or prohibit: a) the fixation and reproduction of the work by any means, such as mechanical, photochemical or electronic means: b) the translation of the work: c) the arrangement, adaptation or other alterations of the work: d) the distribution of the original or copies of the work via a transfer of ownership, a rental arrangement or public lending, and, notably with reference to the use of copies, the imposition of limiting conditions on a transfer of ownership or a rental or public lending arrangement: e) the communication of the work to the public: f) the public performance of the work: g) the broadcasting or rebroadcasting of the work to the public by radio and television, by wireless waves or by cables or by other material wires or by any other means, in parallel to the surface of the earth or by satellite: h) the import of copies of the work produced abroad without the creator's consent or the import of copies from a country outside the European Community when the right over such imports had been retained in contract by the author.

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 different locations.

Article 4 The moral right

1. The moral right shall confer upon the author notably the following powers: 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 position 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, oppositely, 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 of 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 entity of the work belongs to another person: in those latter cases, the access shall be effected with minimum possible nuisance to the rightholder: e) in the case of a literary or scientific work, to rescind a contract transferring the economic right or an exploitation contract or licence of which his work is the object, subject to payment of material damages to the other contracted party, for the pecuniary loss he has sustained, when the author considers such action necessary to 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 the former other contracted party in priority 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 right shall be independent from the economic right and shall remain with the author even after the transfer of the economic right.

Article 5 «Droit de suite»

1. Whenever an original fine art work is resold at a public auction or by an art dealer or through the mediation of an art dealer, the author of the work and his heirs shall have the right to demand a percentage of five per cent of the sale price. This right shall not be transferrable between living persons.

2. The amount shall be rendered by the organizer of the public auction or by the art dealer.

3. Organizers of public auctions and art dealers are obliged when requested, to provide the Fine Arts Chamber of Greece and the fine arts collecting societies each year with exact information on the works sold by them or through their intervention in the preceding calendar year and on their sale prices.

SECTION II

THE INITIAL SUBJECT OF THE COPYRIGHT

Article 6 The initial rightholder

1. The initial rightholder of the economic right and the moral right attaching to 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.

Article 7 Works of joint authorship, collective and compound 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 rightholders in respect of the economic and moral rights attaching to a joint work shall be the co-authors of that. 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 rightholder of the economic right and the moral right attaching to the collective work.

Each author of a contribution shall be the initial rightholder of the economic right and the moral right attaching to his own contribution, provided that that contribution is capable of separate exploitation.

3. The term «compound work» shall designate a work which is composed of parts created separately. The authors of all of the parts shall be the initial co-rightholders of the rights attaching to the compound work and each author shall be the exclusive initial rightholder of the rights of the part of the compound work which he has created, provided that that part is capable of separate exploitation.

Article 8 Employee-created works

Where a work is created by an employee in the execution of an employment contract the initial rightholder of the economic and moral right attaching to the work shall be the author of the work. Unless otherwise provided by contract, the only powers stemming from the economic right shall be transferred exclusively to the employer shall be those which are necessary to the fulfilment of the purpose of the contract.

Article 9 Audiovisual works

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

Article 10 Presumptions

1. The person whose name appears on the material aid of a work in the manner usually used 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 cases of collective works, computer programs or audiovisual works, the natural or legal person whose name or title appears on the material aid of the work in the manner usually used to indicate the rightholder shall be presumed to be the rightholder of the copyright attaching to the particular work.

3. The presumption referred to in [paragraphs 1](#) and [2](#) above may be overridden by evidence to the contrary.

Article 11 Fictitious initial rightholders

1. Whoever publishes an anonymous or pseudonymous work is deemed to be against third parties the initial rightholder of the economic and moral rights attaching to that work. When the real author of the work reveals his identity, he acquires the above-mentioned rights at the condition they are from the actions of the fictitious rightholder.

2. Whoever possesses and publishes works of authors, who have deceased and are no more protected under the provisions of copyright, is deemed to be the initial rightholder of the economic and moral right attaching to that works.

3. In the cases referred to in [paragraphs 1](#) and [2](#) above, the moral right shall belong to the fictitious rightholder insofar as that is appropriate to his status.

SECTION III

TRANSFER EXPLOITATION AND THE EXERCISE OF RIGHTS

Article 12 Transfer

1. The economic right may be transferred between living persons or mortis causa.

2. The moral right shall not be transferable between living persons. After the death of an author the moral right shall pass to his heirs, who shall exercise the right in compliance with the author's will, provided that such will has been explicitly expressed.

Article 13 Exploitation contracts and licences

1. The author of the work may conclude contracts, by which he entrusts to the other party to the contract powers deriving from the economic right (exploitation contracts). The other party to the contract undertakes the obligation to exercise the powers thus entrusted.

2. The author of the work may authorize some other person to exercise power deriving from the economic right (exploitation licences).

3. Exploitation contracts and licences may be exclusive or non-exclusive. Exclusive exploitation contracts and licences shall empower the other contracting party to exercise the powers conferred by the contract or licence excluding any third person. Non-exclusive exploitation contracts and licences shall give the right to the other contracting party to exercise the powers conferred by the contract or licence 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 powers he exercises.

4. Where doubt exists about the exclusivity of an exploitation contract or licence the contract or licence shall be deemed to be non-exclusive.

5. The contract or licence may in no circumstance confer any right over the future works of the author in its entirety and shall never be deemed to refer also to forms of exploitation which were unknown at the time the relative legal acts were concluded.

6. The rights of a person who undertakes to effect 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.

Article 14 Form of legal acts

Acts dealing with the transfer of powers stemming from the economic right, with the assignation 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 intellectual author.

Article 15 Extent of transfer and of exploitation contracts and licences.

1. The transfer of the economic right and the exploitation contracts or the contracts licensing the exploitation of that right may be restrictive as regards the powers they confer, their scope and duration, the place of their validity and the extent or the means of exploitation.

2. If the duration of the transfer or of the exploitation contracts or licence is unspecified, its duration shall be deemed to be limited to five years, provided conventional mores do not indicate otherwise.

3. If the place of validity of the transfer or of the exploitation contracts or licence is unspecified, the said legal acts shall be deemed to be valid in the country in which they were concluded.

4. If the extent and the means of exploitation for which the transfer takes place or for which the exploitation or the exploitation licence is agreed are unspecified, it shall be deemed that the said acts refer to the extent and the means, which are necessary to the fulfilment of the purpose of the contract or licence.

5. In all cases involving the transfer of the economic right or the granting of an exclusive exploitation licence, the person who acquires the right or the licence shall ensure that within a reasonable period of time the work is accessible to the public via an appropriate form of exploitation.

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.

Article 17 Transfer of the material aid

Unless there exists prior agreement to the contrary in writing with the initial rightholder of the economic right, the transfer of the ownership of the material aid, where 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 powers to exploit the work.

SECTION IV

LIMITATIONS TO THE ECONOMIC RIGHT

Article 18 Reproduction for private use

1. Without prejudice to the provisions laid down in the following paragraphs, it shall be permissible for a person to make a reproduction of a lawfully published work for his own private use without the consent of the author and without payment. The term «private use» shall not designate use by an enterprise, a service or an organization.

2. The freedom to make a reproduction for private use shall not apply when the act of reproduction is likely to impede the normal exploitation of the work or to prejudice the author's legitimate interests and notably: a) when the reproduction is an architectural work in the form of a building or similar construction; b) when technical means are used to reproduce a fine art work which circulates in restricted number, or when the reproduction is a graphical representation of a musical work.

3. If for the free reproduction of the work technical means are used, such as visual or sound or visual and sound recording equipment, magnetic tapes or other materials, suitable for the reproduction of sound or image or of sound and image, photocopying machines, photocopy paper or computers, an equitable remuneration shall be payable to the author of the work and to any rightholders of related rights. The remuneration shall be fixed at 6% of the value of the visual or sound or visual and sound recording equipment and of the magnetic tapes or other materials, at 4% of the value of the photocopying machines and of the photocopy paper and at 2% of the value of the computers. In any case, the calculation shall be made at the time of the import, or of the distribution from the factory or at the time of the wholesale or retail sale. The remuneration shall be paid by the manufacturers or the importers or the tradesmen of the objects herein specified and shall be noted on the invoice, acting for all or part of the concerned category of rightholders. The collecting societies shall collect the said remuneration and shall choose the debtor. The remuneration collected from the manufacture or import or sale of photocopying machines, photocopy paper and computers shall be shared equally between the intellectual authors and the publishers of printed matters. The remuneration collected from the manufacturer or import or sale of visual or sound or visual and sound recording shall be distributed in the proportion of 55% to the intellectual authors, 25% to performers and 20% to the producers of recorded magnetic tapes or other sound or visual or sound and visual recordings. The necessary details pertaining to the allocation and payment of monies to the various categories or sub-categories of the same category of rightholders can be determined by recommendation of the Minister for Culture.

Article 19 Quotations of extracts

Quotation of short extracts of a lawfully published work of 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 the quotation is effected in accordance with good morals and that the extent of the extracts is essential to the purposes of the quotation. The quotation of the extract must be accompanied by an indication of the source of the extracts and of the names of the author and of the publisher, provided the said names appear on the source.

Article 20 School textbooks and anthologies

1. The reproduction of the lawfully published literary works of one or more writers in educational textbooks approved for use in the 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.

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 writers, without the consent of the rightholders 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 impede 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 of the publisher, provided the said names appear on the source.

Article 21 Reproduction for teaching purposes

It shall be permissible, without the consent of the author and without payment, to reproduce articles lawfully published in a newspaper or periodical, short extracts of a work or parts of a short work or a lawfully published fine art work exclusively for teaching or examination purposes at an educational establishment, in such measure as is commensurate with the aforementioned purpose, and provided that the reproduction is effected in accordance with good morals and does not impede normal exploitation. The reproduction must be accompanied by an indication of the source and of the names of the author and of the publisher, provided the said names appear on the source.

Article 22 Reproduction by libraries and archives

It shall be permissible, without the consent of the author and without payment, for a non-profit-making library or archive to reproduce one additional copy from the copy of the work already in their permanent collection for the purpose of retaining that additional copy or of transferring it to another non-profit-making library or archive. The reproduction shall be permissible only if the additional copy cannot be obtained from the market promptly and on reasonable terms.

Article 23 Reproduction of cinematographic works

In a circumstance where the rightholder 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 to the prior opinion of the Cinematography Advisory Council.

Article 24 Reproduction for judicial or administrative purposes

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

Article 25 Reproduction for information purposes

1. To the extent justified for a 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 informing 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.

Article 26 Use of visual images of works sited in public places.

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

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, in measure commensurate with the nature of the ceremonies: b) within the framework of staff and pupil or student activities at an educational establishment, provided 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.

Article 28 Exhibition and reproduction of fine art works

1. Museums which own the material aid, where the art works 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 organised in museums.

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

3. In the circumstances of [paragraphs 1](#) and [2](#) above, reproduction shall be permissible, provided such reproduction does not impede the normal exploitation of the work and does not prejudice the legitimate interests of the author.

SECTION V DURATION OF PROTECTION

Article 29 Duration in general

1. Copyright over a work shall continue to apply for the whole of the author's lifetime and for seventy years after his death computed from the end of the year of 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 acknowledgement of the author's paternity and the rights relating to the protection of the integrity of the work stemming from the moral right pursuant to Article 4 ([1b](#) and [1c](#)) of this Law.

Article 30 Works of joint authorship

Copyright over works of joint authorship shall continue to apply for the lifetime of the last surviving authors and for seventy years after his death, computed from the end of the year of death.

Article 31 Special commencement of the duration

1. Copyright over works published anonymously or pseudonymously shall continue to apply for seventy years, computed from the end of the year in which the work was lawfully published for

the first time, unless the author discloses his identity before the expiry of that period, in which case the general rules shall apply.

2. Copyright over works, published after the death of their authors by third persons possessing them, shall continue to apply for seventy years, computed from the end of the year in which the work was lawfully published for the first time.

SECTION VI

RULES RELATING TO EXPLOITATION CONTRACTS AND LICENCES

Article 32 Percentage fee

1. The fee payable to the author by the other contracting party to legal agreements relating to the transfer of the economic right or of powers deriving there from, to the granting of the exploitation or to the exploitation licence shall be obligatorily determined as a percentage agreed freely between the parties. The computation of the percentage shall be based on all, without exception, of the gross revenues or the gross expenditure or on the combined gross revenues and expenditure realised from the activity of the other contracting party in the course of effecting the exploitation of the work. By way of exception, in the following circumstances, the fee may be agreed as a particular sum: a) when it is practically impossible to establish the basis for the computation of a percentage fee or when there are no means of monitoring the implementation of a percentage arrangement: b) when the expenditure required for the computation and the monitoring is likely to be out of reasonable proportion to the fee to be collected: c) when the nature or the conditions of the exploitation make the implementation of a percentage impossible, notably when the author's contribution is not an essential element in the intellectual creation as a whole or when the use of the work is secondary in relation to the object of the exploitation.

2. The obligatory percentage arrangement of the fee prescribed in [paragraph 1](#) above all shall be implemented in all circumstances provided that this Law does not stipulate otherwise and provided it does not concern works created by employees in the execution of the employment contract, computer programs and advertisement in any form.

Article 33 Rules relating to contracts of printed edition and translator's rights

1. The fee payable by the publisher of a printed edition to the author for the reproduction and putting into circulation of the work or of copies of the work shall be agreed as a particular percentage of the retail sale price of all of the copies sold. When the contract of printed edition refers to a literary work, such as a short story, a short novel, a novel, a poem, an essay, a critical essay, a theatrical work, a travel work or a biography, which is being published in book form in its original language, excluding pocket book editions, the fee payable to the author by the publisher after the sale of one thousand (1000) copies cannot be less than 10% of the retail sale price of all of the copies sold.

2. By way of exception to the provision of [paragraph 1](#) above, the fee payable to the author may be agreed as a particular sum when the work is any of the following:

a) collective works; b) encyclopaedias, dictionaries or anthologies of works of others; c) school books; d) albums, calendars, agendas, instructional books, printed games and educational items such as maps or atlases; e) prefaces, comments, introductions, presentations; f) illustrations or photographic material of printed editions; g) non-literary picture books for children; h) luxury editions of a limited number of copies; i) magazines or newspapers.

3. Where a work has more than one author, and in the absence of an agreement to the contrary, the percentage fee shall be distributed among the various authors proportionately according to the extent of their contributions. Where one or more of the authors are unprotected by the copyright provisions of the laws, those of the authors who do enjoy copyright protection shall be paid the percentage fee agreed or that percentage to which they would have been entitled under [paragraph 1](#), of the present article if all of them had been protected.

4. Where copies of a work are the object of a rental or lending arrangement involving third parties, the fee payable for the granting of the necessary licence shall be shared equally between the author and the publisher.

5. In a case where the author's fee is fixed as a percentage of retail sales, and unless some other method of monitoring is agreed, each of the copies to be sold shall be signed by the author. An alternative method of monitoring the number of copies sold shall be fixed in a presidential decree to be promulgated within six months of the entry into force of this Law on the recommendation of the Minister of Culture after consultation with the interested professional branches.

6. The fee payable by the publisher of a printed edition to the translator of a work with respect to the translation, reproduction and distribution of the work shall be agreed as a percentage of the retail sale price of all of the copies sold. The provisions of [paragraphs 2](#), [4](#) and [5](#) of this Article shall apply by analogy.

7. The translator's name shall be indicated obligatorily and on the main title page of the work. If the publisher agrees, the translator's name may be also indicated on the outer cover of the work.

Article 34 Rules relating to audiovisual production contract

1. A contract dealing with the creation of an audiovisual work between a producer and an intellectual author shall specify the powers attaching to the economic right 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 powers under the economic right, which are necessary to the exploitation of the audiovisual work, pursuant to the purposes of the contract. When the model from which copies for exploitation are to be made, is approved by the intellectual author, the audiovisual work shall be deemed to be accomplished. No alteration, abridgement or other modification shall be made to the definitive form of the audiovisual work, as the latter has been approved by the intellectual 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 intellectual author.

2. The contract between the producer of an audiovisual work and the creators of individual contributions incorporated in the work, shall specify the particular powers attaching to the economic right, which are to be 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 to 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.

3. The intellectual author of an audiovisual work shall retain the right to a separate fee for each form of exploitation of the work. The aforementioned fee shall be agreed as a percentage, specified in the relative contract. The computation of the percentage shall be based on all, without exception, of the gross revenues or the gross expenditure or on the combined gross revenues and expenditure, realized in the course of the exploitation of the work. The producer of the audiovisual work is obliged once a year to give the intellectual author of the work in writing all pieces of

information, concerning the exploitation of the work, showing him also all relevant documents. Short advertising films shall be exempt from the provisions of this paragraph.

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

Article 35 Rules relating to broadcasting by radio and television

1. In the absence of an agreement to the contrary, the rebroadcasting of a work by radio or television means shall require no consent from the author additional to that granted for the first broadcasting. However, when a broadcasting organization rebroadcasts a work it shall pay an additional fee to the author. For the first rebroadcast the fee payable shall be at least 50% of the initial fee agreed for the first broadcast and for each subsequent broadcast the additional fee shall be 20% of the initial fee. This provision shall not apply to the arrangements between collecting societies and users referred to in [Article 56](#) of this Law.

2. In the absence of an agreement to the contrary, the contract between an author and a broadcasting organization shall not empower the broadcasting organization to permit third parties to broadcast or rebroadcast to the public the work which is the object of the contract by wireless waves or by other material wires or by any other means, in parallel to the surface of the earth or by satellite.

3. The broadcasting of a work via a satellite offering reception over the whole of a substantial part of Greece shall be lawful only when the broadcasting organization, whence the anode beam is released has acquired the power or has been granted the licence to transmit broadcasts by radio and television in Greece.

Article 36 Theatrical performance fee.

1. The rights of playwrights shall be determined as a percentage of gross receipts after deduction of the public entertainments tax.

2. The fee shall be based on the gross receipts for the whole of the programme of a performance with original works or translations or adaptations of ancient or more recent classical works the minimum fee shall be 22% for performances in state theatres and 10% for performances in private theatres. For the translation of modern works of the contemporary international repertory the minimum fee shall be 5%. Where a programme contains works by more than one playwright the fee shall be shared among them in proportion to the duration of each playwright's work.

Article 37 Musical accompaniment of films

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

Article 38 Photographers' rights

1. In the absence of an agreement to the contrary, the transfer of the economic right or the exploitation contract and licence dealing with the publication of a photograph in a newspaper, periodical or other mass media instrument shall refer only to the publication of the photograph in the particular newspaper, periodical or mass media instrument specified in the transfer or exploitation contract or licence 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 instrument 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 instrument, 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 search and request the return to him of photographs of his, which have been the object of exploitation contract or licence arrangement with a particular newspaper, periodical or other mass media instrument and which have remained unpublished three months after the date of the exploitation contract or licence.

4. Each act of publication of a photograph shall be accompanied by mention of the photographer's name. This shall apply likewise when the archive of a newspaper or of a periodical or of another mass media instrument is transferred.

5. The owner of a newspaper or of a periodical shall not be entitled to publish a photograph created by a photographer in his employ in a book or album publication without the employee's consent. This shall apply likewise to the lending of a photograph.

Article 39 Nullity of contrary agreements

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 to the extent of those of its clauses which are deleterious to the authors.

SECTION VII SPECIAL PROVISIONS CONCERNING COMPUTER PROGRAMS

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.

Article 41 Exhaustion of a right

The first sale in 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.

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, and for corrections of error.

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 back up 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 the 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 idea 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.

Article 43 Decompilation

1. The person having the right to use a copy of the computer program shall be entitled to carry out the acts referred to in [Article 42 \(1\) \(2\)](#) 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 these acts are confined to parts of the original program, which are necessary to achieve the said interoperability.

2. The provisions of [paragraph I](#) shall not permit the information obtained through their application: a) to be used for goals other than to achieve the interoperability of the independently created computer program; b) to be communicated to other persons, except where necessary for the interoperability of the independently created computer program; 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 the copyright.

3. The provisions of this Article may not be interpreted in such a way as to allow their application to be used in a manner which would harm the normal exploitation of the computer program or would provoke unjust harm to the author's legitimate interests.

Article 44 Duration of protection

Protection shall be granted for the life of the author of the computer program and for fifty years after his death computed from the end of the year of the author's death.

Article 45 Validity of other provisions and agreements

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 \(3\) \(4\)](#) and [Article 43](#) of this Law shall be null and void.

SECTION VIII RELATED RIGHTS

Article 46 Licence by performers

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

2. Performers shall have the right to authorize or prohibit: a) fixations of their live performance on a visual or sound or visual and sound recording: b) the direct or indirect reproduction of fixations of their performances as well as the distribution of the recording via a transfer of ownership, a rental arrangement or public lending: c) the radio or television broadcasting by any means such as wireless waves, satellite, cables, as well as the presentation to the public of the recording with the illegal fixation of their performances: d) the radio or television broadcasting by any means, such as wireless waves, satellite, cables of their live performances, except where the said broadcasting is a rebroadcasting of a lawful broadcasting: e) the communication of their live performances to the public by any means other than radio or television transmission.

3. Subject to contractual clauses to the contrary explicitly specifying those acts which are authorized, the acts listed in [paragraph 2](#) above shall be presumed to be authorized in a circumstance where the performer enters with a party operating such acts into an employment contract having as object the operation of those particular acts. The performer shall at all times retain the right to remuneration for the operation of each of the acts listed in [paragraph 2](#) above, whatever the form of exploitation of his performance. In particular, the performer shall retain the right to an equitable remuneration for rental, without being able to waive this right, if he has given to the producer of sound or visual or sound and visual recordings, the authorization for the rental of the recordings carrying the fixation of his performance.

4. Where a performance is effected 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 presentation shall not encompass orchestral conductors, choir conductors, soloists, main role personages 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. It is prohibited to transfer during the lifetime of the performer and to waive the rights referred to in [paragraph 2](#) above. The administration and protection of the aforementioned rights may be entrusted to a collecting society pursuant to [Articles 54 to 58](#) of this Law.

Article 47 Licence by producers of sound and visual recordings

1. Producers of sound or visual or sound and visual recordings shall have the right to authorize or prohibit the direct or indirect reproduction and the distribution via a transfer of ownership, a rental arrangement or public lending of the recordings they have produced. They shall also have the right to prohibit the import of recordings produced in a foreign country without their consent or, where the right over imports is retained in contract by the producer, the right to prohibit the import of recordings from any country outside the European Community.

2. The term «producer of sound recordings» shall designate any natural or legal person who initiates and bears responsibility for the realisation 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 realisation of a first fixation of a series of images without sound.

Article 48 Licence from radio or television organisations

1. Radio or television organisations shall have the right to authorize or prohibit: a) The retransmission of their broadcasts by any means such as wireless waves, satellite, cables; b) the communication to the public of their broadcasts in places accessible to the public on payment of an entrance fee; c) the fixation of their broadcasts on sound or visual or sound and visual recordings regardless of whether the broadcasts are transmitted by wire or by the air, including by cable or satellite; d) the direct or indirect reproduction of fixations of their broadcasts as well as the distribution of recordings carrying the fixation of their broadcasts via a transfer of ownership, a rental arrangement or public lending.

2. The radio or television organisations shall not have the right provided for in [paragraph 1\(c\)](#) above, where they merely retransmit by cable the broadcasts of radio or television organisations.

Article 49 Right to equitable remuneration

1. When a sound or visual or sound and visual recordings used for a radio or television broadcasting by any means, such as wireless waves, satellite, cables, or for communication to the public, the user shall pay a single and equitable remuneration to the performers, whose performance is carried on the fixation and to the producers of the recordings. This remuneration shall be payable obligatorily to collecting societies of the rights. The said collecting societies shall be responsible for negotiating and agreeing the remuneration levels, raising the relative claims for the payment and collecting the relative remuneration from the users. Where there is dispute between the users and the collecting societies, the level of the reasonable remuneration and the terms of payment shall be determined by the single-member court of first instance pursuant to the cautionary measures procedure. The final judgement concerning the remuneration shall be rendered by the competent court.

2. Without prejudice to the obligatory assignment of the administration of rights and the collection of remuneration by the collecting societies operating according to [articles 54 to 58](#) of this 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 the order of 50% to the performers and 50% 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 the 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 assigning the administration of rights and the collection of remuneration to the 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.

Article 50 Moral right

1. Performers shall have the right for the whole of their lifetimes to full acknowledgement and mention of their authorship of their performance and to prohibit any form of alteration of their performances.

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

3. The provisions of [Article 12 \(2\)](#) and [Article 16](#) of this Law shall be applicable by analogy to the moral right of performers.

Article 51 Rights of publishers

Publishers of printed matters shall have the right to authorize or prohibit the reproduction by photocopying, electronic or any other means of the type-setting and pagination format of the works, they have published, if the said reproduction is made for exploitation purposes.

Article 52 Form of the licence, limitations and duration of the rights

The rights prescribed in [Articles 46 to 51](#) of this Law shall be subject to the following rules: a) agreements concerning those rights shall be valid legal agreements only when concluded in writing: b) The limitations applicable to the economic right attaching to copyright shall be likewise applicable by analogy to those rights: c) protection of the rights of performers prescribed in [Articles 46 to 49](#) of this Law shall be granted for fifty years from the end of the year in which the performance occurs, but shall in no case expire before the death of the performer: d) protection of the rights of producers of recordings, of radio or television organisations and of publishers prescribed in [Articles 47 to 49](#) and [Article 51](#) of this Law shall be granted for fifty years from the end of the year in which the original production the recording or the first radio or television broadcast occurs or in which the last edition of the work is published.

Article 53 Copyright protection

The protection provided under [Articles 46 to 52](#) of this Law shall leave integral the copyright protection and shall in no case affect it. In no circumstance shall any of the provisions of the aforementioned Articles be interpreted in such a manner as to lessen that protection. Where the performers, the producers of sound or visual or sound and visual recordings, the radio or television organisations and the publishers acquire the right of copyright over a work in addition to the related right, the right of copyright and the related right shall apply in parallel with each other and shall confer the powers, deriving from each right.

SECTION IX ADMINISTRATION BY COLLECTING SOCIETIES

Article 54 Assignment of administration

1. Authors may assign the administration and protection of their rights to a collecting society established exclusively to engage in the functions of administering and protecting the economic right or the powers deriving from this right. Collecting societies may perform those functions likewise for a person to whom the author grants a right as a gift, for an all-embracing proxy, for an heir and for a foundation proposed by an author. A collecting society may have any form of company status. Where a collecting society is registered as an incorporated company all of its shares shall be nominal. All other matters pertaining to the company status of collecting societies shall be regulated pursuant to [Articles 24 \(2\) \(4\)](#) of Law 1746/1988. The notification provided for under [Article 24 \(4\)](#) of Law 1746/1988 shall be issued only by the Ministry of Culture. A collecting society may have the status of an urban cooperative pursuant to Law 1667/1986. Where a collecting society has the status of an urban cooperative the following provisions shall apply: a) wherever, in Law 1667/1986, competence is granted to the Ministry for the National Economy, that competence shall be transferred to the Ministry for Culture: b) by way of derogation from the principle of locality, the cooperative may be established and function on a nationwide basis: c) legal persons may participate in the cooperative: d) subject to the promulgation of a presidential decree issued on the recommendation of the Minister of Culture, matters pertaining to the cooperative's shares may be regulated in a manner other than that prescribed in Law 1667/1986.

2. In cases of secondary transmissions of intact and unaltered radio and television programs by cable or other physical means, it shall be obligatory for the rights of authors to be administered by collecting societies.

3. The assignation may be effected by a transfer of the economic right or powers deriving from this right for which administration and protection are sought or by granting appropriate power of attorney. The assignation shall be concluded in writing and shall be for a specified period which shall never be longer than three years. The agreement authorizing the assignation shall specify precisely which of the works of the author are to be included under the assignation as suitable for exploitation. Where any ambiguity exists, it shall be presumed that the agreement embraces all of the author's works, including any works which he may produce during the period of the agreement which shall in no case be longer than three years.

4. Before commencing operations, a collecting society which has undertaken or proposes to undertake the administration or protection of rights stemming from the economic right of authors shall lodge a statement to that effect with the Ministry of Culture together with a copy of its rules providing at least the following information: a) the amount of the society's share capital: b) if the society has company status, its articles of association or deed of association: c) the name of the responsible spokesman of the society and the names of the persons responsible for its administration, all of whom shall be of proven professional repute and without convictions for felony or misdemeanour against ownership or property: d) the number of authors who have assigned to the society the administration of rights stemming from their economic right: e) the legal form via which the assignation of administration has been effected: f) in each case, duration of the assignation: g) the principles governing the distribution of remunerations to rightholders and the proposed dates and manner of distribution: h) the level of management expenses as well as every element necessary to secure the viability of the collecting society and the efficiency of its operations. The Ministry of Culture shall check the statement and rules lodged by the collecting society and, provided that the information therein contained demonstrates compliance with the requirements of this Law, grant approval for the society's operations. Any subsequent alteration to the collecting society's rules shall be submitted to the Ministry of Culture for approval. No alteration to a society's rules shall be valid without the approval of the Ministry for Culture, and in a case where such approval is either not sought or not granted the rules as initially approved shall continue to apply in their entirety.

5. The Ministry for Culture shall monitor the operations of collecting societies to ensure that they comply with the provisions of this Law and adhere to their rules. Each collecting society shall, when requested, surrender its accounts to the competent department of the Ministry for Culture for inspection and submit any other information which is necessary to the effective monitoring of its operations. Except when a collecting society is non-profit making, its accounts shall be subject to inspection by sworn auditors regardless of its company status.

6. Where a collecting society is found to have perpetrated a serious violation of the Law or of its rules, or continues to perpetrate such a violation despite being warned by the Ministry for Culture to desist, the Minister for Culture may impose on the collecting society, without prejudice to the applicability of other penalties, an administrative fine of from 500.000 to 10.000.000 drachmas. Matters pertaining to monitoring, the interviewing of alleged perpetrators of violations, the procedure for the imposition of fines and adjustments to the above financial amounts shall be determined by presidential decrees issued on the recommendation of the Minister for Culture.

7. Wherever the term «rules» appears in this Law it shall have the meaning of the term as it is used in [paragraph 4](#) of this Article.

Article 55 The competence of collecting societies

1. Collecting societies shall have competence for 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 remunerations and distributing them among authors as necessary: d) collecting and allocating among creators 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 rightholders, notably the taking of legal steps and the raising of court actions, the lodging of complaints and the serving of writs, appearing as civil plaintiffs, seeking the prohibition of acts deemed to infringe rights whose protection is assigned to them and requesting the 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 remunerations: 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 presentations of works, in order to guard against infringements of the rights of authors and other rightholders.

2. A collecting society shall be presumed to have competence for the administration and/or protection of the related rights in all of the works or in respect of all of the intellectual authors concerning which or whom a declaration of transfer to the society has been effected in writing or for which it has been granted power of attorney. 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 of 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 may lodge only a sample list.

4. If a rightholder 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 ensuring, 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 adjusted 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.

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 the first instance as being equal to the remuneration usually payable in similar circumstances, pursuant to the safeguarding measures. The final judgement 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 to 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 for 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.

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 those performances.

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 stemming from the economic right of that author.

2. A collecting society shall consult annually with the authors whose rights are assigned 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 remunerations and any other matter pertinent to the administration and/or protection of their rights.

3. Authors who assign 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 assigns 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 assignation of his rights.

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

6. For each general category of author and each form of exploitation collecting societies shall fix a percentage of remunerations collected to cover their expenditure. 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 advance warning of one year.

7. An author or a collecting society shall be entitled to abrogate the agreement assigning rights stemming from the economic right 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.

Article 58 Application to related rights

The provisions of [Articles 54 to 57](#) shall be applicable as appropriate to the administration and/or protection of the related rights regulated by the provisions of [Section VIII](#) of this Law.

SECTION X

MEASURES TO PREVENT INFRINGEMENTS

Article 59 Imposition of and adherence to specifications

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

Article 60 Use of control systems

Presidential decrees may be issued on the recommendation of the Minister for 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 in use, subject to such methods not causing unjustifiable harm to the lawful interests of users.

Article 61 Control labeling

Presidential decrees may be issued, on the recommendation of the Minister for Culture, stipulating that phonograms and films 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 producer.

Article 62 Prohibition of decoding

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

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 cinematographic or musical work, the competent local police authority shall prohibit the infringing act when requested to do so by the author or rightholder. 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 police licence permitting the use of musical instruments or certifying the suitability of premises, or of any other licence 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 written authorization for the performance issued by that collecting society.

3. Where there is reason to believe that an infringement of copyright is occurring or may occur, a single-member court of the first instance shall be empowered to invoke the safeguarding

measures and to issue a prohibition order without the necessity of specifically designating the works thereby protected.

[Paragraphs 1, 2 and 3](#) of this Article shall apply also, as appropriate, to infringements of the related rights referred to in [Articles 46, 47 and 48](#) of this Law.

SECTION X PENALTIES

Article 64 Seizure

Where there is reason to believe that an infringement of copyright or of the related rights referred to in [Articles 46 to 48](#) and [51](#) of the present law is occurring or may occur, a single-member court of the first instance shall order, as a cautionary measure, the conservatory seizure of any item in the possession of the defendant which is manifestly a means to the effecting of the infringement or a product of or evidence of the infringement. Instead of conservatory seizure the court may order that a detailed inventory and photographic record to be made of items. Each of the aforementioned actions shall be effected in accordance with [Articles 687 \(1\)](#) of the Civil Procedure Code and a provisionary order shall be obligatorily issued pursuant to [Article 691 \(2\)](#) of the Civil Procedure Code.

Article 65 Civil penalties

1. In all cases of infringement of copyright or of a related right the author or rightholder shall be entitled to demand recognition of his right the suppression of the infringement and the omission of the infringement in the future.

2. A person who culpably infringes copyright or a related right of another person shall make reparation 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 licence.

3. Instead of seeking damages, and regardless of whether the infringement was committed culpably, the author or the rightholder 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 the related right, pursuant to [Articles 46 to 48](#) and [51](#) of this Law, or the amount of the profit gained by the infringing party from such an exploitation.

4. For each act of omission contributing to an infringement the court may impose a fine of from three hundred thousand to one million drachmas payable to the author or to the rightholder 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.

Article 66 Criminal penalties

1. Any person who, in contravention of the provisions of this Law or of the provisions of lawfully ratified international conventions on the protection of copyright, unlawfully makes a fixation of a work or reproduces an original or a translation or an adaptation of a work, or distributes a work or possesses a work with the intent of distributing it, or infringes restrictions on the use of work, or presents a work to the public, or effects a public performance of a work, or broadcasts a work by any radio or television means, or in any general way exploits a work which is the object of copyright, or who imports copies of a work or organizes a public performance of a

work or acts against the right of the intellectual author to decide freely on the presentation of his work to the public without additions or deletions, shall be liable to imprisonment of not less than one year and to a fine of from 1 to 5 million drachmas.

2. The penalties listed in [paragraph 1](#) above shall be applicable to any person who, in contravention of this Law, as it refers to related rights, or of the provisions of lawfully ratified international conventions, as they refer to related rights: a) makes a fixation of sound or visual or sound and visual recording, or broadcasts by any means or presents to the public a live performance without the consent of the performer: b) effects a rebroadcast of a radio or television broadcast by any means or makes a fixation of a radio or television broadcast or presents to the public on payment of an admission fee, a radio or television broadcast without the consent of the broadcasting organization which is the rightholder in respect of the broadcast: c) reproduces or distributes, or possesses with intent to distribute, sound or visual recording bearing a fixation of a performance without the consent of the producer and of the performer: d) presents a performance to the public by any means other than by a radio or television transmission without the consent of the performer: e) reproduces, distributes or uses in any manner a fixation of a broadcast without the consent of the broadcasting organization which is the rightholder: f) imports sound or visual recordings produced in a foreign country without the consent of the producer or imports sound or visual recordings whose import is not permitted under the licence.

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 penalty shall be not less than two years imprisonment and a fine of from 2 to 10 million drachmas. If the guilty party has perpetrated any of the aforementioned acts by way of standard practice or if the circumstances surrounding the perpetration of the act indicate that the guilty party poses a serious threat to the protection of copyright or related rights, the penalty shall be imprisonment of up to 10 years and a fine of from 5 to 10 million drachmas, together with withdrawal of the trading licence 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 this Article or for a violation of the preceding copyright legislation and sentenced to a non-redeemable period of imprisonment.

4. The penalties 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 [Articles 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.

5. Where a sentence of imprisonment is imposed with the option of redeemability, the sum payable for the redemption shall be ten times the sum specified as per the case in the Penal Code.

6. 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.

7. In all cases of conviction the court may order the publication of an abstract of the verdict at the convicted person's expense.

SECTION XII

FINAL AND TRANSITIONAL PROVISIONS

Article 67 Applicable legislation

1. Copyright over 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 over 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 and duration of the right shall be governed by the legislation applicable pursuant to [paragraphs 1](#) and [2](#) above. With the exception of any exploitation licence arrangement impossible without the consent of the rightholder, the determination of the limitations of the right shall likewise be governed by that legislation. The protection of that shall be subject to the legislation of the state in which the protection is sought.

4. [Paragraphs 1](#), [2](#) and [3](#) above shall carry force 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 a particular international convention concerning the protection of copyright or of a particular object of copyright or of a particular related right, [paragraphs 1](#), [2](#) and [3](#) above shall be applicable 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.

Article 68 Law not retroactive

1. Works whose 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.

Article 69 Establishment of the Copyright Organization

1. A legal entity in private law under the jurisdiction of the ministry for 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 intellectual authors and of rightholders of related rights, the supervision of the collecting societies, the implementation of this Law and of related international conventions, the effecting of preparatory legal studies of matters pertaining to copyright and related rights and the presentation of Greece in dealings with all of the competent international organizations and with the institutions of the European Community. The Copyright Organization may in addition convene seminars of any type for the purposes of providing information and training to judges, lawyers, administrators, intellectual creators, rightholders of related rights, students and other interested parties on matters pertaining to copyright and related rights. In no circumstance shall the Copyright Organization have as its purpose the administration of rights pursuant to [Articles 54 to 58](#) of this Law.

2. The Copyright Organization shall receive, by way of grant financing, a percentage, not greater than 5%, of the gross sums collected by the collected societies. The exact percentage and the manner of its payment shall be determined by presidential decree issued on the recommendation of the Minister of Culture. The Copyright Organization may also receive grant financing from international organisations and the institutions of the European Community, gifts and bequests, grants from any third party and the revenues due to it for the rendering of services. As commencement finance The Copyright Organization shall receive a one-off grant of twenty million (20.000.000) drachmas from the budget of the Ministry for Culture.

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., adjusted by decision of the Minister for Culture, the determination of its scientific, management and ancillary staffing requirement, the remuneration of its and every other detail shall be determined by presidential Decree* issued on the joint recommendation of the Minister for Culture, the Minister to the Office of the Prime Minister and the Minister of Finance.

Article 70 Collecting societies already functioning

1. Collecting societies which are already functioning at the date of the promulgation of this Law shall within twelve months of the entry into force of this Law lodge with the Ministry for 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 compliance with this Law.

2. Societies of intellectual authors which at the date of the promulgation of this Law are carrying on the administrative activity referred to in [Article 5](#) of Law 4301/1929 and [Article 43](#) of law 1597/1986 may continue to carry on that activity for twenty-four months from the date of the entry into force of this Law.

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 14 May 1991 on the legal protection of computer programs.

2. [Articles 3 \(1\) \(d\)](#), [9](#), [34](#), [46](#), [47](#), [48](#), [49](#), [52](#) and [53](#) of this Law shall constitute implementation of Council directive 92/100/EEC of 19 November on rental right and lending right and on certain rights related to copyright in the field of intellectual property.

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 12/15 of June 1926, Laws 4186/1929, 4301/1929 and 4489/1930, [Article 2 \(1\)](#) of legislative Decree 619/1941, Legislative Decree 2179/1943, Laws 763/1943, 1136/1944 and 56/1944, [Article 12](#) of Law 3188/1995, Legislative Decree 4264/1962. [Article 4](#) of Law 1064/1980. [Article 5](#) and [10 to 22](#) of Law 1075/1980, [Article 19](#) of Law 1348/1983 and [Articles 3,40, 43](#) and [46](#) of law 1597/1986.

2. Law 988/1943 shall remain in force.

* Presidential Decree 311/1994 (Official Journal of the State Republic of Greece, First Issue, Number 165 October 6th 1994)

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. [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 and communes with populations of less than 5.000 inhabitants until 1 July 1994.

5. [Article 38 \(4\) \(a\)](#) of this law shall apply to the publication of any photograph whatsoever.

SECTION XIII CULTURAL MATTERS AND OTHER ARRANGEMENTS

* [Articles 72](#) and [75–76](#) are not reproduced because they do not concern copyright or related rights

Article 74

The positions of managing director, director general, manager, chairman and vice-chairman of a non-profit -making collecting society shall not be deemed out of keeping with the calling of lawyer and shall not be grounds for removing from a register of lawyers the name of any lawyer holding such a position or for downgrade the status of any such lawyer.

SECTION XIV 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 Government Gazette. [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.

Athens, 3 March 1993
