

**LAW No.2819/2000**

*Establishment of the Company "Olympic Village 2004 S.A.",  
protection of Olympic Symbols and Marks and other provisions*

Article 7

Harmonization with the Directive 96/9/EC of the European Parliament  
and of the Council of 11 March 1996 on the legal protection of  
databases and other provisions

1. Paragraph 2a is added after para.2 of article 2 of Law  
2121/1993 (Official Journal 25 A') as follows:

"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".

(articles 3 and 1 para.2 of Directive 96/9)

2. In article 2, para.2 of Law 2121/1993, sixth line, the  
words "and databases" are deleted and the conjunction "and" is added  
before the word "anthologies".

3. A new paragraph numbered 3 is added at the end of  
article 3 of Law 2121/1993 as follows:

"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 authorisation of the author of the database. Where the lawful user is authorised 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". (articles 5, 6 para.1 and 15 of Directive 96/9).

4. The words "and the sui generis right of the database maker" are added at the end of the title of the seventh chapter of Law 2121/1993.

5. Article 45A is added after article 45 of Law 2121/1993 as follows:

#### 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-utilisation 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.

(article 7 para.1 of Directive 96/9)

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-utilisation" 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. When the specific company or firm has only its registered office in the territory of the Community, its operations must be genuinely linked on an ongoing basis with the economy of a Member State.

(articles 9 and 11 of Directive 96/9)

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 licence or contract (article 7 para.3 and 4 of Directive 98/9).

4. The repeated and systematic extraction and/or re-utilisation 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, para.5 of Directive 96/9).

5. The maker of a database made available to the public by any means cannot prevent the lawful utilisation of the database from extracting and/or re-using immaterial parts of its content, being

evaluated qualitatively or quantitatively, for any purpose. If the lawful user is entitled to extract and/or re-utilise 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 made available to the public by any means may, without the permission of the maker of the database, extract and/or re-utilise a material part of its content: a) when the extraction is made for educational or research purposes, provided that the source is quoted, and to the extent that it is justified by the non commercial purpose pursued, b) when the extraction and/or re-utilisation is made for reasons of public safety or for purposes of administrative or judicial procedure. The sui generis right is effective for databases whose makers or beneficiaries are citizens of a member-state or have their usual residence on Community territory. It is also applicable to companies and firms established in accordance with the legislation of a member-state, whose registered offices, central administration or main establishment are located within the Community. When the specific company or firm has only its registered office in the territory of the Community, its operations must be genuinely linked on an ongoing basis with the economy a member-state (articles 9 and 11 of Directive 96/9).

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 first of January of the year following the date of completion. In the case of a database which is made available to the public in whatever manner before expiry of the period provided for above, the term of protection by that right shall expire fifteen years from the first 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".

(article 10 of Directive 96/9)

6. A new paragraph numbered 8 is added at the end of article 72 of Law 2121/1993, as subsequently modified by article 10 of Law 2435/1996 (Official Journal 89 A'), as follows:

"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".

(article 13 of Directive 96/9)

7. A sentence is added at the end of article 64 as follows:

"The above regulation 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".

(article 12 of Directive 96/9)

8. Paragraph 6 is added at the end of article 65 of Law 2121/1993, as modified by article 3 of Law 2435/1996, as follows:

"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"

(article 12 of Directive 96/9)

9. Paragraphs 9 and 10 are added at the end of article 66 of Law 2121/1993, as modified by article 3 of Law 2435/1996, as follows:

"9. 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 one (1) to five (5) million drachmas.

10. 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 one (1) to five (5) million drachmas".

(article 12 of Directive 96/9)

10. Protection of the makers of databases pursuant to the provisions of this law as regards copyright shall also be available in respect of databases created prior to the date of entry into force of

article of this law which, on that date, fulfil the requirements laid down in this law as regards copyright protection of databases. This protection shall be without prejudice to any acts concluded and rights acquired before the date of entry into force of this law.

(article 14 para.1 of Directive 96/9)

11. Protection of databases as regards the sui generis right of the maker of a database shall also be available in respect of databases the making of which was completed not more than fifteen years prior to the date of entry into force of this law, and which on the date of entry into force of this law fulfil the requirements concerning the protection of the maker by the sui generis right. This protection shall be without prejudice to any acts concluded and rights acquired before the date of entry of this law.

(article 14, para.3 and 4 of Directive 96/9)

12. Paragraph 5 is added at the end of article 71 of Law 2121/1993, as modified by article 8 para.12 of Law 2557/1997, as follows:

"5. Articles 2a, 3 para.3, 45A, 64 last sentence, 65 para.6, 65 para.9 and 10, 72 para.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".

(article 16 para.2 of Directive 96/9)

13. Article 6 para.2 case a' of the presidential decree 311/1994 is abolished. Article 69 para.2 item a' of Law 2121/1993 is modified as follows:

"The Intellectual Property Organisation shall be subsidized with a contribution of 1% of the annual gross revenue of each collective management organisation, payable by 31<sup>st</sup> 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 collective management organisations shall be submitted to the Intellectual Property Organisation and the Ministry of Culture. The above are also applicable to the collective protection organisations obliged to draw up an annual balance sheet, which is submitted to the Intellectual Property Organisation and the Ministry of Culture. Gross revenue is the revenue defined in the Unified Accounting Plan".

14. A presidential decree or joint resolution of the Ministers of Culture and National Economy and any other competent Minister as the case may be, regulate the matters concerning the adaptation and harmonization with the Directive on the right of surveillance and the Directive on the harmonization of certain matters of intellectual property and related rights in the information society, issued by the competent bodies of the European Union.