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Key 2023 update: EU Directive implemented in Greek copyright law

A & K Metaxopoulos & Partners Law Firm | Intellectual Property - Greece



KATERINA
NIKOLATOU

Last year saw the introduction of Law 4996/2022, which brought significant changes to IP legislation in Greece, amending several provisions of the existing Copyright Law 2121/1993 as well as Law 4481/2017 on Collective Management.

Law 4996/2022 implemented into the Greek legislation EU Directive 2019/789. It has several aims, including the following:

- To facilitate copyright and related rights licensing in protected works and other subject matters in certain television transmissions and radio programs. This takes into consideration the wider dissemination in member states of broadcast programs originating in other member states for the benefit of users throughout the European Union.
- To introduce a mechanism of extended copyright licensing. Article 14 of Law 4996/2022 introduced a notable – and quite disputed – change, adding article 7a to Law 4481/2017. This change provides for an extended copyright licence concerning the use of protected works or other objects except for audiovisual works within the Greek territory. It states that collective management organisations (CMOs) and collective protection organisations may also represent rightholders who have not authorized them to this effect (ie, who are not members of the CMOs) as long as they declare this to the user. However, authors may oppose this "presumed" representation to exclude any of their protected works or other objects or their uses from the organisation's representative authority.
- To introduce provisions that will allow educational institutions, public interest research institutions and cultural heritage institutions to reduce transaction costs.
- To regulate public lending. Specifically, the rightholder's absolute right to allow or prohibit the public lending of their

works is removed, while at the same time a system of reasonable remuneration is introduced, as compensation for public lending without the permission of the beneficiary.

- To add article 51B to Law 2121/1993 in favour of press publishers regarding the online use of their publications by service providers. The change grants press publishers the right to allow or prohibit partial or total reproduction and on-demand availability (wired or wireless) of their publications.

In addition to the above, Law 4996/2022 comprises changes to remuneration for authors, including the following:

- Article 21 of the Law introduces the notion of "adequate and proportional" (in other words "fair") remuneration for the author. This could either be a flat fee (subject to conditions) or a percentage on proceeds. However, this surely conflicts with the character of the authors' absolute right to allow or prohibit the exploitation of their work at their discretion; authors cannot waive or limit their right by contract.
- Article 22 introduces an extended, ample right of information in favour of authors and neighbouring rightsholders in relation to the proceeds of exploitation of their works.
- Article 23 introduces a new right for the author to request the adjustment (increase) of their contractually agreed remuneration in case it proves disproportionately low in comparison with the overall proceeds from the exploitation of the work.
- Article 25 introduces a statutory right of the author to revoke an exclusive licence or withdraw the exclusivity if the exploitation of the work is not in agreement with what has been contractually agreed. Audiovisual works are excluded.

For further information on this topic please contact Katerina Nikolatou at A & K Metaxopoulos & Partners Law Firm by telephone (+30 210 725 7614) or email (knikolatou@metaxopouloslaw.gr). The A & K Metaxopoulos & Partners Law Firm website can be accessed at www.metaxopouloslaw.gr.

Katerina Tsokana also assisted in the preparation of this article.