



OFFICIAL NEWSPAPER OF THE REPUBLIC OF CYPRUS

APPENDIX ONE

LEGISLATION - PART I

Number 4912	Friday, October 7, 2022	1307
--------------------	--------------------------------	-------------

The Election (President and Vice-President of the Republic) (Amendment) Law of 2022 is issued by publication in the Official Gazette of the Republic of Cyprus in accordance with Article 52 of the Constitution.

Number 149(I) of 2022

AN ACT TO AMEND THE ELECTION (PRESIDENT AND VICE-PRESIDENT OF THE REPUBLIC) ACTS OF 1959 TO 2020

The House of Representatives votes as follows:

Short title.

37 of 1959

41 of 1959

43 of 1959

81 of 1982

19 of 1988

108(I) of

1992 86(I) of

1996 18(I) of

1997 91(I) of

1997 1(I) of

1998 196(I)

of 2002 1(I) of

2013 164(I)

of 2015 91(I)

of 2016 90(I)

of 2017 155(I)

of 2017 112(I)

of 2020.

1. This Law shall be referred to as the Election (President and Vice-President of the Republic) (Amendment) Law of 2022 and shall be read together with the Election (President and Vice-President of the Republic) Laws of 1959 to 2020 (hereinafter referred to as "the principal Act") and the principal Act and this Act shall together be referred to as the Election (President and Vice-President of the Republic) Acts 1959 to 2022.

Repeal of
Article 44 of
the Basic Law.

2. Article 44 of the basic law is repealed.

EU. Par. I(I)
No. 4912, 7.10.2022

Law 150(I)/2022

The Social Insurance (Amendment) (No. 3) Law of 2022 is issued by publication in Official Gazette of the Republic of Cyprus in accordance with Article 52 of the Constitution.

No. 150(I) of 2022 AN
ACT TO AMEND THE SOCIAL SECURITY LAWS OF 2010 TO (NO. 2)
OF 2022

The House of Representatives votes as follows:

Short title.

59(I) of
2010 114(I) of
2010 126(I) of
2011 2(I) of
2012 37(I) of
2012 170(I) of
2012 193(I) of
2012 106(I) of
2014 194(I) of
2014 176(I) of
2015 1(I) of
2017 52(I)
of 2017 115(I)
of 2017 132(I)
of 2018 126(I)
of 2019 194(I)
of 2020 88(I)
of 2021 101(I)
of 2021 168 (I)
of 2021 44(I) of
2022 81(I) of
2022.

1. This Act shall be cited as the Social Insurance (Amendment) (No. 3) Act of 2022 and shall be read together with the Social Insurance Acts of 2010 to (No. 2) of 2022 (hereinafter referred to as "the principal Act") and the principal Act and this Act shall together be referred to as the Social Insurance Acts 2010 to (No. 3) of 2022.

Amendment
of Article 31
of the Basic
Law.

2. Article 31 of the basic law is amended by replacing at the end of the second proviso of subsection (1) this point with a colon and adding, immediately after, the following new proviso:

"It is further understood that, a person who has acquired the right to a statutory pension between the sixty-third (63rd) year of his age and the pensionable age, but has not exercised the right to receive such a pension, in accordance with the provisions of article 35A, has the right to a sickness allowance of a maximum duration of one hundred and fifty-six (156) days within the same period of interruption of his employment, provided he satisfies the relevant insurance conditions and provided that-

- (a) immediately before the start of the period of interruption of his employment due to incapacity for work, he was in insurable employment which has not been terminated;
and
- (b) has completed, immediately before the start of the period in question, at least thirteen (13) consecutive weeks of employment for which he paid contributions equal to at least the basic insurable earnings times thirteen (13)."

Amendment
of Article 65 of
the Basic Law.

3. Article 65 of the principal law is amended by replacing at the end of the proviso in subsection (1) this point with a colon and adding, immediately after, the following new proviso:

"It is further understood that, in a case where an insured person who has reached the age of sixty-three (63) establishes at the same time the right to a sickness benefit and a statutory pension and requests a sickness benefit, based on the provisions of the third proviso of subsection (1) of article 31, then for the period of the interruption of his employment due to illness, he receives a sickness allowance regardless of the amount of the statutory pension to which he has established a right."

EU. Par. I(l)
No. 4912, 7.10.2022

Law 151(l)/2022

The Value Added Tax (Amendment) (No. 2) Law of 2022 is issued by publication in Official Gazette of the Republic of Cyprus in accordance with Article 52 of the Constitution.

Number 151(l) of 2022

LAW AMENDING THE VALUE ADDED TAX LAWS OF 2000 TO 2022

The House of Representatives votes as follows:

Short title.

95(l) of

2000 93(l) of

2002 27(l) of

2003 172(l) of

2003 95(l) of

2004 88(l) of

2005 100(l) of

2005 131(l) of

2005 148(l) of

2005 64(l) of

2006 86(l) of

2006 87(l) of

2006 48(l) of

2007 129(l) of

2007 141(l) of

2007 142(l) of

2007 143(l) of

2007 25(l) of

2008 37(l) of

2008 38(l) of

2008 63(l) of

2008 88(l) of

2008 35(l) of

2009 135(l) of

2009 13(l) of

2010 29(l) of

2010 68(l) of

2010 97(l) of

2010 131(l) of

2010 4(l) of

2011 37(l) of

2011 129(l) of

2011 186(l) of

2011 187(l) of

2011 16(l) of

2012 73(l) of

2012 133(l) of

2012 135(l) of

2012 167(l) of

2012 172(l) of

2012 83(l) of

2013 118(l) of

2013 129(l) of

2013 164(l) of

2013 81(l) of

2014 153(l) of

2014 154(l) of

2014 155(l) of

2014 160(l) of

2014 215(l) of

2015 119(l) of

2016 86(1) of

2017 135(l) of

2017 157(l) of

2017 39(l) of

2018

1. This Act shall be cited as the Value Added Tax (Amendment) (No. 2) Act of 2022 and shall be read together with the Value Added Tax Acts of 2000 to 2022 (hereinafter referred to as "the principal Act ») and the principal Act and this Act shall together be referred to as the Value Added Tax Acts 2000 to (No. 2) of 2022.

60(I) of 2018
121(I) of 2018
31(I) of 2019
70(I) of 2019
158(I) of 2019
24(I) of 2020
79(I) of 2020
121(I) of 2020
122(I) of 2020
147(I) of 2020
178(I) of 2020
5(I) of 2021
72(I) of 2021
80(I) of 2021
181(I) of 2021
182(I) of 2021
32(I) of 2022.

Amendment
of Article 45 of
the Basic Law.

2. Article 45 of the basic law is amended by replacing the seventh
subject to subsection (3) thereof, with the following proviso:

"It is further understood that, in the case of a tax return submitted on the basis of the Regulations which are issued pursuant to the provisions of article 20 for the specified tax period ending on December 31, 2021 or a VAT amount due on February 10, 2022, no additional tax and financial burden is imposed, provided that the taxable person submits the tax return for this period within the specified period and pays the amount of VAT due in three (3) equal installments, payable by February 10, 2022, 10 March 2022 and 10 April 2022."

Amendment
of Article 46A of
the Basic Law.

3. Article 46A of the basic law is amended by substituting subsection (5)
thereof, with the following paragraph:

"(5) The provisions of subsections (3) and (4) of article 45 and subsections (9) and (10A) of article 46 do not apply for the specified tax period ending on December 31, 2021 or in the case of an amount of VAT due on February 10, 2022, provided that the taxable person submits the tax return for this period within the specified period and pays the amount of VAT due in three (3) equal installments, payable by February 10, 2022, on March 10 2022 and on 10 April 2022."

EU. Par. I(I)
No. 4912, 7.10.2022

Law 152(I)/2022

**The Value Added Tax (Amendment) (No. 3) Law of 2022 is issued by publication in
Official Gazette of the Republic of Cyprus in accordance with Article 52 of the Constitution.**

Number 152(I) of 2022
LAW AMENDING THE VALUE ADDED TAX LAW
FROM 2000 TO (NO. 2) OF 2022

The House of Representatives votes as follows:

Short title.

95(I) of

2000 93(I) of

2002 27(I) of

2003 172(I) of

2003 95(I) of

2004 88(I) of

2005 100(I) of

2005 131(I) of

2005 148(I) of

2005 64(I) of

2006 86(I) of

2006 87(I) of

2006 48(I) of

2007 129(I) of

2007 141(I) of

2007 142(I) of

2007 143(I) of

2007 25(I) of

2008 37(I) of

2008 38(I) of

2008 63(I) of

2008 88(I) of

2008 35(I) of

2009 135(I) of

2009 13(I) of

2010 29(I) of

2010 68(I) of

2010 97(I) of

2010 131(I) of

2010 4(I) of

2011 37(I) of

2011 129(I) of

2011 186(I) of

2011 187(I) of

2011 16(I) of

2012 73(I) of

2012 133(I) of

2012 135(I) of

2012 167(I) of

2012 172(I) of

2012 83(I) of

2013 118(I) of

2013 129(I) of

2013 164(I) of

2013 81(I) of

2014 153(I) of

2014 154(I) of

2014 160(I) of

2014 215(I) of

2014 119(I) of

2016 86(I) of

2017 135(I) of

2017 157(I) of

2017 39(I) of

2018 60(I) of

2018

1. This Law shall be cited as the Value Added Tax (Amendment) (No. 3) Law of 2022 and shall be read together with the Value Added Tax Laws of 2000 to (No. 2) of 2022 (hereinafter referred to as "the principal Act") and the principal Act and this Act shall together be referred to as the Value Added Tax Acts 2000 to (No. 3) of 2022.

121(I) of 2018
 31(I) of 2019
 70(I) of 2019
 158(I) of 2019
 24(I) of 2020
 79(I) of 2020
 121(I) of 2020
 122(I) of 2020
 147(I) of 2020
 178(I) of 2020
 5(I) of 2021
 72(I) of 2021
 80(I) of 2021
 181(I) of 2021
 182(I) of 2021
 32(I) of 2022
 151(I) of 2022.

Amendment
 of the basic
 law with the
 addition of the
 new article 11F.

2. The basic law is amended by the addition, immediately after its article 11E, of following new article:

"Reverse
 charge for
 unwrought and
 semi-wrought
 precious metals.

11F.-(1) The provisions of this article apply to deliveries of raw and semi-finished precious metals, excluding deliveries governed by the provisions of articles 40 and 42A.

(2) The deliveries of goods provided for in subsection (1) are considered for the purposes of the First Schedule as taxable transactions of the recipient and the person who carries them out, as long as the recipient receives the goods in the context of carrying out his business or to promote the business he carries out, even if they are capital elements of the recipient's business.

(3) For the purposes of subsection (2), the value of the transaction is determined on the basis that no VAT is imposed. in the transaction.

(4) In a case where-

- (a) a taxable person supplies goods to a person ("the recipient") at any time;
- (b) the goods delivered fall within the goods which provided for in subsection (1); and
- (c) the recipient is a taxable person at the time of the transaction and receives the goods in the course of his business or in furtherance of his business;

the provisions of this Law and in particular the provisions that impose VAT. on transactions and the provisions that give taxable persons the right to a deduction of input tax are applied as if the recipient himself had delivered the goods in the context of carrying out his business or to promote the business he carries out.

(5) The provisions of this Law which regulate the amount of input tax which a taxable person is entitled to deduct, apply to the transactions for which, pursuant to the provisions of this article, the VAT rendered by the recipient.

(6) A person who is subject to the provisions of this article, keeps a record book of purchases of second-hand items, as defined in the Law on the Cyprus Marking Organization of Precious Metal Items, for a period of six (6) years.

52(l) of 2009
139(l) of 2012
45(l) of 2013
55(l) of 2020.

EU. Par. I(I)
No. 4912, 7.10.2022

Law 153(I)/2022

The Auditors (Amendment) Law of 2022 is issued by publication in the Official Gazette of the Republic of Cyprus in accordance with Article 52 of the Constitution.

Number 153(I) of 2022

AN ACT TO AMEND THE AUDIT LAWS OF 2017 TO 2020

The House of Representatives votes as follows:

Short title.

53(I) of

2017 171(I) of

2017 7(I) of

2018 69(I) of

2019 12(I) of

2020.

1. This Act shall be cited as the Auditors (Amendment) Act 2022 and shall be read together with the Auditors Acts 2017 to 2020 (hereinafter referred to as "the principal Act") and the principal Act and this Law will be referred to together as the Auditors Laws of 2017 to 2022.

Amendment
of Article 2 of
the Basic Law.

2. Subsection (1) of article 2 of the basic law is amended by adding the words "or "Authority" at the end of the term ""Authority of Public Supervision of the Auditing Profession" "or ADEEElep".

Amendment
of Article 6 of
the Basic Law.

3. Article 6 of the basic law is amended as follows:

(a) By substituting this subheading for the following subheading:

"Establishment of a Board of Directors and appointment of a General Manager of ADEEElep.";

(b) by substituting for subsections (3), (4), (5), (6) and (7) thereof, the following verses:

115 of 1990

58(I) of 1992

29(I) of 2006

171(I) of 2007

118(I) of 2022.

"(3) The Board of Directors of the Authority appoints the General Manager of the Authority, in accordance with the provisions of the Public Law Legal Entities (Appointment of General Managers) Law.

(4) A vacant position of Director General of the Authority is filled following a notice, which is published in the Official Gazette of the Republic.

(5) The appointment of the Director General of the Authority is sanctioned by the Council of Ministers.

(6) The terms of service of the General Manager of the Authority are determined in accordance with the provisions of the Legal Entities of Public Law (Appointment of General Managers) Law.

(7) The General Director of the Authority shall not be employed in any other paid work during the period for which he was appointed.";

(c) by substituting in subsection (8) for that phrase "The Director of the Office" (first line), with the phrase "The Director-General"; and

(d) by adding in subsection (9) thereof, before the word "Director" (first line), the word "General" and substituting for the phrase "in the Office of" (third line) the word "in ».

Amendment
of Article 80 of
the Basic Law.

4. Article 80 of the basic law is amended as follows:

(a) By substituting in subsection (1) for the phrase "the Director of the Office" (ninth line), the phrase "the Director-General" and adding, before the word "Director" (ninth line) and before from the word "Director" (tenth line), of the word "General"; and

(b) by inserting in paragraph (b) of subsection (4) thereof, before the word "Director" (first line), of the word "General".

Amendment
of Article 82 of
the Basic Law.

5. Article 82 of the principal law is amended by replacing in paragraph (a) of subsection (1) the phrase "Director of the Office" (fourth line), with the phrase "Director-General".

Amendment
of Article 83 of
the Basic Law.

6. Article 83 of the basic law is amended by replacing in paragraph (a) the phrase "Director of the Office" (second line), with the phrase "Director General".

Amendment
of Article 84 of
the Basic Law.

7. Section 84 of the principal law is amended by substituting in subsection (1) for the phrase "The Director of the Office" (first line), the phrase "The Director-General".

Amendment
of Article 85 of
the Basic Law.

8. Article 85 of the basic law is amended by replacing subsection (1) thereof of the phrase "Director of the Office" (first line), with the phrase "Director General".

Amendment
of Article 86 of
the Basic Law.

9. Article 86 of the basic law is amended by replacing in paragraph (a) the phrase "Director of the Office" (second line), with the phrase "Director General".

Amendment
of Article 87 of
the Basic Law.

10. Article 87 of the basic law is amended by replacing the phrase "Director of the Office" (fifth and sixth lines), with the phrase "Director General".

Amendment
of Article 88 of
the Basic Law.

11. Subsection (7) of article 88 of the basic law is amended as follows:

(a) By deleting in paragraph (g) of this the words "of the Office" (third and sixth line, respectively); and

(b) by substituting in paragraph (k) for the words "Director of the Office" (second line), the words "Director-General" and deleting the words "of the Office" (fourth line).

Amendment
of Article 89 of
the Basic Law.

12. Article 89 of the basic law is amended as follows:

(a) By substituting in subsection (1) for that phrase "Director of the Office" (second line), with the phrase "General Manager"; and

(b) by substituting in subsection (2) for the words "Director of the Office" (second and sixth lines, respectively), the words "Director-General".

Amendment
of Article 90 of
the Basic Law.

13. Article 90 of the principal law is amended by adding in subsection (3) thereof, before the word "Director" (first line), the word "General".

Amendment
of Article 91
of the Basic
Law.

14. Section 91 of the principal Act is amended by substituting in subsection (5) for the phrase "Director of the Office" (second line), the phrase "Director-General".

Amendment
of Article 92 of
the Basic Law.

15. Article 92 of the basic law is amended by adding to subsection (1) thereof, before the word "Director" (second line), of the word "General".

Amendment
of Article 93 of
the Basic Law.

16. Section 93 of the principal Act is amended by substituting in subsection (2) of this phrase "Director of the Office" (third line), with the phrase "Director General".

Amendment
of Article 95 of
the Basic Law.

17. Section 95 of the principal law is amended by substituting in subsection (1) for the phrase "Director of the Office" (second line), the phrase "Director-General".

Amendment
of Article 97 of
the Basic Law.

18. Article 97 of the basic law is amended as follows:

- (a) By substituting in paragraph (c) of subsection (2) for the phrase "The Director of the Office" (first line), the phrase "The Director-General";
- (b) by substituting in paragraph (a) of subsection (3) for the phrase "Director of the Office" (first line), the phrase "Director-General"; and
- (c) by substituting in paragraph (b) of subsection (4) for the phrase "Director of the Office" (fourth line), the phrase "Director-General".

EU. Par. I(I)
No. 4912, 7.10.2022

Law 154(I)/2022

The Open Type Collective Investment Organizations (Amendment) Law of 2022 is issued by publication in the Official Gazette of the Republic of Cyprus in accordance with Article 52 of the Constitution.

Number 154(I) of 2022

LAW AMENDING THE OPEN FORM OF COLLECTIVE INVESTMENT INSTITUTIONS LAWS FROM 2012 TO 2021

Preamble. For the purposes of harmonization with the act of the European Union entitled "Directive (EU) 2021/2261 of the European Parliament and of the Council of 15 December 2021 amending Directive 2009/65/EC as regards the use of key information documents by management companies certain undertakings for collective investment in transferable securities (UCITS)"

Official Journal of the EU: L. 455, 20.12.2021, p. 15.

The House of Representatives votes as follows:

Short title. 1. This Act shall be referred to as the Open-ended Undertakings for Collective Investments (Amendment) Act 2022 and shall be read together with the Open-ended Undertakings for Collective Investments Acts 2012 to 2021 (hereinafter referred to as "the principal Act") and the principal law and this Law shall together be referred to as the Open-Ended Collective Investment Schemes Laws of 2012 to 2022.

78(I) of 2012 88(I) of 2015 52(I) of 2016 134(I) of 2019 134(I) of 2021.

Amendment of Article 2 of the Basic Law. 2. Article 2 of the basic law is amended by adding to subsection (1) thereof, in the appropriate alphabetical order, the following new term and its definition:

Official Journal of EE: L. 352, 9.12.2014, p. 1; L. 455, 20.12.2021, p. 1.

""Regulation (EU) no. 1286/2014" means the act of the European Union entitled "Regulation (EU) no. 1286/2014 of the European Parliament and of the Council of 26 November 2014 on key information documents relating to packaged retail investment products and insurance-based investment products (PRIIPs)", as last amended by Regulation 2021/2259 of the European Parliament and the Council of December 15, 2021;".

Amendment of the basic law by the addition of the new article 65A. 3. The basic law is amended by the addition, immediately after article 65 thereof, of following new article:

"Basic information document based on Regulation (EU) no. 1286/2014. 65A.-(1) In the event that a Management Company, for any of the Mutual Funds it manages or a Variable Capital Investment Company, prepares, provides, revises and/or translates a key information document, which complies with the requirements for basic information document provided for in Regulation (EU) no. 1286/2014, the Capital Market Commission considers that the said key information document meets the requirements that apply with regard to key information for investors, in accordance with the provisions of articles 62 to 65 and subsections (2) to (5) of the article 70.

(2) The Capital Market Commission does not require a Management Company in respect of any of the Mutual Funds it manages or a Variable Capital Investment Company to prepare basic information for investors, in accordance with the provisions of articles 62

to 65 and subsections (2) to (5) of article 70, in case it prepares, provides, revises and/or translates a key information document, which meets the requirements for the key information document provided for in Regulation (EU) No . 1286/2014."

4. The validity of this Law begins on January 1 , 2023.

Commencement
of this Law.

EU. Par. I(I)
No. 4912, 7.10.2022

Law 155(I)/2022

The Intellectual Property Right and Related Rights (Amendment) Law of 2022 is issued by publication in the Official Gazette of the Republic of Cyprus in accordance with Article 52 of the Constitution.

Number 155(I) of 2022

AN ACT TO AMEND THE INTELLECTUAL PROPERTY RIGHTS AND RELATED RIGHTS LAWS OF 1976 TO 2020

Preamble.

For purposes-

(a) harmonization with the acts of the European Union entitled

Official
Journal of the
EU: L130,
17.05.2019, p.
82.

(i) "Directive 2019/789/EU of the European Parliament and of the Council of 17 April 2019 laying down rules on the exercise of intellectual property rights and related rights applicable to certain online transmissions by broadcasters and retransmissions of television and radio programs , and for the amendment of Council Directive 93/83/EEC", and

Official
Journal of the
EU: L130,
17.5.2019, p.
92.

(ii) "Directive 2019/790/EU of the European Parliament and of the Council of 17 April 2019 on intellectual property rights and related rights in the digital single market and amending Directives 96/9/EC and 2001/29/EC" ,

Official
Journal of the
EU: L376,
27.12.2006, p.
28.

(b) better harmonization with the act of the European Union entitled "Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on the right to lease, the right to borrow and on certain rights related to intellectual property in the field of the products of the intellect", and

Official
Journal of the
EU: L89,
11.4.2000, p.
15.

(c) better implementation of the provisions of the World Copyright Organization's Performances and Phonograms Treaty (WPPT), adopted in Geneva on December 20, 1996, and its Joint Declarations.

The House of Representatives votes as follows:

Short title.
59 of 1976
63 of 1977
18(I) of 1993
54(I) of 1999
12(I) of 2001
128(I) of 2002
128(I) of 2004
123(I) of 2006
181(I) of 2007
207(I) of 2012
196(I) of 2014
123(I) of 2015
66(I) of 2017
77(I) of 2019
56(I) of 2020.

1. This Act shall be cited as the Intellectual Property Right and Neighboring Rights (Amendment) Act 2022 and shall be read together with the Intellectual Property Right and Neighboring Rights Acts 1976 to 2020 (hereinafter referred to as " the principal Act") and this Act and the principal Act shall together be referred to as the Intellectual Property Right and Related Rights Acts 1976 to 2022.

Amendment
of the Basic
Law.

2. The basic law is amended by replacing the word "recording", in whatever grammatical form it corresponds to, with the word "phonogram".

Amendment
of Article 2 of
the Basic Law.

3. Subsection (1) of article 2 of the basic law is amended as follows:

- (a) By substituting the following for the definition of "retransmission" definition:

"retransmission" means a simultaneous, unaltered and uncut retransmission, other than cable retransmission, intended for public reception of the original transmission from another Member State of television or radio programs intended for public reception, when such original transmission carried out by wire or wireless, including satellite transmission and excluding online transmission, provided that-

- (a) the retransmission is carried out by an entity other than the broadcasting organization which made the original transmission or under whose control and responsibility the original transmission took place, regardless of how the retransmitting entity receives the program carrier signals by the broadcasting organization for the purpose of retransmission; and

- (b) where the retransmission is via an internet access service, it is carried out in a controlled environment:

Official
Journal of the
EU: L310,
26.11.2015, p.
1.

It is understood that, for the purposes of this definition, "internet access service" has the meaning assigned to this term by Article 2 of the act of the European Union entitled "Regulation of the European Parliament and of the Council of 25 November 2015 on the adoption of measures on access to the open internet and amending Directive 2002/22/EC on universal service and users' rights in electronic communications networks and services and Regulation (EU) no. 531/2012 on roaming on public mobile communications networks within the Union";

- (b) by adding to the definition of the term "creator", immediately after the words "painter, designer" (tenth line), the phrase ", illustrator";

- (c) by substituting the following definition for the term "broadcast":

"broadcast" means the transmission by radio telegraph or telegraphy, or by both, of sounds or images and sounds or performances thereof, for the purpose of reception by the public, the transmission of encrypted signals, provided that the means of deciphering them are provided to the public by the broadcasting organization or with its consent, as well as retransmission and any method of reception or transmission by satellite or cable system for any use;

- (d) by adding to the definition of the term "work", immediately after the word "proyřistamřvřv" (second line), the phrase "scientific, philological, musical or artistic";

- (e) by replacing the definition of "cable relay" with the following definition:

"cable retransmission" means the simultaneous, unaltered and uncut retransmission, by means of cable or microwave systems, for the purpose of reception by the public of an original wire or wireless transmission from another Member State, including satellite transmission of television or radio programs intended for reception by the public, regardless of how the cable retransmission service provider receives the program carrier signals from the broadcasting organization for the purpose of retransmission; and

- (f) by adding, in appropriate alphabetical order, the following new terms and of their definitions:

""direct transmission" means the technical process by which a broadcasting organization transmits its program-carrying signals to an organization other than the broadcasting organization in such a way that the public does not have access to the program-carrying signals during such transmission;

"recording" means the incorporation of sounds or their performance, through which they can be perceived, reproduced or presented by means of a special device;

"press publication" means a collection consisting mainly of speech works of a journalistic nature, which may include other works or objects of protection and which-

- (a) is a single item in the context of a periodical publication or a publication regularly updated under a single title, such as a newspaper or magazine of general or special interest;
- (b) is intended to provide the general public with information relating to news or other matters; and
- (c) is published in any medium under the initiative, editorial responsibility and control of a service provider;

Provided that, this definition does not include-

- (a) journals published for scientific or academic purposes; and
- (b) blogs that provide information as part of an activity that is not carried out under the initiative, editorial responsibility and control of a service provider, such as a news publisher;

"controlled environment" means an environment in which a relay service operator provides secure relay to authorized users;

"text and data mining" means an automated analytical technique which aims to analyze data in digital form with the aim of producing information, including patterns, trends and correlations;

89(l) of 2020. "online market" has the meaning assigned to that term by article 3 of the Security of Networks and Information Systems Law;

"research organization" means a university, including its libraries, a research institution or other entity whose primary objective is to conduct scientific research or to carry out educational activities which include the conduct of scientific research-

- (a) on a non-profit basis or by reinvesting all its profits in scientific research; or
- (b) in the context of a mission to serve the public interest recognized by a member state,

in such a way that a company that exercises a decisive influence on such an organization cannot benefit against

priority over access to scientific research results;

"cultural heritage institution or body" means a publicly accessible library, museum or gallery, film or audio heritage archive or institution;

"producer of phonograms" means a natural or legal person who takes the initiative or is responsible for recording for the first time the sounds of a performance or other sounds or the sound performance;

"ancillary online service" means the online service which has a clear dependency relationship with the broadcasts of the broadcasting organizations and which consists in the provision to the public by a broadcasting organization or under its control and responsibility of broadcasting programs simultaneously with or for a specified period after transmission from the broadcasting organization, as well as any material incidental to said broadcast;

"presentation to the public" means the exclusive right of control of the right holder in the Republic of the acts provided for in paragraph (vi) of subsection (1) of article 7 and includes the presentation to the public of a performance or 37(III) of 2004. phonogram, such as the center performed in the World Copyright Organization Digital Broadcasting and Hyperlinking to Works Protected by Copyright:

Provided that, this definition does not include placing on a website a hyperlink to works freely available on another website;

"online content sharing service provider" means an information society service provider whose main or one of the main purposes is to store and provide public access to a large number of copyrighted works or other protected objects uploaded by users of which the service organizes and promotes for profit:

Provided that, this definition does not include service providers, including non-profit online encyclopedias, non-profit educational and scientific repositories, open source software development and sharing platforms, electronic communications service providers, as defined in the Regulation of Electronic Communications and Postal Services Act, online marketplaces and business-to-business cloud computing services, and cloud computing services that allow users to upload content for personal use;

112(I) of 2004
84(I) of 2005
149(I) of 2005
67(I) of 2006
113(I) of 2007
134(I) of 2007
46(I) of 2008
103(I) of 2009
94(I) of 2011
51(I) of 2012
160(I) of 2013
77(I) of 2014
104(I) of 2016
112(I) of 2016
76(I) of 2017
90(I) of 2020
23(I) of 2022.

"Geneva Convention" means the World Copyright Organization for Performances and Phonograms International Treaty (WPPT), adopted at Geneva on December 20, 1996 and ratified by the World Copyright Organization for Performances and Phonograms Treaty the Phonograms (Authorization) Law and includes its Joint Declarations;

Official
Journal of
the EU: L241,
19.9.2015, p. 1.

"information society service" has the meaning assigned to the term "service" by item b) of paragraph (1) of article 1 of the act of the European Union entitled "Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 on the establishment of an information procedure in the field of technical specifications and rules on information society services";

"phonogram" means a recording of sounds resulting from a performance or other sounds or from a representation of sounds, other than material incorporation in a motion picture or other audiovisual work;"

Amendment
of Article 3 of
the Basic Law.

4. Subsection (1) of article 3 of the basic law is amended as follows:

(a) By replacing paragraph (b) thereof, with the following paragraph:

"(b) under a related right-

(i) press releases;

(ii) interpretations or performances of works by artists;" and

(b) by adding, immediately after paragraph (b) thereof, the following new paragraph:

"(c)(i) The provisions on the protection of intellectual property shall apply mutatis mutandis to related rights:

It is understood that the provisions of this Law which provide protection to related rights are not amenable to expansive interpretation.

(ii) The provisions that provide protection to related rights cannot be interpreted in a way that affects, directly or indirectly, in the present or in the future, even potentially, the protection of intellectual property works, as well as the interests of creators . (iii) The exceptions and limitations recognized to the detriment of intellectual property in this article and in article 7, including the provisions on exhaustion of rights, shall, in the absence of a contrary provision, also apply to related rights."; and

(c) by removing the proviso thereto.

Amendment
of Article 7 of
the Basic Law.

5. Article 7 of the basic law is amended as follows:

(a) By amending subsection (1) thereof as follows:

(i) By adding in paragraph (a) thereof, immediately after the word "property" (first line), the words "and the related right"; and

(ii) by substituting for paragraph (b) thereof the following paragraph:

"(b)(i) The right to consent or to prohibit the rental and lending of originals and copies of protected objects as provided in Article 3 shall not be exhausted by any sale, physical incorporation or other act of distribution thereof.

(ii) The rights provided for in subparagraphs (vi) and (vii) of paragraph (a) are not exhausted by any act of presentation or making available to the public.

(iii) The exclusive rental and lending right of the creator, performer, producer of phonograms and producer of the first material embodiment of a film, in respect of the original and copies of his film, may be transferred, assigned or be the subject of contractual licenses.;

(b) by amending subsection (2) thereof as follows:

(i) By replacing paragraph (f) thereof, with the following paragraph:

"(f) quoting excerpts for the purpose of criticism or bibliography, provided that they relate to a work or other objects that have already been made legally available to the public and that the source is indicated, including the name of the author, unless it is established that this is impossible, and that this quotation is in accordance with good morals and its extent is justified by its purpose;";

(ii) by substituting for paragraph (j) thereof, the following paragraph:

"(j) specific acts of reproduction of a work carried out by publicly accessible libraries, educational institutions or museums or by archives and which do not aim, directly or indirectly, at economic or commercial benefit, subject to the exceptions and limitations provided for in the articles 24 to 44

(iii) by replacing paragraph (h) thereof, with the following paragraph:

"(r) use only for the sake of illustration in teaching or scientific research, as long as the source is mentioned including the name of the author, unless it is found that this is impossible, and if it is justified by the intended non-commercial purpose provided that the beneficiaries receive reasonable compensation and subject to the provisions of articles 26 and 28 regarding the online use of the works:

Provided that, an excerpt of a work used for the purposes of this paragraph may not exceed five percent (5%) of the entire work, excluding works of poetry, unless otherwise provided in a relevant agreement:

It is further provided that the exception and limitation provided for in this paragraph do not apply to the extent that suitable licenses are readily available in the market, according to which the acts referred to in this paragraph are permitted and which meet the needs and specificities of the educational institutions :

It is further provided that, in the event of granting the licenses referred to in the second proviso, these are notified by the beneficiaries to the Intellectual Property and Related Rights Authority, which publishes them;" and

(iv) by replacing at the end of paragraph (s) that semicolon with a colon and adding, immediately thereafter, the following new paragraph:

"(k) use for caricature, parody or imitation."; and

(c) by adding, immediately after subsection (5) thereof, the following new subsections:

"(6) The exceptions referred to in the provisions of subsection (2), and in the temporary acts of reproduction are applied only in certain special cases that do not contradict the normal exploitation of the work or other object of protection and that do not unjustifiably affect the legal interests of its owner right.

(7)(a)(i) The Authority, following a request from any public institution, may, by its decision, deviate from the rule of the exclusive right of the authors of the consent or the prohibition of public lending of originals and copies of works protected by their intellectual property or other protected objects, subject to the payment of a fee to the authors for such lending.

(ii) The Authority may determine the fee referred to in subparagraph (i) taking into account the objectives of cultural promotion.

(b) The Minister may, by decree, exempt certain categories of institutions from the payment of the fee provided for in paragraph (a), in the event that the lending carried out by said institutions constitutes a secondary occasional activity."

Amendment
of Article 7C of the
Basic Law.

6. Article 7C of the basic law is amended by replacing subparagraph (b) of subparagraph (iii) of paragraph (b) of subsection (3) thereof, with the following subparagraph:

"(b) exclusively for educational or research purposes, as long as the source is always mentioned, to the extent that this use is justified by the intended non-commercial purpose, subject to the exceptions and limitations provided for in articles 24 to 44."

Amendment
of Article 7F of the
Basic Law.

7. Article 7F of the basic law is amended as follows:

(a) By numbering the existing text in subsection (1); and

(b) by the addition, immediately after subsection (1) thereof, as numbered, of following new paragraphs:

"(2) The right of distribution is not exhausted within the European Union with regard to the object provided for in subsection (1), excluding the case of the first sale in the European Union of this object by the beneficiary or with his consent.

(3) The distribution right may be transferred, assigned or subject to contractual licenses."

Amendment
of Article 10A of
the Basic Law.

8. Subsection (3) of article 10A of the basic law is amended by replacing the word "station" in any grammatical form it corresponds to, with the words "radio-television organization".

Amendment of
Article 10C of the
Basic Law.

9. Article 10C of the basic law is amended by adding, immediately after the paragraph (3) of this, the following new subsection:

"(4) Broadcasting organizations have the exclusive right to permit or prohibit the wireless retransmission of their broadcasts, as well as the presentation of their broadcasts to the public, in the event that such presentation takes place in places where entry is permitted to the public against payment of consideration."

Amendment
of the basic
law with the
addition of the
new articles 10D
to 10ÿ.

10. The basic law is amended by adding, immediately after article 10C thereof, the following new articles:

"Application of
the country of
origin principle to
ancillary online
services.

10D.-(1) The following acts are considered, for the purposes of exercising intellectual property rights and related rights related to these acts, to be carried out exclusively in the Member State in which the broadcasting organization has its main establishment:

(a) Acts of presenting to the public and making available to the public works or other objects of protection, by wired or wireless means, in such a way as to provide the members of the public with the possibility of accessing them at a place and time chosen by each individually, which are carried out, when provided to the public in an ancillary online service by or under the control and responsibility of a broadcaster
of-

(i) radio programs; and

(ii) television programs which are-

(aa) news and current affairs programmes; or

(bb) fully self-financed, productions of the broadcaster, excluding productions commissioned by the broadcaster to producers independent of the broadcaster and co-producers:

Provided that, the provisions of this paragraph do not apply to broadcasts of sports events and works, as well as other objects of protection included in them; and

(b) acts of reproduction of such works or other protected objects necessary for the provision, access to or use of this online service for the same programs.

(2) The provision to the public of radio and television programs by or under the control and responsibility of a broadcasting organization provided for in subsection (1) is carried out simultaneously with or within a period of fifteen (15) days from the date of their transmission by the broadcasting organization.

(3)(a) In determining the amount of remuneration payable for rights to which the country of origin principle referred to in subsection (1) applies, the parties shall take into account all aspects of the ancillary online service, including its characteristics service, of the duration of the online

availability of the programs provided in this service, the public, as well as the language renderings in which the said service is provided.

(b) The calculation of the amount of the fee provided for in paragraph (a) may be calculated based on the revenues of the broadcasting organization.

(4) The principle of the country of origin provided for in subsection (1) does not affect the contractual freedom of the beneficiaries and the broadcasting organizations to enter into any agreement in accordance with the provisions of this Law.

Exercise of
retransmission
rights by
beneficiaries other
than broadcasters

10E.-(1)(a) Acts of retransmission of programs are subject to permission from the beneficiaries of the exclusive right of presentation to the public.

(b) Beneficiaries who are not broadcasting organizations may exercise the right to grant or withhold a retransmission license only through collective management organizations.

(2)(a) In the event that the beneficiary has not transferred the management of the right provided for in paragraph (b) of subsection (1) to a collective management organization, the collective management organization that manages the rights of the same category in the Republic in which the operator of retransmission services seeks to clear retransmission rights is deemed to have the right to grant or refuse to grant a retransmission license for that rightholder.

(b) In the event that the operator of retransmission services seeks to clear rights for retransmission in the Republic and there is more than one collective management organization to manage the same rights, the Intellectual Property and Related Rights Authority shall decide which collective management organization or organizations have the right to grant or refuse to grant permission for retransmission.

(3)(a) The beneficiary has the same rights and obligations arising from an agreement between an operator of retransmission services and a collective management organization or organizations acting in accordance with the provisions of subsection (2) as the rights and obligations of beneficiaries which have authorized the collective management organization or organizations in question.

(b) The beneficiary may invoke the rights provided for in this article within a period of time which may not be less than three (3) years from the date of the retransmission that includes his work or other subject matter of protection.

Exercise of
retransmission
rights by
broadcasters.

10F.-(1) The provisions of article 10E do not apply to the retransmission rights exercised by a broadcasting organization with regard to its own transmissions, regardless of whether the relevant rights are its own or have been transferred to it by other beneficiaries.

(2) In the event that broadcasting organizations and retransmission service providers conduct negotiations regarding the granting of a retransmission license in accordance with the provisions of this Law, these negotiations shall be conducted in good faith.

Mediation in the event of failure to conclude an agreement for the provision of a license to rebroadcast broadcasts.

10G. In the event that no agreement has been concluded between a collective management organization and an operator of retransmission services, or between an operator of retransmission services and a broadcasting organization regarding the granting of a license for the retransmission of broadcasts, any of the interested parties may request the Copyright and Related Rights Authority Rights to act as mediator.

Rebroadcast of original broadcast from the Republic.

10H. In the event that both the initial transmission and the retransmission take place within the Republic, the provisions of articles 10B, 10E, 10F and 10G apply.

Broadcasting of programs via direct transmission.

10I.-(1) In the event that a broadcasting organization transmits through direct transmission its program carrier signals to a signal distributor, without the broadcasting organization itself simultaneously transmitting the said program carrier signals directly to the public, and the signal distributor transmits the signals carrying programs to the public, the broadcasting organization and the signal distributor are considered to be involved in a single act of presentation to the public, for which they receive permission from the rightholders.

(2) The provisions of articles 10E, 10F and 10G apply, by analogy, to the exercise by the beneficiaries of the right to grant or refuse to grant a license to signal distributors for the transmission provided for in subsection (1), which is carried out with one of the technical means referred to in the definitions of the terms "retransmission" and "cable retransmission" in Article 2."

Amendment of Article 11 of the Basic Law.

11. Article 11 of the basic law is amended by adding, immediately after paragraph (b) of subsection (2) thereof, the following new paragraph:

"(c) The exclusive right to consent or prohibit the rental and lending belongs to the producer of the first physical embodiment of a film with respect to the original and copies of his film."

Amendment of Article 12 of the Basic Law.

12. Article 12 of the basic law is amended as follows:

(a) By adding to the title page thereof, immediately after the word "ownership" (sixth line) and before the semicolon, the words "and related right"; and

(b) by adding, immediately after subsection (1) thereof, the following new subsection:

"(1A) Subject to the provisions of subsections (2) and (6) of article 7, in the event that a contract for the production of a film is concluded, individually or collectively, between artists, performers or performers and a producer, the artist, performer or executor referred to in the contract is presumed, as long as there are no contrary contractual clauses, to have assigned the right to lease."

Amendment of Article 14A of the Basic Law.

13. Article 14A of the basic law is amended by adding to its subheading, immediately after the phrase "electronic computers" (sixth and seventh lines) and before the point of the period, the phrase "and works or other objects of protection in the digital and the cross-border environment".

Amendment of Article 14B of the Basic Law.

14. Article 14B of the basic law is amended as follows:

- (a) By substituting in subsection (3) for that phrase "in paragraphs (f), (j), (k), (m), (q), (i), and (s)" (fourth and fifth line), by inserting "in paragraphs (f), (j), (k), (m), (q), (i), (s) and (k)"; and
- (b) by adding in subsection (6) thereof, immediately after the phrase "with the rights of lease and loan" (fifth line) and before the point of the period, the phrase "and also for the use of works and other objects protection in digital and cross-border environments".

Amendment
of the basic
law by adding
new articles 24
to 48.

15. The basic law is amended by adding, immediately after its article 23, the following new articles:

"Text and
data mining
for scientific
research
purposes.

24.-(1) Irrespective of the exclusive right in respect of the acts provided for in sub-paragraphs (i) and (vii) of paragraph (a) of subsection (1) of article 7, in sub-paragraph (i) of paragraph (a) of subsection (2) and paragraph (a) of subsection (3) of article 7C and article 7F, the reproduction and export by research organizations and cultural heritage institutions, for the purpose of carrying out for the purposes of scientific research, text and data mining is permitted from works or other protected objects to which they have lawful access.

(2) Copies of works or other protected objects created, as provided for in subsection (1), are stored with an appropriate level of security and may be kept for the purposes of scientific research, including the verification of research results.

(3)(a) Beneficiaries are allowed to implement measures to ensure the security and integrity of the networks and databases where the works or other objects of protection are hosted.

(b) The measures provided for in this subsection do not exceed the measure necessary to achieve the purpose referred to in paragraph (a).

(4) Beneficiaries, research organizations and cultural heritage institutions may determine commonly accepted best practices regarding the implementation of the obligation and measures provided for in subsections (2) and (3) respectively.

Exception
or Limitation on
Text and Data
Mining.

25.-(1) Regardless of the exclusive right in respect of the acts provided for in subparagraphs (i) and (vii) of paragraph (a) of subsection (1) of article 7, in subsection (3) of article 7B, in subsections (i), (ii), (iv) and (v) of paragraph (a) of subsection (2) and paragraph (a) of subsection (3) of article 7C and article 7F, reproduction and export are permitted lawfully accessible works and other material for text and data mining purposes.

(2) The reproductions and exports carried out in accordance with the provisions of subsection (1) may be kept for as long as is necessary for the purposes of text and data mining.

(3) The exception or limitation provided for in subsection (1) applies, provided that the use of works and other objects of protection provided for in said subsection has not been expressly restricted by the beneficiaries of their rights in an appropriate manner, as with machine-readable media in the case of content made publicly available online.

(4) The provisions of this article do not affect the application of provisions of article 24.

Use of works and other protected objects in digital and cross-border teaching activities.

26.-(1) Regardless of the exclusive right in respect of the acts provided for in subparagraphs (i) and (vii) of paragraph (a) of subsection (1) of article 7, in subsection (3) of article 7B, in subsections (i), (ii), (iv) and (v) of paragraph (a) of subsection (2) and paragraph (a) of subsection (3) of article 7C and article 7F, the digital use of works is permitted and other objects of protection for the sake of example only in teaching, to the extent justified by the intended non-commercial purpose, as long as said use-

(a) is carried out under the responsibility of an educational institution on its premises or other premises or through a secure electronic environment to which only pupils or students and teaching staff of the educational institution have access;

(b) be accompanied by a reference to the source including the name of the author, unless this is found to be impossible; and

(c) is carried out on the condition that the beneficiaries receive fair payment.

(2) The use, in the manner provided for in subsection (1), of works and other objects of protection for the sake of example only when teaching through a secure electronic environment is considered to be carried out exclusively within the territory in which the educational organization operates:

Provided that, an extract of a work used for the purposes of this paragraph may not exceed five percent (5%) of the entire work, excluding works of poetry, unless otherwise provided in a relevant agreement.

(3) Subject to the provisions of subsection (1) of section 28, the exemption or limitation made pursuant to subsection (1) of this section shall not apply, to the extent that suitable licenses are readily available in the market which permit the actions referred to in subsection (1) of this article and which are described and respond to the needs and specificities of educational institutions.

(4) In the case of granting the licenses referred to in subsection (3), these are notified by the beneficiaries to the Intellectual Property and Related Rights Authority, which publishes them.

Preservation of cultural heritage.

27.-(1) Regardless of the exclusive right in respect of the acts provided for in subparagraphs (i) and (vii) of paragraph (a) of subsection (1) of article 7, in subsection (3) of article 7B, in subsections (i), (ii), (iv) and (v) of paragraph (a) of subsection (2) and paragraph (a) of subsection (3) of article 7C, article 7F and subsections (1), (2) and (3) of article 36, cultural heritage institutions are allowed to create copies of works or other objects of protection that are permanently in their collections, in any form and by any means, for the purpose of preserving said works or other objects protection and to the extent required for said conservation.

(2) Regardless of the provisions of subsection (1), acts of reproduction carried out by cultural heritage institutions or organizations for purposes other than the preservation of works and other objects of protection in their permanent collections are subject to the authorization of the beneficiaries, unless such acts may to be carried out pursuant to other exceptions or limitations provided for in European Union law.

Common provisions of articles 24, 25, 26 and 27.

28.-(1) Contractual regulation contrary to the exceptions provided for in articles 24, 26 and 27 becomes unenforceable.

(2) The exceptions and limitations of the exclusive right provided for in articles 24, 25, 26 and 27 apply only in special cases which do not contradict the normal exploitation of the work or other protected object and do not unjustifiably affect the legal interests of the beneficiary.

Use of works and other objects of protection not commercially available by cultural heritage institutions or organizations.

29.-(1) A collective management organization may, in accordance with the contracts of assignment by beneficiaries, enter into an agreement granting a non-exclusive license for non-commercial purposes with a cultural heritage institution, for the purpose of reproduction, distribution, presentation to the public or making it available to the public of non-commercial works or other protected objects permanently in the institution's collection, regardless of whether all rightholders covered by the license have authorized the collective management organization to do so, provided that-

(a) the collective management organization is, on the basis of the assignments to it, sufficiently representative of the beneficiaries of the relevant type of works or other subject-matter of protection and the rights which are subject to the licence; and

(b) equal treatment is ensured to all beneficiaries in relation to the terms of the licence.

(2) Cultural heritage institutions or organizations are exempt from the rights and restrictions referred to in subparagraphs (i) and (vii) of paragraph (a) of subsection (1) of article 7, subsection (3) of article 7B, in subparagraphs (i), (ii), (iv) and (v) of paragraph (a) of subsection (2) and paragraph (a) of subsection (3) of article 7C, article 7F and subsections (1), (2) and (3) of article 36, in order to allow them to dispose for non-commercial purposes non-commercially available works or other objects of protection that are permanently in their collections, provided that-

(a) mention is made of the name of the author or of any other beneficiary who can be identified, unless it is found that this is impossible; and

(b) such works or other protected subject matter are made available on non-commercial websites.

(3) The exception and limitation provided for in subsection (2) apply only to the types of works or other objects of protection for which no collective management organization meets the conditions provided for in paragraph (a) of subsection (1).

(4) Beneficiaries may at any time exclude their works or other objects of protection from the licensing mechanism provided for in subsection (1) or from the application of the exception or limitation provided for in subsection (2) either generally or in specific cases, including the cases following the conclusion of the license or the start of the relevant use, by informing the collective management organization in writing, which must comply within a reasonable period.

(5) A work or other protected subject matter shall be deemed not commercially available when it can be inferred, in good faith, that the entire work or other protected subject matter is not available to the public through ordinary commercial channels, after a reasonable effort has been made to determine whether it is available to the public.

(6) The permits referred to in subsection (1) for cultural heritage institutions or organizations established in the Republic are requested by a collective management organization representative in the Republic.

(7) The provisions of this article do not apply to sets of non-commercially available works or other objects of protection, if, based on the reasonable effort provided for in subsection (5), there is evidence that said sets consist mainly of-

- (a) works or other subject-matter, excluding cinematographic or audiovisual works, first published or for which, in the absence of publication, the first broadcast took place in a third country;
- (b) cinematographic or audiovisual works whose producers have their seat or habitual residence in a third country; or
- (c) works or other objects of protection of nationals of a third country, in case it was not possible, after a reasonable effort, to determine a member state or a third country, as provided in paragraphs (a) and (b).

(8) By way of derogation from the provisions of subsection (1), the provisions of this article shall be applied, in case the collective management organization is sufficiently representative within the meaning of paragraph (a) of subsection (1) of the beneficiaries of the due to a third country.

Cross-border
uses.

30.-(1) A license granted in accordance with the provisions of article 29 allows the use of non-commercial works or other objects protected by the cultural heritage organization or institution in any Member State.

(2) The uses of works and other objects of protection pursuant to the exception or limitation provided for in subsection (2) of article 29 are considered to be carried out exclusively in the Member State where the cultural heritage institution or organization carrying out the use in question is established.

Publicity measures.

31.-(1)(a) The information from cultural heritage institutions or organizations, collective management organizations or relevant public authorities for the purposes of identifying non-commercial works or other objects of protection covered by a license granted, in accordance with the provisions of subsection (1) of article 29, or are used by virtue of the exception or limitation provided for in subsection (2) of article 29, as well as the information about the options made available to beneficiaries, as provided for in subsection (4) of article 29, as soon as it is available, and, where appropriate, information about the parties to the permit, the territories covered and the uses shall be made permanently, easily and efficiently available on a public single web portal for at least six (6) months before the distribution, presentation or making available to the public of works or other subject matter, in accordance with the license or by virtue of the exception or limitation.

Official
Journal of the
EU: L129,
16.5.2015, p. 1.

(b) The public single portal referred to in paragraph (a) is created on the website of the Intellectual Property and Related Rights Authority, is connected to the Intellectual Property Office of the European Union and is managed by it, in accordance with the provisions of the European Union act entitled "Regulation (EU) no. 386/2012 of the European Parliament and of the Council of 19 April 2012 concerning the delegation to the Office for Harmonization in the Framework of the Internal Market (trademarks, designs and models) of tasks related to the enforcement of the application of intellectual property rights, including the convening of a European Observatory for the Violation of Rights

of Intellectual Property, with representatives of the public and private sectors".

(2) In order to raise the general awareness of beneficiaries, the Minister, by decree, shall determine additional appropriate publicity measures regarding the ability of collective management organizations to grant licenses for the use of works or other objects of protection in accordance with the provisions of subsection (1) of the article 29, the licenses granted, the uses that fall under the exception or limitation provided for in subsection (2) of article 29 and the options made available to the beneficiaries as provided for in subsection (4) of article 29.

Stakeholder
dialogue.

32. Prior to the establishment of specific requirements under subsection (5) of Article 29, consultations shall be held with beneficiaries, collective management organizations and cultural heritage institutions or organizations in each sector and regular dialogue between representative organizations shall be encouraged. users and organizations of beneficiaries, including collective management organizations, as well as any other organizations of interested parties, specifically for each sector, to strengthen the suitability and usability of the mechanisms for granting the licenses provided for in subsection (1) of article 29 and for the ensuring that safeguards for beneficiaries listed in the works and other non-commercially available protected objects are effective.

Granting
collective
licenses
with
extended validity.

33.-(1) In a case where a collective management organization, in accordance with the contracts of assignment with the beneficiaries, enters into an agreement for the granting of a license for the exploitation of works or other objects of protection-

- (a) the application of such agreement may extend to the rights of beneficiaries who have not authorized such collective management organization to represent them by way of assignment, license or any other contractual agreement; or
- (b) in relation to that agreement, the collective management organization represents or purports to represent beneficiaries who have not authorized that organization accordingly.

(2) Collective management organizations that grant licenses with collective power in accordance with the provisions of subsection (1) shall obtain approval from the Intellectual Property and Related Rights Authority to grant such licenses only within clearly defined fields of use, when obtaining licenses from beneficiaries on an individual basis is usually burdensome and impractical to the extent that it makes the required act for the granting of a license unlikely, due to the nature of the use or the types of works or other objects of protection concerned and the Intellectual Property and Related Rights Authority ensures that the mechanism for granting said licenses ensures the legitimate interests of the beneficiaries.

(3) For the purposes of implementing the provisions of subsection (1)-

- (a) a collective management organization must, by virtue of the assignment to it, be sufficiently representative of the rightholders in the relevant type of works or other protected subject-matter and the rights to which the license relates;
- (b) there is equal treatment of all beneficiaries, including in relation to the terms of the licence;

(c) beneficiaries who have not authorized the licensing body may at any time easily and effectively exclude their works or other protected subject matter from the licensing mechanism established in accordance with the provisions of this Article;

(d) appropriate publicity measures are taken, in order to inform beneficiaries regarding the ability of collective management organizations to grant licenses for the use of works or other objects of protection and regarding the granting of a license that takes place, in accordance with the provisions of this article, and regarding with the options referred to in paragraph (c) made available to the beneficiaries starting from a reasonable period before which the works or other objects of protection are used under the license:

Provided that, the publicity measures provided for in this paragraph must be effective, without requiring the information of each beneficiary individually.

(4) The Intellectual Property and Related Rights Authority shall decide whether a collective management organization is sufficiently representative of the beneficiaries of the relevant type of works or other objects of protection and the rights to which the license relates, taking into account the category of rights managed by the organization, its capacity organization to effectively manage the rights and the creative field in which it operates and whether the organization covers a significant number of beneficiaries in the relevant type of works or other objects of protection they have assigned, the granting of a license for the relevant type of use, the ability of the organization to conclusion of mutual representation agreements with other organizations, the quality of the system of distribution of income to beneficiaries and the level of transparency.

(5)(a) The provisions of this article do not affect the application of collective licensing mechanisms with extended validity in accordance with other provisions of European Union law, including provisions allowing exceptions or limitations.

(b) The provisions of this article do not apply to mandatory collective management of rights.

65(l) of 2017.

(c) The provisions of article 17 on the Collective Management of Intellectual Property Rights and Related Rights as well as on the Granting of Multi-territorial Licenses for Online Uses of Prefecture Musical Works shall apply to the licensing mechanism provided for in this article.

(6) The Intellectual Property and Related Rights Authority informs the European Commission about-

(a) the scope of the provisions of this article;

(b) the purposes and types of licenses established under the provisions of this article;

(c) the contact details of the organizations granting licenses under this licensing mechanism; and

(d) the means by which information can be obtained regarding the granting of a license and regarding the options available to beneficiaries as provided for in paragraph (c) of subsection (3).

Dispute resolution mechanism regarding access and availability of audiovisual works on video-on-demand platforms.

34. Parties experiencing rights licensing difficulties when seeking to enter into an agreement for the purpose of making audiovisual works available on video-on-demand services may have recourse to the Copyright and Related Rights Authority for resolution of their disputes.

Works of visual arts that have become public domain.

35. In the event that the term of protection of a work of visual arts has expired, any material resulting from an act of reproduction of said work shall not be subject to intellectual property rights or related rights, unless the material resulting from said act of reproduction is original, in the sense that it is a personal intellectual creation of the creator.

Publication rights and protection of press publications in relation to online uses.

36.-(1) Press publishers who are established in a member state have the exclusive right with regard to press releases to allow or prohibit-

(a) reproduction;

(b) making available to the public by wire or wireless, in such a way that anyone can access it, where and when they choose;

of their versions for online use by information society service providers.

(2) The rights provided for in subsection (1) do not apply to private or non-commercial uses of press releases by individual users.

(3) The protection granted under the provisions of subsection (1) does not apply-

(a) in acts of placing hyperlinks which-

(i) are only links that can be activated to take the user to a press release or part thereof on the press publisher's website; and

(ii) do not include other forms of links such as links that use framing technology;

(b) in the uses of single words or very short ones press release excerpts.

(4) The rights of press publishers provided for in subsection (1) in no way affect the rights granted under the provisions of this Law to creators and other beneficiaries in relation to works and other objects of protection incorporated in a press release.

(5) The rights provided for in subsection (1) are not opposed to authors and other beneficiaries and, in particular, do not deprive them of the right to exploit their works and other objects of protection regardless of the press edition in which they are contained.

(6) In the event that a work or other object of protection is included in a press release based on a non-exclusive license, no

the rights provided for in subsection (1) are invoked, in order to prohibit the use-

(a) from other authorized users;

(b) works or other objects whose protection has expired.

(7)(a) The rights provided for in subsection (1) expire two (2) years after the date of publication of the press release.

(b) The period referred to in paragraph (a) shall be calculated from January 1 of the year following the date of publication of the said press release.

(c) The provisions of paragraphs (a) and (b) shall not apply to press releases first published before 6 June 2019.

(8) The provisions of articles 2, 7, 7I to 7IK and 14B to 14E are applied proportionally to the rights provided for in subsection (1).

(9) The authors of the works incorporated in a press release shall receive a reasonable share of the revenue obtained by the press publishers for the use of their press releases by information society service providers.

Claims for fair compensation.

37. In the event that an author has transferred or granted a license to exploit a right to a publisher, said transfer or granting of a license constitutes a sufficient legal basis for the publisher to be entitled to a share of the compensation for the use of the work carried out pursuant to an exception or limitation to the right which has been transferred or licensed.

Use of protected content by providers of online content sharing services.

38.-(1) For the purposes of Articles 24 to 44, providers of online content exchange services perform an act of presentation to the public or an act of making available to the public when they provide public access to protected works of intellectual property or other protected objects uploaded by their users.

(2) A provider of online content exchange services obtains permission from the beneficiaries of the exclusive right to control the acts referred to in subparagraph (vi) of paragraph (a) of subsection (1) of article 7, article 7F, article 9 and subsection (1) of article 36, in order to present or make available to the public works or other objects of protection, inter alia, by entering into an agreement for the granting of a license.

(3) Where a provider of online content exchange services has been licensed, inter alia, by means of a license agreement, such license shall also cover acts performed by users of the services referred to in subparagraph (vi) of paragraph (a) of subsection (1) of article 7, in article 9, in article 7F and in subsection (1) of article 36, when they do not act on a commercial basis or when their activity does not generate significant income.

(4) In the event that beneficiaries have expressly authorized users to upload and make available works or other protected objects in an online content sharing service, the act of presenting and making available to the common service provider is permitted within the scope of the license granted by the beneficiary:

Provided that, there is no presumption in favor of online content exchange service providers that their users have cleared all relevant rights.

156(l) of 2004
97(l) of 2007.

(5)(a) In the event that a provider of online content exchange services performs an act of presentation to the public or an act of making available to the public under the terms of articles 24 to 44, the limitation of liability, provided for in paragraphs (a) and (b) of subsection (1) of article 17 on Certain Aspects of the Services of the Information Society and especially of Electronic Commerce as well as on Related Law Matters, does not apply to the cases provided for in this article.

(b) The exception provided for in paragraph (a) does not affect the eventual application of the provisions of paragraphs (a) and (b) of subsection (1) of article 17 of Certain Aspects of Information Society Services and especially of Electronic Commerce as well as for Related Law Matters to service providers for purposes that do not fall within the scope of the provisions of this article.

(6) In a case where a license has not been granted, the providers of online content exchange services are liable for unauthorized acts of presentation to the public, including making available to the public works protected by intellectual property rights and other objects of protection, unless they prove that -

(a) have made every effort to obtain it
license;

(b) have made every effort, in accordance with the industry's high standards of professional diligence, to ascertain the lack of availability of specific works and other subject matter of protection for which the beneficiaries have provided the service providers with the relevant and necessary information; and

(c) in each case have acted expeditiously, upon receipt of sufficiently substantiated notice from the rightholders, in order to disable access to or withdraw from their websites works or other protected subject matter to which the notice relates, and have paid each best effort to prevent their future uploads in accordance with paragraph (b).

(7) In order to determine whether the service provider has complied with its obligations under the provisions of subsection (6) and in light of the principle of proportionality, the following shall be taken into account, among others:

(a) The type, audience and size of the service and the type of works or other protected objects uploaded by users of the service; and

(b) the availability of appropriate and effective means and their costs for service providers.

(8)(a) With regard to new providers of online content exchange services, whose services have been made available to the public within the European Union for less than three (3) years and who have a turnover of less than ten million euros (€ 10,000,000), the conditions under the liability regime set out in subsection (6) are limited to compliance with the provisions of paragraph (a) of subsection (6) and to immediate action upon receipt of sufficient documented notice to disable access to works and other objects of protection, to which the notice relates or to withdraw

said works and other protected objects from their websites.

(b) In the event that the average number of unique visitors per month of the service providers referred to in paragraph (a) exceeds five million (5,000,000), calculated on the basis of the previous calendar year, the providers prove that they have made every effort, in order to prevent further uploads of the works and other objects of protection to which the notice relates and for which the beneficiaries have submitted relevant and necessary information.

(9)(a) The cooperation between online content service providers and licensees does not result in preventing the availability of works or other protected objects uploaded by users that do not infringe intellectual property rights and related rights, including the works or other protected objects covered by exception or limitation.

(b) Users who upload works or other protected objects to online content services are able to rely on the following existing exclusions or limitations:

(i) Quoting, criticizing, commenting;

(ii) use for caricature, parody or imitation.

(10)(a) The application of the provisions of this article does not imply a general obligation to monitor.

(b) Providers of online content exchange services shall provide beneficiaries, upon their request, with sufficient information regarding the operation of their practices with respect to the cooperation provided for in subsection (6) and, in the event that licensing agreements are concluded between service providers and the beneficiaries, information about the use of the content covered by the agreements.

(11)(a) The provider of online content sharing services shall implement an effective and expeditious complaint and redress mechanism, available to users of the service, in the event of disputes relating to the disabling of access or the removal of works or other objects of protection that have been uploaded by them.

(b) In the event that beneficiaries request access to specific works or other objects of their protection, access to which has been disabled or to works or other objects of protection that have been removed, pursuant to the provisions of paragraph (a), they shall duly justify their requests.

(c) Complaints submitted under the mechanism provided for in paragraph (a) are processed without undue delay and decisions to disable access or remove uploaded content are subject to human review.

(d) The provisions of this article do not affect the right of users to apply to a court, in order to establish the legality of the use of the exceptions or limitations provided for in subsection (2) of article 7 with respect to intellectual property rights and related rights.

(e) The provisions of this Law in no way affect legal uses, including uses based on the exceptions or limitations provided for in subsection (2) of article 7, and not

Official
Journal of the
EU: L119,
4.5.2016, p. 1.

leads to any identification of individual users or the processing of personal data, except in accordance with the provisions of the Law on the Regulation of Electronic Communications and Postal Services and the act of the European Union entitled "Regulation (EU) 2016/679 of the European Parliament and of the Council , for the protection of natural persons against the processing of personal data and for the free movement of such data".

(f) Providers of online content exchange services shall inform their users of the terms and conditions under which they may use works and other protected objects pursuant to the exceptions or limitations to intellectual property rights and related rights provided for in Union legislation.

Principle
of due and
proportionate
remuneration.

39.-(1) In the event that creators and performers grant permission or transfer their exclusive rights for the exploitation of their works or other objects of protection, they are entitled to receive due and proportional remuneration.

(2) The remuneration of authors and performers is appropriate and proportionate to the actual or potential economic value of the rights for which a license is granted or which are transferred, taking into account the contribution of the author or performer to the overall work or other subject matter of protection and all other circumstances of the case, including market practices or actual exploitation of the work.

(3) The remuneration provided for in subsection (2) may be determined by collective negotiations per field of exploitation between the representatives of the persons who exploit the works, the performances and the creators or performers.

Obligation of
transparency.

40.-(1) Creators and performers regularly receive, at least once per year, taking into account the specificities of each sector, updated, relevant and sufficient information about the exploitation and promotion of their works and interpretations from the parties to whom they have licensed or transferred their rights or to their legal successors in particular with regard to the methods of exploitation, all revenues generated and the remuneration due.

(2)(a) Where a license has subsequently been granted for the rights referred to in subsection (1), authors and performers or their representatives shall receive, at their request, additional information from sublicensees, in the event that the former their counterparty does not possess all the information that would be necessary for the purposes of subsection (1).

(b) In the event that the additional information referred to in paragraph (a) is requested, the first party to the creators and performers shall provide information regarding the identity of said sublicensees.

(3)(a) The obligation provided for in subsection (1) is proportionate and effective in ensuring a high level of transparency in each area.

(b) In the event that in duly justified cases in which the administrative burden resulting from the obligation provided for in subsection (1) would be disproportionate in view of the income arising from the exploitation of the work or the interpretation, the obligation is limited to the types and level of information that can reasonably be expected in similar situations.

(4) The obligation provided for in subsection (1) does not apply, in a case where the contribution of the author or performer is not significant, taking into account the overall work or interpretation, unless the author or performer proves that he requests the information for the exercise of his rights based on the provisions of subsection (1) of article 41 and requests the information for this purpose.

(5) For agreements subject to or based on agreements resulting from collective negotiations, the rules of transparency of the relevant agreement resulting from collective negotiations shall apply, provided that said rules meet the criteria set out in subsections (1), (2), (3) and (4).

Contract
readjustment
mechanism.

41.-(1) In the event that there is no agreement through collective negotiations which provides for a mechanism comparable to the one provided for in this article, the creators and performers or their representatives are entitled to claim additional, appropriate and fair remuneration from the party with which they have contracted for the exploitation of their rights or by the successors of that party, when the remuneration which was initially agreed turns out to be disproportionately low compared to all subsequent relevant income derived from the exploitation of the works or performances.

(2) The provisions of subsection (1) do not apply to agreements concluded by collective management organizations or independent management entities or by other entities subject to the provisions of this Law and of the Collective Management of Intellectual Property Rights and Related Rights as well as for the Granting of Multi-territorial Licenses for Online Uses of Musical Works of Law.

(3) The implementation of the provisions of this article does not affect deeds that have been concluded and the rights that have been acquired before the date on which the provisions of this Law come into force.

Alternative
dispute
resolution
procedures
regarding
disputes
concerning
the
transparency
obligation and the
contract
readjustment mechanism.

42.-(1) Disputes concerning the obligation of transparency provided for in Article 40 and the contract adjustment mechanism provided for in Article 41 may be submitted to voluntary alternative dispute resolution procedures.

(2) The representative organizations of creators and performers may initiate these procedures at the specific request of one or more creators or performers.

Right of
withdrawal.

43.-(1) In the event that a creator or performer has granted a license to use or has exclusively transferred his right to a work or subject matter of protection, the creator or performer has the right to fully or partially revoke the license or the transfer of rights, when the exploitation of this work or other object of protection has not taken place at any time.

(2) In the event that a work or other object of protection includes the contribution

(a) two (2) creators or performers, the right of withdrawal provided for in subsection (1) can only be exercised with the consent of both;

(b) of more than two (2) creators or performers, the right of withdrawal provided for in subsection (1) may only be exercised with the consent of the majority of said creators or performers, depending on the relative importance or gravity of each individual contribution and of the legal interests of all creators and performers affected by the exercise of the right of withdrawal by an individual creator or performer.

(3)(a) The right of withdrawal provided for in subsection (1) may only be exercised after a reasonable period of time has elapsed from the date of conclusion of the agreement for the granting of a license or the transfer of rights.

(b) The creator or performer shall notify the person to whom a license or transfer of rights has been granted and set an appropriate time limit within which the exploitation of the rights which are the subject of the license or transfer shall take place.

(c) After the expiration of the period provided for in paragraph (b), the creator or performer may choose to remove the exclusive nature of the contract, instead of revoking the license or transferring the rights.

(d) The provisions of subsection (1) do not apply, in a case where the lack of exploitation is mainly due to conditions which the creator or performer can reasonably be expected to remedy.

(e) A contractual provision that deviates from the withdrawal mechanism provided for in subsection (1) is enforceable, only if it is based on an agreement resulting from collective negotiations.

Common
provisions.

44.-(1) A contractual provision which prevents compliance with the provisions of articles 40, 41 and 42 is not enforceable in relation to authors and performers.

(2) The provisions of articles 39 to 43 do not apply to the creators of computer programs.

(3) The provisions of Articles 24 to 43 shall apply to all works and other objects protected by national copyright law on or after the date of entry into force of the provisions of this Law.

(4) Deeds concluded and rights acquired before the effective date of the provisions of this Law are not affected.

(5) No provision of this Law shall be construed to prevent holders of exclusive rights from allowing the use of their works or other protected subject-matter without compensation, including through non-exclusive licenses without compensation for the benefit of any users.

(6) The provisions of articles 39 to 43 may not be overridden by a contrary contractual agreement.

Resolution of
Disputes by
Mediation or Arbitration.

45.-(1) A dispute regarding the application of the provisions of this Law between a creator, performer or performing artist, beneficiary, user, collective management organization, member of a collective management organization or any other person whose rights are affected may be referred

159(l) of 2012. (a) with the agreement of all parties, in mediation, as provided in the Certain Mediation Matters in Civil Disputes Law; or

Chapter 4. (b) by any of the parties to arbitration, as provided in the Arbitration Law:

It is understood that the provisions of this article in no case prevent any person from appealing to a competent court.

(2) In the event that a party to a dispute decides to resort to arbitration, as provided for in paragraph (b) of subsection (1), it shall resort to the Intellectual Property and Related Rights Authority, which shall refer the dispute to an arbitrator for its resolution .

(3) A party to an arbitration conducted in accordance with the provisions of this article who disagrees on the substance of the arbitrator's decision may appeal to the competent District Court within thirty (30) days from the date of notification of the decision to him.

(4) In the event that no party to the arbitration has filed an action in the competent District Court, as provided in subsection (3), or the said action has been withdrawn, the arbitral award shall be final and enforced in the same manner as if it was a court order.

Obligation of the Intellectual Property and Related Rights Authority to encourage mediation.

46. The Intellectual Property and Related Rights Authority encourages the resolution of disputes between a creator, performer or performing artist, beneficiary, user, collective management organization member of a collective management organization or any other person whose rights are affected, by voluntary recourse to the mediation process, under of the provisions of the Certain Matters of Mediation in Civil Disputes Law.

File a complaint with the Intellectual Property and Related Rights Authority.

47.-(1) Creator, performer or performing artist, beneficiary, user, collective management organization member of collective management organization or any other person whose rights are affected may submit a complaint to the Intellectual Property and Related Rights Authority regarding its decision which issued pursuant to the provisions of this Law.

(2) The submission and examination of complaints before the Intellectual Property and Related Rights Authority is conducted in the same manner as provided for in Chapter VI of the Collective Management of Intellectual Property Rights and Related Rights, as well as for the Granting of Multi-territorial Licenses for Online Uses of Musical Works Law.

(3) Regarding compliance with the decision of the Intellectual Property and Related Rights Authority, the exercise of hierarchical appeal and the final decision taken by the Minister, the provisions of articles 46, 47 and 48 of the Collective Rights Management Intellectual Property and Related Rights as well as for the Granting of Multi-territorial Licenses for Online Uses of Musical Works of Law.

Special provisions.

48.-(1) The provisions of article 10D apply to agreements regarding the exercise of intellectual property rights and related rights concerning acts-

(a) the presentation to the public of works or other objects of protection, by wired or wireless means, and the disposal

to the public of works or other objects of protection, by wired or wireless means, in such a way that the public has access to them at a place and time that each one individually chooses, which are carried out in the context of the provision of an online service; and

(b) reproduction necessary to provide, access or use such online service;

which are in force on the date of entry into force of the provisions of this Law after one (1) year from said date, if they expire after this date.

(2) The provisions of article 8 apply to licenses granted for acts of presentation to the public that fall within the scope of the provisions of article 10y, which are in force on the date of entry into force of the provisions of this Law, after three (3) years from the date in question, if they expire after this date."

Petros Xenophon