

Greece

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Legislation and enforcement

1 What is the relevant legislation?

The legislation governing copyright in Greece is Copyright Law No. 2121/1993.

2 Who enforces it?

The civil courts with local jurisdiction enforce copyright law.

Agency

3 Is there a centralised copyright agency? If so, what does this agency do?

There is no centralised copyright agency or registry in Greek jurisdiction.

Subject matter and scope of copyright

4 What types of works are copyrightable?

The following types of work are copyrightable:

- any original intellectual production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression, whether orally or in writing;
- musical compositions, with or without text;
- theatrical plays, with or without music;
- choreographic works and entertainment in silent shows;
- cinematographic works and associated works expressed by a process analogous to cinematography;
- drawings;
- paintings;
- architecture;
- sculpture;
- engraving and lithography;
- photographic works and associated works expressed by a process analogous to photography;
- works of applied art;
- illustrations;
- maps;
- plans;
- sketches and three-dimensional works relating to geography, topography, architecture or science;
- translations, adaptations, arrangements of music and other alterations of a literary or artistic work shall be protected as original works without prejudice to the copyright in the original work;
- collections of literary or artistic works such as encyclopedias and anthologies which, by reason of the selection and

arrangement of their contents, constitute intellectual creations shall be protected as such, without prejudice to the copyright in each of the works forming part of such collections; and

- databases are also subject to copyright protection which, owing to their selection or arrangement of content, constitute copyrightable materials. Software programs are also protected.

5 What types of rights are covered by copyright?

Property rights and the moral rights are covered by copyright.

Property rights give authority to the creator of the copyrighted work to allow or forbid:

- the rewriting and direct or indirect, temporary or permanent reproduction of the copyrighted work by any means, form, in whole or in part;
- the translation, adaptation or other modifications of the copyrighted work;
- the distribution of the original or copies of the copyrighted work;
- the leasing and public loan of the copyrighted work;
- the public performance of the copyrighted work;
- the media broadcasting of the copyrighted work;
- the presentation of the copyrighted work to the public, in any way; and
- the importation of copies of the copyrighted work if the work was created overseas.

Moral rights give the creator of the copyrighted work the authority to:

- decide where and when the work will be published;
- enjoy the recognition of ownership of the copyrighted work by including a reference to his or her name, to the extent possible, in every public use of the copyrighted work;
- prohibit any alteration, reduction of other modification of his or her work;
- access the copyrighted work even if the property right of the copyrighted work belongs to another; and
- withdraw from the assignment or licence agreement for personal reasons.

6 What cannot be protected by copyright?

The reproduction of materials for private use, provided the reproduction does not interfere with the regular exploitation of the work by its creator, cannot be protected by copyright. The term 'private use' does not include use in the context of a business undertaking or use by an authority or organisation.

Use of materials for teaching purposes, school books, news broadcasting, excerpts, libraries and archives, and films' archives (after receiving permission from the Ministry of Culture and if special considerations apply) may not be protected by copyright.

- 7** Do the doctrines of 'fair use' or 'fair dealing' exist? If so please describe. If not please describe any comparable limitations.

The doctrines of 'fair use' and 'fair dealing' exist and are described in question 6.

- 8** What are the standards used in determining whether a particular use constitutes fair use?

The standard used in determining whether a particular use constitutes fair use is the 'private use' principle (as described in question 6), provided such use does not interfere with the regular exploitation of the work by its creator. For other types of exceptions, individual considerations apply in each case.

- 9** Are architectural works protected by copyright? If they are, in what way?

Architectural works are protected by copyright. They are protected to such an extent that the 'fair use' (private use) principle does not apply to architectural creations.

Copyright formalities

- 10** Is there a requirement of copyright notice? If so, please describe.

There is no requirement for use of copyright notice per se. However, the use of such a notice better protects the interests of the creator of the copyrighted work, by giving actual notice to the public that the particular work is copyrighted and is not available for public use.

- 11** What are the consequences, if any, for failure to display a copyright notice?

Even if a copyright notice is not displayed, the particular work may still be subject to protection if there is sufficient originality and distinctiveness.

- 12** Is there a requirement of copyright deposit? If so, please describe.

There is no requirement of copyright deposit.

- 13** What are the consequences, if any, for failure to make a copyright deposit?

As there is no requirement of copyright deposit, there are no consequences for failure to make a deposit.

- 14** Is there a requirement of copyright registration? If so, please describe.

There is no requirement of copyright registration.

- 15** How does one apply for a copyright registration?

No application procedure for copyright registration exists in Greek jurisdiction, as there is no central copyright registry.

- 16** What are the fees to apply for a copyright registration?

As no procedure exists for copyright registration, there are no applicable fees.

- 17** What are the consequences, if any, for failure to register a copyrighted work?

As no copyright registry exists in Greek jurisdiction, there are no consequences per se for failure to register a copyrighted work.

Ownership and transfer

- 18** Who is the owner of a copyrighted work?

The creator is the owner of the copyrighted work. The creator may then assign ownership to any assignee he or she chooses via a formal assignment deed. In the event that the copyrighted work does not include the name of the creator, or a pseudonym (alias) is used for the creator, then the person who first makes the copyrighted work available to the public is considered to be the owner, until the actual creator appears.

- 19** Can an employer own a copyrighted work, and, if so, in what circumstances?

An employer may own a copyrighted work if the scope of the applicable employment expressly covers it. Otherwise, an employer may only own a copyrighted work via an assignment deed.

- 20** Can a copyrighted work be owned by more than one person or entity? If so, in what circumstances?

A copyrighted work may be owned by more than one person or entity in the circumstances outlined below.

- If the work protected is the result of a collaboration between two or more creators, then the work is owned by all of its creators
- If the work protected is collectively created by a group of people, each of whom have contributed to a portion of the entire work and are intellectually supervised by one person then the supervisor of the collective work is the prime owner of the property rights and moral rights of the collective work. The other contributors are owners of the property rights and moral rights specifically concerning the portion of the work that they contributed
- If the work protected is a complex work, consisting of portions separately created by several creators, each creator owns rights to the complex work and also the specific portion contributed – if it is subject to severance.

- 21** Can copyright rights be transferred? If so, in what circumstances?

The property right may be transferred inter vivos or after the owner's death. The moral right may not be transferred inter vivos; it is only transferable after the creator's death. After the creator's death, the moral right is transferred to the creator's successors who are obligated to manage it in accordance with the creator's will, provided such will has been explicitly expressed.

- 22** Can copyright rights be licensed?

Copyright rights can be licensed. There can be exclusive and non-exclusive licences. If it is unclear from the wording, licence agreements are deemed to be non-exclusive. The licences may not contain a blanket inclusion clause for all future works of the creator. There can be no reference to means of exploitation of the

protected work, which are unknown at the time of execution of the licence agreement. Rights enjoyed by those with exploitation rights cannot be licensed to third parties without the consent of the creator.

23 Are there compulsory licences? If so, what are they?

There are no compulsory licences. Nevertheless, for a licence agreement to be valid it must be in written form.

24 Is there any provision for the termination of transfers of copyright rights?

If the agreement does not contain an express duration clause, then the transfer of copyright rights is deemed to expire five years after its execution.

25 Can documents evidencing transfers and other transactions be recorded with a government agency? If so, with which agency and how?

Documents evidencing transfers and other transactions may not be recorded with a government agency.

Duration of copyright

26 When does copyright protection begin?

Copyright creation begins from the date the work was created.

27 How long does copyright protection last?

Copyright protection lasts throughout the creator's lifetime plus 70 years after the creator's death. Time starts to run from 1 January of the year following the death of the creator.

28 Does copyright duration depend on when a particular work was authored or published?

If the work is created under an alias, copyright protection lasts for 70 years after the work became lawfully accessible to the public. However, if the creator, prior to the lapse of the said period, reveals his identity to the public, either expressly or by adopting an alias which leaves no doubt as to his identity, then the general provisions about duration of copyright protection apply.

For work protected from the date of publication and published in portions, such as in different issues, etc, the duration of protection starts from the date the individual publication became accessible to the public.

Work never published by its creator, but published after the creator's death by another, is protected for 25 years after the date of its publication.

Performers' rights last for 50 years from the date of the first publication to the public.

29 What does 'published' mean for the purposes of triggering copyright protection?

For the purposes of triggering copyright protection 'published' means lawful publication and presentation to the public.

30 Do terms of copyright have to be renewed? If yes, in what way?

There are no applicable provisions in relation to the renewal of the terms of copyright. However, after the lapse of copyright pro-

tection, the public sector, represented by the Ministry of Culture, may exercise the authority of recognising the creator's proprietorship and protection of the work deriving from the creator's moral right.

Copyright infringement and remedies

31 What constitutes copyright infringement?

The unlawful copying of the copyrighted work of another constitutes copyright infringement.

32 What remedies are available against a copyright infringement?

A number of remedies are available against a copyright protection including:

- temporary restraining orders;
- petitions for an injunction;
- an action for infringement; and
- damages. The minimum level of damages is double the amount of applicable royalties, or pursuant to the 'unjust enrichment' principle, the monetary amount gained by the infringer.

For every violation of the injunction order the court may impose a fine between €1,000 to €3,000.

33 Is there a time limit for seeking remedies?

For petitions for injunction, general urgency requirements apply. For regular actions, general Civil Code provisions apply, ie, five years from the date of knowledge or 20 years from when the infringement took place. If unfair competition is included as an auxiliary legal basis, stricter statutory limitations apply.

34 Are monetary damages available for copyright infringement?

Monetary damages are available for copyright infringement. (See question 32.)

35 Are attorneys' fees and costs available for copyright infringement? If so, in what circumstances?

Attorneys' fees and costs are not available for copyright infringement.

36 Are there criminal copyright provisions? If so, what are they?

Criminal copyright provisions are:

- a minimum of one year's imprisonment; and
- a fine of €15,000.

37 Are there ways to pursue copyright infringement that occurs online?

Online copyright infringement is pursued in the same manner as regular copyright infringement, ie, through the relevant civil courts with local jurisdiction.

38 How can copyright infringement be prevented?

Copyright infringement can be prevented by actively monitoring the market and promptly initiating legal action as needed.

Relationship to foreign rights

39 Does your country belong to any international copyright conventions? If so, which ones?

Greece is a member of:

- the Berne Convention for the Protection of Literary and Artistic Works;
- the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs); and
- the European Union (related legislation), although EC Dir 84/2004 is not yet implemented.

40 What obligations, if any, are imposed by your country's membership in international copyright conventions?

Greece's obligations are to observe and enforce its provisions, by harmonising national law accordingly (both statutory and case law).

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