

HIGH SCHOOL STUDENT HANDBOOK ON COPYRIGHT

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1. Why is copyright important?

Copyright is closely linked to the protection of human creativity. More specifically, every intellectual creation expressed in some form is copyright protected.

Intellectual creation is the means by which we express ourselves; comprehend; know; learn; feel; communicate with each other; and from time to time practice business.

The protection of works entails in fact the protection of authors, the respect and recognition of their intellectual labor and their motivation (financial and moral) for further creation.

The production of works promotes culture and ensures that authors can work independently, free to create without constraints, enabling them thus, to have an independent profession.

Copyright does not only ensure the interests of the authors but also those of the State, since it has an impact on job vacancies and State's income from tax and social insurance contributions. Besides, it is a determining factor in the development of culture, economy and the arts.

Copyright protection constitutes a basic human right (given that it is part of the property right) and enjoys constitutional protection (art. 5 par. 3 and art. 17 par. 1 of the Greek Constitution).

2. Why does copyright concern me?

Each one of us is an "author". For example, if you submit a written assignment, paint a drawing, write an article at your school's newspaper, compose a poem, create films or videos, compose or sing music, take pictures, star in your school's play or elsewhere, or if you write novels then you are the author of these works or the rightholder of the related rights. This means, in general terms, that third parties are not allowed to use your work neither without your permission nor without mentioning your name.

Each one of us is also a "user". If you use others' works, sing their songs, produce their plays, make copies of their books, upload their poems at your blog or their videos on YouTube then you should know how to do so in a legal manner and without infringing their rights.

3. How do copyright and related rights help authors and rightholders of related rights survive?

In many cases creating artistic works becomes a profession. Such is the case for writers, painters, sculptors, photographers, music composers, actors, singers or musicians (take note: the last three categories are protected through related rights).

Copyright ensures their exclusive right to profit financially from their works: it does not ensure their success, though. The success of a work depends on many other factors such as talent, circumstances (time, place or other), publicity, investment made in their work, competition in the market etc. However, these factors as such could have no financial value if the author did not have ownership of his works. Consequently, some authors become more successful than others, some richer than others and some poorer. In any case though, the income deriving from their works allows them in most cases to ensure their survival, the materials for their creations, their everyday needs and these of their families, as well as other goods or services depending on the degree of success of their works in the market. Author's survival is closely and inextricably linked to copyright or related rights in a work.

A few words about the past

For ages, authors with great talent used to find the time and money needed to commit to their art thanks to the help of patrons. Patrons were rich and powerful people who commissioned authors to make works (works for hire). Money paid to the authors for such works (sponsorships) enabled authors to continue the creation of works. However, the majority of people did not have access to these works. In those days, works were created in single copies and exclusively for the delight of the patrons that paid for their creation. As time passed by, technology radically changed the conditions of authors, rendering much easier for them the reproduction (making of copies) of their works. In 1454 the invention of printing by Gutenberg enabled the creation of multiple copies of works at low cost. This allowed literary works to not only be accessible to the few rich and powerful, but also to those who knew how and cared to read. Since then, the development of technology contributed decisively to the proliferation and spread of works in the benefit of the general public. Photography, radio, television, cinema, CDs and DVDs, MP3, computers, the internet, and tablets have pushed further this revolution and have rendered much easier and cheaper the copying and distribution of all types of works to everyone.

In recent times, works are available to anyone anywhere in the world and authors no longer depend on wealthy patrons. They face however, a different problem. It has become extremely difficult for them to control the dissemination and reproduction of their works. As a result, the ability to live on the exploitation fees of their works is at risk. An important principle of copyright law is that an author may choose whether he wants to communicate his work to third parties or not and if so under which terms. He may also be able to choose whether or not to dispose it freely and without payment. If this option is not available the right of the author to exercise his profession is actually nulled and so is his ability to exploit economically the outcome of his intellectual labor. Those who cannot earn their living from their profession are forced to abandon it and resort to other means of survival. This means that creation is limited, options shrink, the cultural industry languishes, the State's revenues are reduced, jobs are lost and culture as a whole is hurt. This does not favor anyone.

4. What is copyright and related rights?

Copyright is the legal right attributed to the author of an original intellectual creation, which grants him the power to allow or forbid its use by others.

Accordingly, related rights grant protection to the natural or legal persons who contribute to the commercial production, interpretation, performing and making available to the public of the works by presenting them to the public or financially investing in their exploitation and dissemination. The contributions of such persons do not fulfill the necessary requirements so as to be afforded copyright protection. They play however, a significant role in the interpreting, intercession, production, dissemination and exploitation of the works and therefore their protection is deemed equally important.

NOTE: The protection of related rights is independent to copyright protection; it is granted alongside to it and leaves it unaffected.

5. What is copyright protected?

Any creation of the intellect and more specifically any original intellectual creation of words, art or science expressed in some form is copyright protected. Originality is a theoretical concept (i.e. defined in theory and in case law), but also empirical. In short, a work is considered to be original when it presents “statistical uniqueness” that is, if another author, under similar circumstances and with the same aim in mind, would not reasonably reach the same creative outcome. According to the decisions of the Court of Justice of the European Union (CJEU) Member States of the EU should follow a uniform criterion of originality for all works, a criterion according to which a work must be a personal intellectual creation of its author. According to CJEU this signifies that it is not enough for a work to demonstrate substantial skill and labor. The work should in addition be a result of the free and creative choices of its author and should be stamped with his personal touch. In other words the substantial intellectual contribution of the author is deemed necessary, while it is not enough for the work not to be a copy of another.

Works that can be protected under copyright are mainly:

- **written texts** (novels, chronicles, poems, fairy tales, scripts, lyrics, scientific papers etc.), **as well as oral works** (ex. lectures, speeches, preachings etc.)
- **musical works** (musical compositions, ring tones etc.)
- **works of visual arts** (drawings, paintings, sculptures, engravings, lithographs) **and applied arts** (jewelry and furniture designs, fashion creations etc.), **photographs, architectural works, illustrations, maps and threedimensional works that concern geography, topography, architecture**

- **audiovisual works** (films, documentaries, video clips, animation etc.), **theatrical plays, choreographies and pantomimes**
- **adaptations**, for example an adaptation of a classical theatrical play into a children's play **and translations**
- **collections of works or collections of expressions of folklore or of simple facts and data**, such as encyclopedias, anthologies etc.
- **databases**, such as an online digital newspaper
- **computer programs**, such as mobile applications.

IMPORTANT NOTE: A work does not have to be beautiful, useful or have artistic value in order to be copyright protected. Works are protected irrespective of their quality, value or the ideas they incorporate. The clumsy drawing of a child is protected in the same way as the painting of a renowned painter. A commercial spot is protected in the same way as a pop song. Even if a work is illegal, it is still protected. For example, graffiti on the walls, even though illegal, are protected under copyright as long as they are original. Therefore, the owner of a work may cover the graffiti by repainting his wall, but he cannot reproduce them in posters or in any way commercialize them.

EQUALLY IMPORTANT NOTE: One should make a distinction between the physical carrier of the work and the intangible content (“work”) it incorporates. In other words, when someone buys a book, he buys the paper and the ink. He can read the book, give it away or even destroy it. But he cannot make multiple copies of it and commercialize it. The same applies to DVDs, CDs or software.

6. What is not protected under copyright?

For copyright protection to be granted, there must be a work, that is to say, an idea or a thought that is articulated in some way (even orally) or expressed in some form. Ideas as such are not protected given that in the interests of development and progress their free flow needs to be guaranteed.

For example the idea of writing a book on the adventures of an immigrant that reaches Greece after having suffered for several days and having crossed many countries, is not protected. Any other writer could write a book on the same subject. The specific story though, that will emerge from this idea (say on the paper or on the screen of a computer) is protected under copyright. Every writer has a copyright of his own story (irrespective of whether the stories are based on the same subject), given that he has written the story on his own (i.e. the story is not a copy of another one) and that it presents a certain degree of originality.

The same applies to business ideas as innovative and profitable as they may be. For example a method such as a new way of advertising in elevators or taxi doors or a new way of home distribution of weight loss food, are not copyright protected. They may however, be protected via other legal means.

Apart from ideas and works that are not original, are not protected either:

- **laws, court decisions and administrative texts**
- **expressions of folklore** (ex. traditional poems and songs, sayings, proverbs and folk dances)
- **news, information and simple facts**
- **mathematical formulas, procedures and methods**
- **works whose copyright protection has expired.**

7. How is copyright acquired?

Copyright is acquired automatically without any formalities, from the time of the creation (not necessarily the completion) of the work, and without the need to ensure the right (as it is the case with trademarks or patents). In other words there is no need for the author to go to a specific agent or organization to submit his work in order for his copyright to be recognized. Therefore, no formalities are required for copyright to be acquired.

What actually happens in order for the author to have a proof of authorship in hand is the implementation of the following two practices. The first practice consists in the author addressing a notary and contracting an act of deposition of the work. Alternatively, he may send a registered letter to himself or a friend. The envelope will not be opened unless there is a court dispute in which case the envelope will be opened by the judge at court.

Moreover, the addition of the sign © at copyrighted works is indifferent to the acquisition of the right and does not add, nor does it deduct anything in relation to copyright issues. Even if a work does not have such a sign it is still protected. The use, however, of the © sign, after which comes the name of the copyright holder followed by the year of creation or publication of the work, has prevailed in the various transactions. In fact, this sign is a reminder to the public that the work is protected under copyright and an indication of the rightholder.

8. Who does copyright belong to?

Copyright initially belongs only to the author of the work, that is to say, the natural person who created the work.

Most of the times it is easy to recognize the author, since his name is mentioned on the work, as happens for example in a book where the writer is mentioned on its cover or a painting where there is the signature of the painter.

You are the author of the picture you took, of the article you wrote for your school's newspaper or of the drawing you made: copyright in these works belongs to you.

More often though, for a work to be created, the cooperation of more people is necessary, each of whom contributes creatively to the work. In such cases, depending on the mode of cooperation, each of the participants is considered to be a co-author and has specific rights over the work.

The author may choose to grant his rights (or part of them) to third parties or simply allow the use. This usually happens on the base of written contracts and thus, third parties become rightholders. For example, a writer may transfer his rights to the publisher who will publish his work, a music composer to a music label, a director to a film company etc.

You should bear in mind that you must seek permission to use a work from the beneficiary and not from the author, when the latter is not the rightholder anymore, i.e. he has transferred his rights over the work to a third party.

However, you should also keep in mind that only the economic right can be transferred, and not the moral one. Therefore, in any case and irrespective of who granted permission you should always mention the name of the author and abstain from uses that may infringe the author's moral right.

9. What constitutes copyright?

As with any right, the essence of copyright, is that the beneficiary has full and exclusive control over the work. This means, on the one hand, that he may use it in any way he sees fit and, on the other hand, that he may prevent any third party from using his work without his permission. In this absolute and exclusive right the law acknowledges certain exceptions for reasons of public interest, as listed below. Copyright entails two types of right: the **economic** and the **moral right**. a. The **economic right**

The economic right allows the author to profit financially from his work.

The economic right includes among others:

1. The right of **fixation** of a work namely the right of the first fixation of a work to a physical carrier (ex. the right to record a musical composition on a CD).

2. The right of **reproduction** of the work namely the production of one or more copies of it (i.e. making photocopies, copying a CD, copying paintings, uploading and downloading works via internet, saving a work on the computer etc.).
3. The right of **creating a derivative work** namely the translation of the work in other languages, its adaptation, adjustment or other modification that only refer to the public use of the work. Therefore, if you translate a work for your personal use, you do not need author's permission.
4. The right of **distribution** of the work (i.e. its sale at stores or on the internet).
5. The right of **lease (commercial lease) and public lending** of the work (lending by libraries and other charitable institutions). The purchase of a copy of a work does not give the right to the owner to lease it or publicly lend it without author's permission. Therefore, stores that lease films (video clubs for example) must receive author's permission in order to lease a film; the simple acquisition of a copy is not enough.
6. The right of **public performance** of a work. Every performance of a work that makes it accessible to a circle of people outside the close circle of family and the immediate social environment of the user, for example the music heard at stores, restaurants and other public spaces constitutes a public performance and necessitates the permission of the authors (and the rightholders of related rights).
7. The right of **radio and television broadcasting** of the work in the sense that for a film to be shown on TV the relevant permission must be sought first.
8. The right of **communication of the work to the public** in any manner (for example, the transmission of the work via the internet).

All in all, no one can exploit or use the work of another without permission except in certain cases of exceptions/limitations listed below.

b. The moral right

Besides the economic right the author also has the moral right that protects the personal connection of the author to the work.

The moral right mainly consists of:

1. The right of **publication**: the right of the author to decide if, how, when and where to make the work available to the public.
2. The right of **paternity**: the right to always be mentioned as the author of the work or even the right to maintain his anonymity or use an alias.
3. The right of **integrity**: the right to prohibit any distortion, cropping or other modification of the work.
4. The right to **access the work** namely the power of the author to have access to his work, even when the economic right or the ownership of the physical carrier that incorporates it belong to a third party and thus, the access should be realized in a way that causes the least possible inconvenience to the beneficiary. For example,

when a painter sells a painting of his, he may ask the buyer to have access to it in order to remember a detail that may be of use to him for a future work.

5. The right **of withdrawal**. This power allows the author to withdraw/back out from contracts of transfer or exploitation of works of words or science, if that is necessary for the protection of his personality due to change in beliefs or circumstances, but only under the condition of a prior payment of compensation to the contractor for his damages.

The distinctiveness of the moral right lies in the fact that it cannot be transferred to another person. It remains with the author even when the author has transferred all his other rights in the work.

10. Are there any limitations to copyright?

The law provides explicitly for certain cases where copyright is limited and there may be free use of works for specified purposes. In such cases though, the name of the author or the rightholder of related rights must always be mentioned and the terms of use provided by law must generally be followed.

Some of these exceptions are roughly as follows:

1. **Quoting of short extracts** to support an opinion or criticize. In other words, you may use excerpts of other people's works at a paper of yours, but in such cases the excerpt should be short, you should be using it in order to support your point of view or to criticize the work and you should always mention the source and the name of the author and publisher.
2. Reproduction of works in **educational textbooks and anthologies**.
3. Reproduction of works for **teaching or exams at educational institutions with reference to the author and the source**.
4. Use of works for **informational purposes**.
5. **Public performance or performance of works at an official ceremony and within the framework of activities at educational institutions** by the staff and students.

Finally, one of the most important exceptions is the reproduction of works **for private use**. The use is private when it is done by the owner of the physical carrier of the work (for example the book, the CD, the DVD etc.,) or by his family and close social circle. For example, you may download a photo from the internet and use it as a wall paper for your PC, but you may not print the same picture on T-shirts and sell them.

These limitations are referred solely to the economic right. **The moral right in general cannot be limited**. The exceptions to copyright also apply to related rights.

NOTE: The reproduction of works for private use severely affects the interests of authors and rightholders of related rights, since it reduces sales and consequently their income. To maintain a balance between the rights of the beneficiaries and the needs of the public, a certain payment of equitable remuneration to the beneficiaries has been anticipated. This equitable remuneration constitutes a percentage over the value of technical means/devices (for example sound recording devices or sound and audio recording, digital copying carriers (CD–RW or CDR), photocopiers, photocopy paper etc.) that are used for the reproduction of works in private. The equitable remuneration is paid by the importers or manufacturers of these means/devices to authors and rightholders of related rights through collecting societies.

11. How long does copyright last and how long do related rights last?

Copyright struggles to find the balance between the rights of the authors deriving from the protection of their works and those of the public to access and use the works. This is the reason why copyright protection, the economic and the moral right last for seventy (70) years from the death of the author. The term of protection is calculated from the 1st of January of the year following the one during which the author passed away. After the term of protection expires, the work enters the public domain that is, it belongs to mankind and everyone can use it freely without seeking permission or paying fees.

Therefore, after the death of the author his heirs have both the economic and the moral right for 70 years and may collect royalties and even invoke the moral right of paternity in case a third party is making an effort to present the work as his own.

NOTE: Two of the powers of the moral right, namely the right of paternity and that of integrity of the work do not have a time limit that is, their protection never expires. So, for example, a work may be used freely without the permission of its author, if 70 years have passed from the time of his death, but even then an incorrect or false reference to its author is not allowed.

The term of related rights is generally defined at fifty (50) years starting from specific business points of production or distribution of the work.

NOTE: If within 50 years after the performance of a work incorporated in a medium of any kind, it gets published or lawfully presented to the public, the protection lasts for 70 years from the date of that first publication or presentation.

12. Is copyright transferable?

The author of a work cannot often exploit his work himself, since he does not have the financial capacity, operational support or infrastructure necessary to do so. This is the reason why he contracts with third parties in order to exploit and build upon the work by transferring the entire economic right or part of it or by providing them with a

permission to exploit it under specific terms. If the author has not fully transferred the rights over his work, he remains the rightholder but simply allows a third party to exercise some of his powers for a limited amount of time and scope or/and a limited geographical area in return for payment of remuneration.

For example, the author of a novel can license a publisher to publish and distribute a novel in Greece and another publisher to translate it into French, publish it and distribute it in France. He can also even license a third party to adapt it into a film or a play.

You should keep in mind that it is up to the author to decide the way in which he will exploit his work.

However, given that the internet does not always facilitate an individual transaction with the author, there have been some initiatives on the internet, such as Creative Commons, which provide the possibility to subsume a work under well-known licenses (regardless of the work's country of origin), in order for the authors to notify the general public of what rights they wish to exercise over their works and under which terms.

For more information on the Creative Commons licenses click on the link below:

<https://creativecommons.ellak.gr/>

13. What is collective rights management?

In practice it is difficult if not impossible, for an author to manage his rights all over the country or even the world, all by himself. This is why he cooperates with collective bodies, which are known as collecting societies. These collective bodies aim at the protection of a certain category of authors or rightholders of related rights and at the administration of their economic rights.

For example, a music composer whose compositions are heard in songs played by stores in Greece and abroad is not able to go at each store in every corner of the earth, so as to collect himself the royalties for his work. Such a role is assumed by the collecting societies that the author has chosen to represent him based on the agreement contracted between him and them. Collecting societies are able to collect royalties from other countries as well based on bilateral agreements with similar organizations in these countries (reciprocity agreements).

In order to find the collecting societies who operate legally in Greece, click on the link below: <http://www.opi.gr/index.php/2013-10-03-12-23-43/2013-10-04-06-35-23>.

14. How can I make use of other people's works legally?

Clearly, to make legal use of someone else's work, you must take permission first.

Permission is not required only in cases of works that belong to the public domain; in other words, works whose term of protection has expired or works that are not protected by copyright or related rights or ideas incorporated in works. Moreover, you may use works of others when their use falls into the limitations or exceptions of the economic right. Finally, you may use works when it is clearly stated that their rightholder disposes them freely or under open content licenses which allows the kind of use you intend to make.

NOTE! Works distributed under Creative Commons licenses are not works that you may use as you like. On the contrary, their use must oblige to the terms set by the specific CC license under which they are distributed.

There are certain websites which include works that are either of the public domain or available for certain uses. In any case before using a work you should check in detail the attached terms of use (or, where available, the terms set by the website) to see what is allowed and what is not.

NOTE: Anything found online is not necessarily free of copyright or/and related rights. This means that you cannot use it without permission unless it is for private use (with the exception of electronic databases). Private use does not include posting works on Facebook or using works found on the platform. The same goes for Youtube as well, and any other content platform or social media platform.

Tip: In order to ask permission from the author you may, for instance, contact him directly when his contact details can be found online or contact his publisher or another rightholder whose details appear on the work. You may also do a search through a search engine for relevant information or seek it from relevant collecting societies that may represent the said author or related rightholder (cf. information on collecting societies. More details on collecting societies can be found at HCO's website).

15. When is there copyright infringement?

Infringement of copyright or of related rights occurs when a work is used without the permission of the rightholder or contrary to such permission. **The infringement occurs even if the infringing action is not for commercial purposes.**

The law provides strict sanctions for such cases, including imprisonment and fines imposition.

16. What is piracy?

The term "piracy" expresses in common parlance the concept of infringement of copyright and/or related rights on a large or commercial scale and refers to the creation, distribution and sale of illegal (pirated) copies of protected works.

Music constitutes one of the most frequently pirated artworks, as do films, books (both conventional and electronic books), video games and software. Piracy is an illicit activity that deeply affects not only the authors and rightholders of related rights, but society as a whole.

More specifically:

1. Piracy deprives authors of the financial compensation to which they are entitled and reduces their ability to carry on the creation of new works.
2. It devalues the creative and artistic professions and reduces the professional choices of our children.
3. The shrinkage of creation inevitably leads to shrinkage of culture.
4. Piracy reduces the incentives of cultural industries to invest in new authors and performers.
5. Consumers are not protected from poor quality copies.
6. Piracy renders legal copies even more expensive.
7. It reduces State's revenues from taxes and social security contributions.
8. Job positions are reduced.

17. Am I allowed to freely download works via the internet and share files of protected works with friends?

Peer-to-peer file sharing is a way through which different Internet users can exchange files on their computer (documents, music and / or video) with the aid of a special software. Under this system, users upload and download files from the internet on their computer.

While it could be argued that file sharing is occurring between individuals and only in the scope of private use, the wide spread of this phenomenon has had a direct impact on the economic exploitation of works harming thus, irreparably the interests of the rightholders, who are no longer able to adequately exploit their works. In other words, if you download on your computer or live stream a film, you no longer have the need or interest to buy it, pay the ticket to watch it at a cinema theater, rent the DVD from a video club or lease it through the internet.

At this point, you may wonder: why pay for something if you can have it for free?

It is simple. Just like in the food chain where all links are important for the survival of the planet, the same occurs in the chain of creation as well, where all links are directly intertwined to financial exploitation. More specifically, if no one pays to watch a film, the producer of the film won't be able to save the money he spent on its production. This means that in the future he won't be able to produce films or at least enough films; this, in turn, will result in the non-compensation of the director, the actors, the writer, the editor, the photographers, the costume designers, the makeup artists, the composers and all the other people who have worked for it. Inevitably the shrinkage of production has an impact on the quality and quantity of the products that reach the consumer.

Consumers are likely to receive less products and of poorer quality. At the same time, the price of these fewer products elevates. If you aspire to the entertainment and fine art business of creative professions, you basically condemn your future with such actions, since you drive out of business all those who can and are willing to invest in the creative process and creative professions. Consequently, State's income is reduced and taxes increase. Therefore, the money you have earned now will be given away later on through other ways, probably less apparent to you.

18. What about social media, content platforms and copyright?

When using the term “social media” we refer to all internet media that involve information sharing and interaction with others. They include social networking sites (Facebook, Twitter, Instagram, Myspace, LinkedIn etc.); websites with user generated content (i.e. blogs, wikis, YouTube); browsers (Google, Bing, Yahoo etc.); file sharing programs (i.e. LimeWire, Flickr); other types of entertainment software, virtual reality and relative interactive services (i.e. Second Life και World of Warcraft); all of them are programs that are widely used by everyone. Copyright and related rights law apply to social media platforms, just like in any other case.

In consequence, I am not allowed to freely post and reproduce images, music files or videos at my social media accounts without the permission of the author or unless the author had uploaded first this content on the web for free use. The same preconditions apply vis-à-vis my creations uploaded on social media, might they be photographs, texts or any other type of work.

Most social platforms are based on other countries; each country may apply the law as agreed upon in contracts with its users (“contract of agreement” is considered to be the terms of use agreed upon when creating a new account at such platforms), which may differ from the Greek law.

You are advised to carefully read the terms of use of the said platforms (including those that refer to copyright), so that you know your rights and obligations, and you are able to make queries, raise complaints or generally appeal to the platform's administrators.

19. Where can I find more information on copyright and related rights?

For more details visit the website of Hellenic Copyright Organization at <http://www.opi.gr> and <http://www.opi.gr/index.php/2013-10-03-12-24-10/2013-1004-06-43-11>.