

NEStOR

Ethics and copyright issues

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I. DELIVERY SLIP

	Name	Partner/Activity	Date
From	Panagiota Sianou Chatzikamari	ESR/O2-A4-Task1	20 September 2017
Reviewed by	All Partners		
Approved by			

PROJECT SUMMARY

The NESTOR project aims to establish an attractive and modern School Web Radio with Portal which will facilitate the transnational cooperation across Europe making learning more challenging and promoting Radio and other cultural products; it will provide the necessary tools and skills in order to successfully incorporate web-based radio activities into the school's educational settings in an innovative way. The project will provide a robust and safe online platform for web-based schools radio productions, giving them an educational-oriented approach, in subjects such as maths, science, languages, history, literature, journalism and also enables various literacies such as media, information and also critical thinking; enhancing in this way the digital integration in learning and training. Generally, the radio production is addressed to students without discriminations, while no strict assessment within the project is required; this explains the reason why it will be a successful method to motivate all students to learn. Disadvantaged students -even early leavers- will find this very attractive and alluring. Taking into consideration that the radio as a medium helps disabled students to express themselves and socialize, the Web Radio Portal will be designed more friendly for such target groups; for example students with visual disabilities will be given the chance to communicate via the platform with peers and they will find an new way to learn in a very exciting and new way.

The students participating in transnational co-productions with schools coming from different European countries, will enrich their creativity and innovation and will improve their skills at the area of media, journalism and sound engineering, creating for them vocational prospects for the future. In this context the proposed project will develop basic and transversal skills using an innovative method with educational added value, the Web Radio Portal. This applies also to students that are already adults and need both challenge and professional prospects and also skills and dexterities. Both students but also educators and other adult professionals, will find through the learning community the chance to get more on media and digital literacy. This is cultivated through online collaboration, exchange of experiences on the implementation of radio shows, good practices made by other teachers, and help among other professionals and educators, and training courses and seminars. Through the events all teachers who wish to participate as trainees will have the opportunity to be trained for the production process of an educational scenario, to learn who to imply training scenarios in the classroom with support of the mentors of the student radio, within the framework of the curriculum in primary and secondary schools in their educational system.

EXECUTIVE SUMMARY

This intellectual output reviews on the ethics and copyright issues associated with the use of Web Radio in education and the school community. The study will examine the legal precedents which are being set in Europe.

The document is organised in two main sections. First, a review about the ethics and copyright issues with definitions of the term, a summary of the existing rules in the media landscape in the EU by E.C., E.B.U., W.I.P.O and the national offices in the participant countries.

The second task incorporated a brief guideline on how to face the copyright issues, based on how to respect the ethical and copyright issues in the Web Radio by the school community with the competent bodies in Greece, where the student web radio “transmits”.

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1. ETHICS AND COPYRIGHT ISSUES

1.1 *Definitions and understandings*

1.1.1 Intellectual Property and Copyright

Intellectual property (IP) is becoming increasingly important in modern social and economic realities and has become a decisive factor in promoting creativity and culture. Copyright is an important part of the knowledge economy. Well-balanced copyright makes it possible for the authors to earn a living from their works at the same time as securing the access of the general public to a wide range of these works.

According to the World Intellectual Property Organization (WIPO)¹, “intellectual property refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names, and images used in commerce.” Intellectual property is a kind of right on intangible goods (assets) (goodwill), here of works² of intellect, and belongs to the broader category of rights that he has protect the works of human intellect and are generally known with the title Intellectual Property Rights.

It is a blanket term for a variety of assets created by the mind otherwise classified as intangible property. The rights to the intellectual property can be claimed exclusively by the creator or recipient of ownership transfer and covers the expression of an idea rather than the idea itself.³

IP law includes ways to protect the creative expressions of the intellect that carry commercial and moral value. Intellectual property ownership acquired by the creator over his work includes two absolute and exclusive rights:

- The right of the exploitation of the work (economic right).
- The right of the protection of creator’s personal bond to the work (moral right).

There are several types of intellectual property including:

- Trademarks

¹ The World Intellectual Property Organization (WIPO) is one of the 17 specialized agencies of the United Nations (UN). WIPO was created in 1967 "to encourage creative activity, to promote the protection of intellectual property throughout the world". WIPO currently has 189 member states, administers 26 international treaties, and is headquartered in Geneva, Switzerland. <http://www.wipo.int/portal/en/index.html>

² The term “work” is used in the copyright context to refer to a wide range of intellectual creations, from novels to architecture, computer programs, and more. http://www.wipo.int/copyright/en/faq_copyright.html

³ Caution. The basic principle is that the ideas are not protected. It will not protect the idea of presenting a show with students as part of a school program or the idea to write a poem based on the 4 seasons of the year. When, however, the idea acquire a specific form, and even an original one, and create a play or write the poem, the work that will emerge is protected by copyright. <http://www.opi.gr/>

- Patents
- Industrial designs
- Copyright

Intellectual property rights are believed to encourage the creative process as well as promote investment by ensuring the investors receive a return on their investment.⁴

The basic principle is to grant protection without formalities. This practically means that, unlike trademarks and patents, an intellectual work⁵ is automatically protected from its creation without having to be deposited or registered with an official body or authority.

Copyright is a legal right created by the law of a country that grants the creator of original work exclusive rights for its use and distribution.

Copyright, then, is the protection extended to the creator of an original work. It provides the sole rights to the use and distribution of the work and normally ends after a specific period of time. Copyright, gives a limited time, but absolute and exclusive right to the creator of works of the spirit, such as these defined in law, to exercise a series of powers, economic and moral nature. After the time is up, the copyright can be renewed, or the work will pass into the public domain where it legally may be used without giving notice of the original creator and without the need for recompense to the former owner.

A copyright can also be sold and the ownership transferred to a different entity which is then the recipient of any recompense from its use and retains sole rights for use and distribution.

Copyrights protect a wide variety of expressions of an idea including:

- Books and literary works
- Written and recorded music
- Works of art
- Photographs and images
- Plays

Copyright grants the right to display a work via video or radio, present the work publicly, and create or sell copies of the work as well as derivations of the work.

⁴ Intellectual Property or Intellectual Property Ownership is acquired by the creator on his original work, including "... every original intellectual creation of literature, art or science expressed in any form and especially in the form of written or oral texts, musical compositions with or without text, dramatic works with or without music, choreographies and pantomimes, audiovisual works, works of the fine arts, including drawings, paintings, sculptures, engravings and lithographs, works of architecture, photographs, works of the applied arts, illustrations, maps and three-dimensional works referring to geography, topography, architecture or science. ..." (Greek Law 2121/1993, Article 2, paragraph 1)

Copyright is the law specific to the expression of ideas in visual or audio form. Unlike a trademark that indicates a specific item or design is protected, copyright covers a different expression of thought.

The term copyright contains within it the meaning of the term: the right to - copy. Copy is anything written, photographed, drawn, painted, or otherwise produced as an audible, written, or visual piece of intellectual property.

Copyright cannot be compared to intellectual property; copyright is a form of intellectual property. Defending a copyright requires different expertise from defending a trademark.⁶

1.1.2 Non-Intellectual Property

There are works which are not protected by the law of spiritual exclusion ownership. The main categories are⁷ :

- (a) official texts in which state authority is expressed
- (b) legislative, judicial or administrative texts
- (c) expressions of folk tradition
- (d) news
- (e) simple facts
- (f) items

It should be stressed that the protection afforded by the law to the intellectual property is independent from:

- the value and destination of the project
- the work may be protected by other provisions

1.1.3 Types of rights

- Copyright is the right of an author upon his work.

⁶ Fact sheet P-08: The Berne Convention

While details of copyright law will vary between nation states, the Berne Convention lays down a common framework and agreement between nations in respect to intellectual property rights.

The full title is the Berne Convention for the Protection of Literary and Artistic Works. It was first adopted in 1886 as an agreement to honour the rights of all authors who are nationals of countries that are party to the convention. The current version of the convention is the Paris Act of 1971. The convention is administered by the World Intellectual Property Organization, (WIPO).

⁷According the Greek Law (Article 2 (5))

- Related or neighboring rights to a work are the rights held by natural or legal persons who contribute to the commercial production of a work, interpreting, making available to the public, or presenting it to the said public or financially investing in its exploitation and dissemination. The contributions of those persons do not meet the requirements for copyright protection; however, given the significant role they play in the interpreting, intercession, production, dissemination and exploitation of the work, their protection is equally important⁸.

1.1.3 New media and copyright issues

Also in today's digital age, the media themselves enable the production, use and share content. The international reach of the Internet and the increased utilization of Social Media have created the need for new solutions to intellectual property protection. Country-specific copyright laws no longer fully protect an author's work. New electronic technologies that have no national borders have heightened-increased the need for international law and treaties that protect original material. Due to rapidly changing technology and the expansion of international intellectual property law, everybody, producers and users must stay abreast of each new development to ensure that their company's online content is protected.

New forms as User-Generated Content (UGC) refers to media content created or produced by the public rather than by paid professionals, and primarily distributed on the Internet. User-generated content (UGC), is any form of content created by users of a system or service and made available publicly on that system. UGC most often appears as supplements to online platforms, such as social media websites, and may include such content types as blog posts, wikis, videos, comments. This content is under protection if it is original intellectual creation.

1.1.4 Web radio, Creators and Users

Just as anyone wants to protect their property, creators want to protect their works, and broadcasters want to protect their activities. Copyright is intended to guarantee an economic reward in order to induce authors and other contributors to radio and television programmes to be creative and innovative. Therefore, without adequate copyright protection of their programmes and signals, not only broadcasters' core services, but also their very survival, would be at stake⁹

⁸ NOTE: Related rights protection is independent of copyright protection of; it is parallel to it and leaves it unaffected.

⁹ <https://www.ebu.ch/files/live/sites/ebu/files/Publications/EBU-Legal-Copyright-Guide.pdf>

The EBU is the world's foremost alliance of public service media organisations, with Active Members in 56 countries in Europe and beyond. The EBU's mission is to defend the interests of public service media and to

Multimedia content is an intellectual property. These regulations on this kind of property differ from country to country; however the general rule is that the station must own, or have a license to broadcast the content that is covered under copyright regulations. Content that has been released under some creative commons licenses, public domain or similar-other, can be streamed with no special content licensing requirements. However the content licensed under non-free cultural Creative Commons licenses with non-commercial (nc) clause cannot be streamed if Internet broadcast station has any form of advertising, either in the stream or on the station website.

The web radio combines the characteristics of the traditional radio, the produce and broadcast of programs via stations and channels, with the use of new means of produce and broadcasting, web channels and the wide use of social networks.

Web radios, like traditional radio, transmit audio material –mainly music, which is usually under copyright protection, for which specific licensing is required. Apart from that, radio programs may broadcast original material, created by the radio producers themselves. In that case, both the creators and the users of the property that is under protection co-exist in the same program.

1.2 Intellectual and Copyright in Europe

Copyright and related rights are rights granted to authors (copyright or authors' rights) and to performers, producers and broadcasters (related rights)¹⁰.

They include:

- Economic rights which enable right-holders to control the use of their works and other protected material and be remunerated for their use. They normally take the form of exclusive rights, notably to authorise or prohibit the making and distribution of copies as well as communication to the public. Economic rights and their terms of protection are harmonised at EU level.
- Moral rights include the right to claim authorship of the work and the right to object to any derogatory action in relation to the work. They are not harmonised at EU level.

Licensing is the main mechanism for the exercise of copyright and related rights. Depending on the relevant right, the type of use and the sector, licences are most often granted directly by the right holder or collective management organisations. The EU has recently adopted legislation to improve the functioning of collective management organisations including through facilitating the provision of multi-territorial licences.

promote their indispensable contribution to modern society. It is the point of reference for industry knowledge and expertise

¹⁰ <https://ec.europa.eu/digital-single-market/en/policies/copyright>

https://en.wikipedia.org/wiki/Copyright_law_of_the_European_Union

Exceptions to these rights

- Teaching¹¹
- Helping disabled people
- Certain permitted uses of orphan works
- Fair dealing

The copyright law of the European Union consists of a number of directives, which the member states are obliged to enact into their national laws, and by the judgments of the European Court of Justice. Directives of the EU are passed to harmonise the laws of European Union member states.

Copyright systems balance the recognition of exclusive rights in order to facilitate the use of protected content in specific circumstances. The EU copyright rules set out an exhaustive list of exceptions to rights across various copyright directives. Exceptions allow beneficiaries to use protected material without authorisation from the right-holders. Enforcement of procedures and remedies against infringements of copyright have been partly harmonised at EU level. Intellectual property law in Europe varies by country. European countries first tried to coordinate intellectual property protection via the Berne Convention for the Protection of Literary and Artistic Works. The Berne Convention requires its signatories to recognize the works of authors from other signatory states in the same manner that it protects the copyrights of its own citizens.

In addition to the Berne Convention, European Copyright law is promulgated via directives, which are legislative acts of the European Union that require member states to achieve certain results without instructing its members on exactly how to achieve the desired goals. Since some European Union member states have legal systems based on common law and others on civil law, a one-size-fits-all approach will not work for all its members. Intellectual property directives provide member states guidance on how to regulate Internet and electronic media copyright issues.

1.3 Copyright Offices in partner NEStOR countries

Copyright law aims to balance the interests of those who create content, with the public interest in having the widest possible access to that content

¹¹ Several exceptions allow copyright works to be used for educational purposes, such as: Copying of works in any medium as long as the use is solely to illustrate a point, it is not done for commercial purposes, it is accompanied by a sufficient acknowledgement, and the use is fair dealing, Performing, playing or showing copyright works in a school, university or other educational establishment for educational purposes. However, it only applies if the audience is limited to teachers, pupils and others directly connected with the activities of the establishment, Recording a TV programme or radio broadcast for non-commercial educational purposes in an educational establishment, provided there is no licensing scheme in place, Making copies by using a photocopier, or similar device on behalf of an educational establishment for the purpose of non-commercial instruction, provided that there is no licensing scheme in place.

In IP profiles existing in WIPO databases, find statistics, legal information, case studies e,c in the following links

Cyprus

Department of Registrar of Companies and Official Receiver/ Ministry of Commerce, Industry and Tourism

http://www.mcit.gov.cy/mcit/mcit.nsf/dmlregistar_en/dmlregistar_en?OpenDocument

http://www.wipo.int/wipolex/en/results.jsp?countries=CY&cat_id=11

Denmark

Copyright Division / Ministry of Culture

<http://www.kum.dk>

http://www.wipo.int/wipolex/en/results.jsp?countries=DK&cat_id=11

Greece

Hellenic Copyright Organization/ Ministry of Culture

<http://www.opi.gr>

http://www.wipo.int/wipolex/en/results.jsp?countries=GR&cat_id=11

Lithuania

Ministry of Culture of the Republic of Lithuania, / Copyright Division

WIPO depository libraries www.tb.lt & [http:// www.mruni.eu/en/university/library/#tab_nl](http://www.mruni.eu/en/university/library/#tab_nl)

http://www.wipo.int/wipolex/en/results.jsp?countries=LT&cat_id=11

2. LICENCES AND ETHICS

2.1 *Copyright licenses - Collective Protection Societies*

The management and protection of author's rights and related rights can be carried out either individually by each beneficiary separately or collectively, through the Collecting Societies (CS) and the Collective Protection Societies (CPS).

By virtue of a special contract signed with the beneficiary, called delegation contract, the CS undertake the management and protection of the beneficiary's property right or part of his property authorities. The management delegation is in principle voluntary and depends on the will of the beneficiary. However, there are cases for which the law introduces an obligatory collective management or obligatory exercise of rights by a CS, as in the case of the collection of equitable remuneration deriving from private reproduction (e.g. collection of fees for reproduction of private copying levy art. 18 law 2121/1993).

The national CS sign mutual agreements with the foreign CS, by virtue of which the foreign CS are given the authority of mutual representation.

The legal status of the Collecting Societies is described in any national law¹². Collecting Societies manage the rights of authors and related rights right-holders.

2.2 *The freedom to share vs licensing*

There are two basic views on intellectual property issues in the information area. On the one hand, those who believe that from the outset the legislation did not offer anything to the general good, it just served a little at the expense of creation and therefore totally rejected it. On the other hand, there are those who believe that existing laws cannot function in the new Information Society and must be modelled on the new data.

Actually Social and technological advances make it possible for a growing part of humanity to access, create, modify, publish and distribute various kinds of works - artworks, scientific and educational materials, software, articles - in short: anything that can be represented in digital form. Many communities have been formed to exercise those new possibilities and create a wealth of collectively re-usable works.

¹² In Greek law is described in articles 54-58 of law 2121/1993. At present, there are 18 CS in Greece and two CPS that are all licensed by the Minister of Culture and Sports and supervised by the Hellenic Copyright Organization.

Most authors, creators whatever their field of activity, whatever their amateur or professional status, have a genuine interest in an ecosystem where works can be spread, re-used and derived in creative ways. The easier it is to re-use and derive works, the richer our cultures become.

To ensure the graceful functioning of this ecosystem, works of authorship should be free, and by freedom means:

- the freedom to use the work and enjoy the benefits of using it
- the freedom to study the work and to apply knowledge acquired from it
- the freedom to make and redistribute copies, in whole or in part, of the information or expression
- the freedom to make changes and improvements, and to distribute derivative works

If authors do not take action, their works are covered by existing copyright laws, which severely limit what others can and cannot do. Authors can make their works free by choosing among a number of legal documents known as licenses. For an author, choosing to put their work under a free license does not mean that they lose all their rights, but it gives to anyone the freedoms listed above.

2.3 Creative Commons

Some creators make their content “freely” available on the Internet under a Creative Commons (CC) licence. It is important to remember that these works are not free of copyright and their use incurs at the very least an obligation of attribution. The CC concept allows authors to make their works available to the public on terms which do not require payment and are subject only to a limited range of restrictions (some rights reserved).

Creative Commons¹³ licences are non-revocable and non-exclusive and cannot be sublicensed. If somebody, students or teachers, wish to use CC licensed works for their programmes or website, they should avoid using content made available under the non-commercial licences since in principle their use as broadcasters would not be considered non-commercial in the sense of the CC licence. Should also be aware that CC licensed material cannot be sublicensed, which could present an obstacle for sharing this material, e.g. with other broadcasters. If a young producer wish to make his/her own productions available as CC works, bear in mind that they remain liable for ensuring that the permission of all right holders has been obtained. Creative Commons licences are irrevocable. From the moment a creator make the work available under a CC licence, he/she can no longer modify or withdraw the licence.

¹³ Creative Commons is a global nonprofit organization that enables sharing and reuse of creativity and knowledge through the provision of free legal tools. <https://creativecommons.org/faq/#what-is-creative-commons-and-what-do-you-do>

2.3.1 Creative Commons licenses

- Attribution CC BY

This license lets others distribute, remix, tweak, and build upon your work, even commercially, as long as they credit you for the original creation. This is the most accommodating of licenses offered. Recommended for maximum dissemination and use of licensed materials.

- Attribution-Share Alike CC BY-SA

This license lets others remix, tweak, and build upon the works even for commercial purposes, as long as they credit you and license their new creations under the identical terms. This license is often compared to “copyleft” free and open source software licenses. All new works based on specific work will carry the same license, so any derivatives will also allow commercial use. This is the license used by Wikipedia, and is recommended for materials that would benefit from incorporating content from Wikipedia and similarly licensed projects.

- Attribution-Non Commercial CC BY-NC

This license lets others remix, tweak, and build upon your work non-commercially, and although their new works must also acknowledge you and be non-commercial, they don't have to license their derivative works on the same terms.

- Attribution-Non Commercial-Share Alike CC BY-NC-SA

This license lets others remix, tweak, and build upon your work non-commercially, as long as they credit you and license their new creations under the identical terms.

- Attribution-Non Commercial-No Derivs CC BY-NC-ND

This license is the most restrictive of our six main licenses, only allowing others to download your works and share them with others as long as they credit you, but they can't change them in any way or use them commercially.

2.4 *How to face copyright with the use of Web Radio in education*

Web radio and media literacy, as all NESTOR partners have already mentioned, are two terms strongly connected to one another. Part of media literacy is also the education to respect for the rights of creators (musicians, authors, designers..). European School Radio is working towards this direction, in two ways.

- Training youngsters producers to follow ethical rules with a reference to the authors of the works, mainly music and literary, which they use in their productions
- Organizes events, seminars, workshops for teachers and students on copyright protection in collaboration with stakeholders

At the same time, ESR collaborates with Collective Protection Society, named AEPI¹⁴, in Greece and has the license to use the works of the authors who are represented by them. This license extends to productions produced in other countries as long as the AEPI cooperates with the countries participating (members) in the WIPO.

2.4.1 Educational programs

Respecting and protecting copyright raises in a person civility, education and social responsibility. So the role that teachers play is crucial. It is teachers in collaboration with parents that form the attitudes of young people. These are the civilians of tomorrow's society. It is through them that progress and development is engineered.

Every artistic or cultural event teachers attend with their students is an opportunity to discuss the issue and explain with simple examples the concept of copyright and related rights.

- An educational visit to the theater or the cinema, is a good reason to discuss the issues of copyright. Before the visit but especially after it can be asked questions about the authors of the projects they attended. It is a focal point to know the creators and recognize the importance of their work.
- Listening together their favorite music or reading their favorite book in the classroom questions like “the person who created it should be compensated for his toil and recognized by the public for his work”, “If he/she is not rewarded, will he/she have the will to create a new work” makes obvious the necessity of IP protection
- Another idea is to put the children in the author's side (place). A drawing or painting the children made at school, a play they wrote and show, a text which the teacher praised, are all good opportunities to discuss about how they would feel if their classmate stole their work and presented it as its own, receiving the recognition of the classmates and teachers.
- “Celebrate” April 26 that set as World Intellectual Property Day.

The Hellenic Copyright Organisation proposes an educational program¹⁵ in two languages. Copyrightschool.gr was created to assist teachers, pupils and parents to find out more about copyright. It includes pages with games, guides and frequently asked questions. The educational material for students has organized in two main sections for primary and secondary. “Frequently

¹⁴ The Hellenic Society for the Protection of Intellectual Property (AEPI), functions as a Collective Administration Organisation on the basis of the regulations of Greek Law 2121/1993. The purpose of the Organisation, in accordance with the law, and its statute, is the administration and protection of intellectual property, for all works composed and/or written in the past and all works to be written in the future by the creators/intellectual property owners of musical works that have entered into an agreement with the organisation. http://www.aepi.gr/index.php?option=com_frontpage&Itemid=1

¹⁵ <http://www.copyrightschool.gr/index.php/en/>

asked questions” part can used as practical guide for both educators and students to understand and finally respect the intellectual property and the rights deriving from it.

3. CONCLUSIONS

Nowadays, it is difficult for rights holders to control their property and makes obvious the need to create new laws and technical means of protecting the intellectual property. At this point, while it has been understood that copyrights and their observance are important for all, it is necessary to add a reflection on the future. As the rights of creators increasing, the rights of the users of information are reduced. The magic word is "balance" between them. But as is always happens, the scales are leaning towards those who have the power, and in this case the power lies with the publishers/producers - not even the creators.

Respect for intellectual property is indispensable to reward creators and continue their activity.

4. LIST OF ABBREVIATIONS

CC	Creative Commons
CS	Collecting Societies
CPS	Collective Protection Societies
IP	Intellectual property
NC	non-commercial
SA	Share Alike
UGC	User-Generated Content

5. REFERENCES

- **COPYRIGHT GUIDE Practical information for broadcasters**
<https://www.ebu.ch/files/live/sites/ebu/files/Publications/EBU-Legal-Copyright-Guide.pdf>
- **Copyright law of the European Union**
https://en.wikipedia.org/wiki/Copyright_law_of_the_European_Union
- **Creative Commons** <https://creativecommons.org/licenses/?lang=en>
- **European Broadcasting Union (EBU)** <https://www.ebu.ch/about>
- **European Commission, Digital Single Market** <https://ec.europa.eu/digital-single-market/en/policies/copyright>
- **European Union Intellectual Property Office (EUIPO)**
<https://euipo.europa.eu/ohimportal/el/>
- **Hellenic Copyright Organization (OPI)** <http://www.opi.gr/>
<http://www.copyrightschool.gr/index.php/en/>
- **Hellenic Society for the Protection of Intellectual Property (AEPI)**
http://www.aepi.gr/index.php?option=com_frontpage&Itemid=1
- **PRS for Music** https://en.wikipedia.org/wiki/PRS_for_Music#Cross-border_European_licensing
- **World Intellectual Property Organization** <http://www.wipo.int/portal/en/index.html>