



# Journalism and copyright: other defences and exceptions to copyright claims

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Intellectual Property, Greece

Defence strategies in copyright cases are, in principle, based on one of the following grounds:<sup>(1)</sup>

- An objection as to whether a particular work falls under the protection of Law 2121/1993 on Copyright, Related Rights and Cultural Matters (the Copyright Law). For example, if a journalist sues a third party for copyright infringement, the defendant might claim that the journalist's work does not meet the criterion of originality if it contains only mere or actual information without any element of the author's personal contribution.
- An objection as to the authority of the claimant to file a claim or the claimant's ownership of the respective rights. Notably, under Greek law a claimant must establish a complete and uninterrupted chain of titles starting from the author in order to prove ownership of their rights (a so-called 'chain of title requirement').
- An objection that the particular use is legitimate, if the defendant has obtained the necessary licence. In this context, the defendant must submit a written licence because, according to Article 14 of the Copyright Law, any acts dealing with the transfer, assignment or licensing of exploitation rights are null if not made in writing.
- An objection that the use is legitimate, based on the argument that the acts fall under the exceptions or limitations provided in Chapter IV of the Copyright Law (as per the previous objection).
- An objection that the exercise of claimant's rights is abusive and in contrast to good faith and moral practices.
- An objection as to the prescription of rights or the expiration of the term of protection of a work.
- An objection as to the actual extent of plaintiff's damages.

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## Endnotes

(1) This is the third article in a series on journalism and copyright in Greece. For the other articles in the series, please see:

- "Journalism and copyright: is there a defence similar to fair use or fair dealing?"; and
- "Journalism and copyright: what is protected by copyright law?"

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