



## 4.13. GR – Greece<sup>85</sup>

### 4.13.1. Key Findings

Notions	Existence of definitions/rules
Independent production	No
Independent producer	No
Legal provisions concerning the transfer or cession of authors'/performers' rights to the producer (e.g. legal presumption, etc.) (Relationship author-producer)	Yes <sup>86</sup>
Specific rules related to the assignment or retention of IP rights by independent producers (Relationship independent producer-AVMS)	No

- The Greek legislation in force does not contain a definition of an independent producer of audiovisual works. According to Article 10 of Law No. 2328/1995, which has been abolished, an independent producer should have operational and financial independence from broadcasters. Currently, Article 17 of Law No. 4779/2021 for the implementation of Directive 2018/1808 into Greek legislation refers to the producers of “European audiovisual works” and the “producers of audiovisual works in the Greek language” without any further definition of these terms.
- Greek legislation does not include rules on the retention of IP rights by independent producers in their relationship with broadcasters.

<sup>85</sup> The summary on Greece incorporates the feedback received from Persa Lambropoulou, legal advisor at the National Council for Radio and Television, during the checking round with the national regulatory authorities.

<sup>86</sup> According to Article 34 (1) of Greek Copyright Law No. 2121/1993 (as amended by Law No. 4996/2022):

*A contract dealing with the creation of an audiovisual work between a producer and an author shall specify the economic rights which are to be transferred to the producer. If the aforementioned provision is not met, the contract shall be deemed to transfer to the producer all the economic rights which are necessary for the exploitation of the audiovisual work, pursuant to the purpose of the contract. When the master from which copies for exploitation are to be made, is approved by the author, the audiovisual work shall be deemed to be accomplished. No alteration, abridgment or other modification shall be made to the definitive form of the audiovisual work, as the latter has been approved by the author, without his/her prior consent. Authors of individual contributions to an audiovisual work may exercise their moral right only in relation to the definitive form of the work, as approved by the author.*

See the text available at <https://www.opi.gr/vivliothiki/2121-1993>.



#### 4.13.2. National definition of independent producer/independent production

Legislation	Summary of the measures
<p>Article 10 of Law No. 2328/1995 on the functioning of private broadcasting companies (<i>Νόμος 2328/1995 Νομικό καθεστώς της ιδιωτικής τηλεόρασης και της τοπικής ραδιοφωνίας, ρύθμιση θεμάτων της ραδιοτηλεοπτικής αγοράς και άλλες διατάξεις</i>)<sup>87</sup></p> <p>Article 22(5) of Law No. 3166/2003 on the organisation and functioning of press offices within the Ministry of the Press and Mass Media (<i>Οργάνωση και λειτουργία των Γραφείων Τύπου και Επικοινωνίας του Υπουργείου Τύπου και Μέσων Μαζικής Ενημέρωσης και ρυθμίσεις για τον ευρύτερο τομέα των μέσων ενημέρωσης</i>)<sup>88</sup></p>	<p>The current Greek legislation in force does not contain any definition of independent producers or production. Such a definition could be found in Article 10 of Law No. 2328/1995 on the functioning of private broadcasting companies which has been abolished by Article 40 of Law No. 4487/2017.</p> <p>According to Article 10 of Law No. 2328/1995, as amended by Article 22 (5) of Law No. 3166/2003, independent producers are natural or legal persons registered with the local Professional Registration Board, who undertakes the production of audiovisual or cinematographic works (with the exception of advertisements or advertorial content) without holding any shares in the broadcasting companies.</p>

#### 4.13.3. National rules on IPR assignment/retention

Legislation	Summary of the measures
	N/A.

<sup>87</sup> [https://www.esr.gr/wp-content/uploads/NOMOS\\_2328-1995.pdf](https://www.esr.gr/wp-content/uploads/NOMOS_2328-1995.pdf)

<sup>88</sup> <https://www.e-nomothesia.gr/enemerose-tupos-radiophono-teleorase/n-3166-2003.html>