

THE GREEK COPYRIGHT LAW, ACTUAL PROBLEMS FOR LIBRARIES AND ARCHIVES

Marco Marandola
International Copyright adviser
marandol@tiscalinet.it

In Greece the issue is regulated by the Greek Copyright law 2121/1993 (Law No. 2121/1993 as last amended by Law No. Law 3057/2002 (Official Gazette A/ 239/10 October 2002) Implementation of the 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 and other provisions.

EU Directives recognize the need of an adequate balance between the rights of authors, and other economic owner's rights, and the need to have some exemption and limitation in favor of libraries, and other non-commercial establishment.

Almost all the European Union Member States has found a balance introducing in their national law exemption for lending and photocopying for libraries.
In our opinion Greece has not yet recognize in his national legislation such a balance.

The knowledge of the copyright (or authors right) is essential for a correct management of the library, and for the services that the library offers to its users.
Is the law to determine if a copy could be make and in which limits, or if a licence is to be stipulated, and the same law establishes the sanctions for whom will not respect the law.

The greek law assures an high protection to the authors and other owners of different rights on the works.

While very limited exemptions are granted to libraries and others no profit entities.

The recent modification to the law (in the 2002) has lost the opportunity to balance the opposite interest of the authors, and the society libraries and citizens.

The law permit in some specific case limitation to the author's rights. Those limitation sometimes are free, some other times are subject to a payment (for example reproduction for private use).

Those limits are hended to balance two different interest, the interest of grant to the authors and other right holder theyr exclusive right and the interest in a modern society to permit the access to the information to everybody, not only to those who can buy the works

In Greece the issue is regulated by article 22 of the Greek Copyright law 2121/1993 (Law No. 2121/1993 as last amended by Law No. Law 3057/2002 (Official Gazette A/ 239/10 October 2002)

Reproduction by Libraries and Archives

Art. 22. It shall be permissible, without the consent of the author and without payment, for a nonprofit-making library or archive to reproduce one additional copy from a copy of the work already in their permanent collection, for the purpose of retaining that

additional copy or of transferring it to another nonprofit-making library or archive. The reproduction shall be permissible only if an additional copy cannot be obtained in the market promptly, and on reasonable terms.

The extent of the exemption cannot be interpreted to "conflict with a normal exploitation of the work or other protected subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder" (new article 28C) or violating moral rights, or permitting a direct economic for who is using the exemption or limitation.

The reproduction for libraries is expressly reserved only in the case if an additional copy cannot be obtained in the market promptly, and on reasonable terms

The actual greek legislation does not allowed free lending by libraries, archives or museums. While almost all the other EU Countries have such exemption or limitation in theyr national copyright law, implementing a EU directive of 2002.

In conclusion Greek law provides a strong protection to authors, but is far from a balance with social needs, and the role of libraries.

No lending right and a very limited case for photocopying is provided in the national copyright law, while in all other EU countries large exemption are recognized.

We do not believe that in this way the Greek culture, the access of the user to Greek books, and the spread of the culture is supported.