[GR] Implementation of Directive 2001/29/EC

IRIS 2003-4:1/34

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Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (see IRIS 2001-5: 3) was implemented in Greece by Article 81 of Law no. 3057/2002, which regulates questions regarding the Ministry of Culture. The above Law entered into force in October 2002. The new provisions are incorporated into Law no. 2121/1993 on copyright and related rights, which is the main legal instrument governing all issues regarding the field of copyright. The above Law has been amended several times since 1993, in order to implement the Community directives relating to this subject.

The new provisions take into account all new forms of exploitation of works (including Internet) and their distribution or transmission on demand. They provide that the economic right shall confer upon the authors, among other rights, the right to authorise or prohibit the communication to the public of their works by wire or wireless means or by any other means, including the making available to the public of their works in such a way that members of the public may access these works from a place and at a time individually chosen by them. A parallel right is recognised for performers or performing artists, phonogram producers and radio and television organisations. As regards the producers of audio-visual works, the above right concerns the original and the copies of their films. Modifications are also introduced concerning the right of distribution. It is interesting to note that, within the framework of Article 5 of Directive 2001/29/EC (exceptions and limitations), the new Greek legislation provides that the reproduction of a work is allowed for the benefit of blind and deaf-mute persons, for uses of a non-commercial nature, which are related to the disability, to the extent required by the specific disability. The specific conditions of application of this provision may be determined by virtue of a decision published by the Minister of Culture. By the same decision other categories may also be determined to which the above exception may be applied. Additional exceptions and limitations to the protection of copyright and related rights are introduced, in conformity and within the spirit of the provisions of Directive 2001/29/EC. Moreover, Article 81 of Law no. 3057/2002 introduces provisions relating to "technological measures" (Article 6 of the Directive) and "Rights management information" (Article 7 of the Directive). The legislator reinforces the protection of copyright and related rights in the information society, providing not only a strict regulatory framework, but also providing for the protection of technological measures to prevent any illegal exploitation of works.

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Law no. 2121/1993 of 4 March 1993 on copyright, related rights and cultural matters

http://www.culture.gr/6/64/law2121.html

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Article 81 of Law no. 3057/2002, Official Gazette A 239/10 October 2002

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