

LAW: 3905/2010

OFFICIAL GAZETTE: A 219/23.12.2010

TITLE: REINFORCEMENT AND DEVELOPMENT OF FILM ART AND OTHER PROVISIONS

ARTICLE 46: PROVISIONS ON COPYRIGHT ISSUES

1. Article 49 of Law 2121/1993 added paragraphs 6 and 7 as follows:

"6. Collecting societies of related rights operating with the approval of the Minister of Culture and Tourism may establish a single collecting society for the collection of the single equitable remuneration as referred to in paragraphs 1, 2 and 3 of this article. Collecting societies operating with the approval of the Minister of Culture exclusively assign to the single collecting society the power to negotiate, agree the level of pay, raise the relevant claims for payment, raise a court action or any extra-judicial action and collect relevant fees from users. During its operation the single collecting society of related rights has the sole responsibility to negotiate, agree the level of pay, raise the relevant claims for payment, raise a court action or any extra-judicial action and collect relevant fees from users.

In case of disagreement between the single collecting society and the users, the amount of equitable remuneration payable and the terms of payment are determined by a single member court in the proceedings for interim relief. At the request of the single collecting society, the competent court issues its final judgement on the remuneration.

For the single collecting society of related rights to be granted approval and any other matter pertaining to collective management, the provisions of Articles 54 to 58 of Law 2121/1993 apply.

7. Pending litigation during the time that the single collecting society is being established is pursued by the original parties until it is irrevocably resolved. "

2. At the end of the one-before-last sentence of paragraph 1 Article 49 of Law 2121/1993 a new phrase is added as follows: "at the request of collecting societies".

3. After the first sentence of paragraph 2 Article 55 of Law 2121/1993 two new sentences are added as follows:

"Where a collecting society operating with the approval of the Minister of Culture and

Tourism exercises the right to a single equitable remuneration as described in paragraph 1 Article 49 of this Law it shall be presumed that such collecting society represents without exception all beneficiaries, both national and foreign, and all their works. In such a case, the same shall be presumed where, for each category of beneficiaries there are more collecting societies, given that the rights are exercised by the competent collecting societies altogether."

4. At the end of paragraph 4 Article 55 of Law 2121/1993 a new sentence is added as follows: "This provision does not apply in the case of compulsory collective management as described in paragraph 1 Article 49 of this Law."

5. In paragraph 2 Article 63 of Law 2121/1993, the terms "police permit" are replaced by the terms "city permit."

6. At the end of paragraph 2 Article 65A of Law 2121/1993 a new paragraph is added as follows: "The same applies to the reproduction and distribution of physical carriers of sound in shops."

7. In paragraph 4 Article 65A of Law 2121 / 1993 after the term "police" the term "port" is added.

8. In the first sentence of paragraph 3 Article 18 of Law 2121/1993, the term "namely" is replaced by the word "as".

9. At the end of article 69 of Law 2121/1993 a new paragraph is added as follows:
"6. The Rules of Construction Contracts, Design, Supply and Service to the Hellenic Copyright Organization is established by a decision of the Hellenic Copyright Organisation's Board of Members."

10. In article 3 of Presidential Decree 311/1994, the second sentence of paragraph 8(c) is replaced by: "The staff remuneration is determined in accordance with provisions applicable to civil servants."

11. In Article 3 of Presidential Decree 311/1994 a new paragraph is added as follows:
"10. The compensation of the Hellenic Copyright Organization's Board of Members is arranged by joint decision of the Minister of Finance and the Minister of Culture and Tourism. The relevant expense is covered by the budget of the Hellenic Copyright Organization. "

12. In Article 5 of Presidential Decree 311/1994 a new paragraph is added as follows:

"3. The remuneration of the Director of the Hellenic Copyright Organization is arranged jointly by the Minister of Finance and the Minister of Culture and Tourism. The relevant expense is covered by the budget of the Hellenic Copyright Organization. "

13. In paragraph 1 Article 12 of Presidential Decree 311/1994 (Z) is replaced by:
"Z. Two (2) posts of University Degree or Technological Educational Institute personnel specializing in Information Technology or a related specialty; For such a placement the required qualifications are specified by the provisions applicable to civil servants. "

14. In Article 72 of Law 2121/1993 a new paragraph is added as follows:
"9. By means of a Presidential Decree issued upon proposal of the Minister of Culture and Tourism, the legislation on copyright and related rights may be coded, as far as administration is concerned, in full, the sequence and numbering of provisions may be altered, similar provisions may be merged and, in general, any modification necessary for the administrative encoding of such legislation may be applied. "

15. The last sentence of paragraph 3a Article 1 of Law 2557/1997 (Official Gazette 271 A) is amended as follows: "For the purposes of this paragraph a CD-ROM, a DVD ROM, any type of digital Text (file) that reproduces the contents of a book and an electronic book (e-book) is considered as a book.