

Journalism and copyright: what is protected by copyright law?

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Intellectual Property, Greece

In Greece the main legislative instruments regulating copyright and related rights are:

- Law 2121/1993 on Copyright, Related Rights and Cultural Matters (the Copyright Law); and
- Law 4481/2017 on the Collective Management of IP Rights and Related Rights and Collecting Organisations.

The Copyright Law grants copyright protection to "original literary, artistic or scientific works of authorship expressed in any form" and provides an indicative and non-exhaustive list of copyright protectable works, including:

*written or oral texts, musical compositions with or without words, theatrical works, choreographies and pantomimes, audiovisual works, works of fine art, drawings, painting and sculpture, engravings and lithographs, architectural works, photographs, works of applied art, maps, three-dimensional works referring to geography, topography, architecture or science.***(1)**

Further, databases are copyright protected provided that they constitute the author's intellectual creation with regard to the selection or arrangement of their contents. Computer programs and their preparatory designs are also deemed to fall within the protective scope of literary works.

Greek jurisprudence and legal theory set out that a work is 'original' if it has an element of 'personal intellectual creation' and reflects the author's personality. More specifically, a work is an original expression of an individual's mind when it contains an element of personal contribution and individuality. Another criterion applied by the Greek courts is statistical uniqueness, according to which a work is original when no other author could have created the same work under the same circumstances.**(2)**

According to Article 2(5) of the Copyright Law, copyright protection does not extend to news information or simple facts and data. As such, mere facts and information on current affairs fall outside the scope of protection if they are limited to the reporting of events and contain no element of personal contribution (eg, evaluation, criticism or interpretation).

To constitute an original work of intellectual property and thus be protectable under the Copyright Law, a journalistic work must therefore contain an element of individuality and personal contribution, particularly with regard to the selection, composition, elaboration and adaptation of its content. The form in which a journalistic work is presented to the public may also classify it under the protective category of a literary, audiovisual or photographic work if said form is a text, video or image.

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Endnotes

- (1) Article 2 of the Copyright Law.
- (2) Supreme Court Decisions 1420/2019, 415/2018 and 509/2015.

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