

Articles 15 & 17 of the Directive on  
Copyright in the Digital Single Market  
Questionnaire – Annex to the Comparative  
National Implementation Report  
**CYPRUS**

**Last Updated:** 4 July 2023

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This comparative report is based on 25 national questionnaires prepared by national legal experts.

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**The research project was funded by the Coalition for Creativity (C4C) (for more information see: <https://coalition4creativity.org>). Pursuant to the principles of academic freedom, the research was conducted in complete independence from third parties, including the commissioning party.**

**The full study is available for download at: <https://informationlabs.org/copyright>**

## Country: CYPRUS

National Expert: PROF. TATIANA ELENi SYNODiNOU (University of Cyprus)

Last updated: 4 July 2023

### PART I: Article 15 CDSMD

**Note:** The questions below concern the national implementation of Article 15 CDSMD in your country. They refer to this as the “local national implementation” or LNI. It is recommended that you read all the questions before beginning to compose answers. In all responses, please cite the relevant provisions of national law in your country.

#### Background information

1. Did your national jurisdiction provide protection (whether via copyright or a relevant targeted related right) for press publications prior to the adoption of the CDSMD? If so, please briefly describe this, indicating any differences from the protection provided by Article 15 CDSMD.

Cypriot legislation did not provide protection via copyright or a relevant targeted related right for press publications prior to the adoption of the CDSMD.

2. Has Article 15 CDSMD been transposed into national law in your country? If so, please cite the legal act with which and the date on which this was done. Please also briefly indicate whether you consider that the transposition takes a textual (“*ad litteram*”) or intentionalist approach (e.g., one that is adaptive to national circumstances).

If available, please provide a link to the legal provision in the official language(s) of your jurisdiction. If you are aware of a good (official or unofficial) English language translation, please include that as well.

**Note:** if there is no national implementation of Article 15 CDSMD, please process to Part II of the questionnaire.

Article 15 CDSMD has been transposed into national law through the amending law 155(I)/2022.<sup>1</sup> The law entered into force on 7 October 2022, amending the Law of Copyright and Related Rights of 1976 (Law No. 59/76). Such a transposition can be considered as textual, as the amended law mostly implements literally the text of the Directive.

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<sup>1</sup>[Ο περί του Δικαιώματος Πνευματικής Ιδιοκτησίας και Συγγενικών Δικαιωμάτων \(Τροποποιητικός\) Νόμος του 2022 \(Ν. 155\(I\)/2022\) Ε.Ε., Παρ.Ι\(Ι\), Αρ.4912, 7/10/2022.](#)

## **AC 1: Subject matter**

- 3. What is the subject matter (object) of protection by the LNI and how is this defined? Please focus on any differences (including additions) from the concept of “press publications” as defined by Art. 2(4) CDSMD.**

The subject matter (object) of protection by the LNI is textually the same with the Directive’s definition. However, there is an addition regarding what is NOT a press publication. More specifically, except from the periodicals that are published for scientific or academic purposes, the law states that the protection does not apply to 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.

- 4. Does the LNI protect against uses of individual words or very short extracts? If these are excluded from protection, how are they defined? Please note whether a qualitative or quantitative approach is taken and whether such short extracts may include non-literary content. Please note whether there are specific provisions on headlines.**

Based on article 36(3)(b) of the above Law, it is clear that uses of individual words or very short extracts are excluded from protection. There is no definition of the phrase ‘short extracts’ in the legislation. The law does not define whether the evaluation will be quantitative or qualitative. There is no reference on whether non-literary content is included. There are no specific provisions on headlines.

- 5. Does the LNI extend to mere facts reported in its subject matter? If these are excluded from protection, how are they defined?**

There is no specific reference in the implementing provision.

- 6. Does the LNI extend to public domain content incorporated in its subject matter? If these are excluded from protection, how are they defined?**

There is no definition of the public domain in Law 59/1976. In general, there is no reference to the concept of public domain in the implementing provision.

As article 3(3) of Law 59/1976, states, the protection of the law does not extend to ideas, procedures, systems, methods, principles. In this context, these elements of the public domain shall not be covered by the new right.

Furthermore, according to Article 38 (6) (b), when a work or other subject matter is incorporated in a press publication on the basis of a non-exclusive license, the right shall not be invoked to prohibit the use of works or other subject matter for which protection has expired.

- 7. Does the LNI include any other threshold conditions for protection?**

No.

## **AC 2: Right-holders**

### **8. Who are the beneficiaries of the protection for press publications in the LNI? Please indicate any exclusions, (e.g., territorial). Please indicate if the LNI employs lists of press publications or beneficiaries that would be covered.**

The new right is enjoyed by press publishers who are established in an EU Member State. The LNI does not employ lists of press publications or beneficiaries that would be covered. However, from **article 2** it can be understood that the beneficiaries of such a protection are publishers of a collection composed mainly of literary works of a journalistic nature, but which can also include other works or other subject matter. Such a collection shall constitute an individual item within a periodical or regularly updated publication under a single title, such as a newspaper or a general or special interest magazine, shall have the purpose of providing the general public with information related to news or other topics; and shall be published in any media under the initiative, editorial responsibility and control of a service provider.

Publishers of periodicals that are published for scientific or academic purposes such as scientific journals shall not be considered as beneficiaries of the protection. Similarly, publishers of blogs which provide information as part of an activity which is not carried out under the initiative, editorial responsibility and control of a service shall also not be protected as well.

## **AC 3: Restricted acts**

### **9. Against what kind of acts does the LNI protect? Please provide any relevant definitions.**

Article 36 of Law 59/1976 provides protection against the acts of reproduction and communication to the public by wire or wireless means, in a way in which anyone can have access, wherever and whenever they choose to, of publications for online use by online content-sharing service providers.

However, the protection does not include acts such as private or non-commercial uses of press publications by individual users nor the use of individual words or very short extracts of press publications. Also, the protection does not apply to acts of hyperlinking only if hyperlinks (a) can be activated purely in order to lead the user to the original press publication or part of it on the press publisher's website, and (b) do not include other types of links, like links in which the technology of framing is used.

### **10. Does the LNI cover hyperlinking to the protected subject matter? If not, how is hyperlinking defined?**

The LNI excludes acts of hyperlinking from protection. More specifically, regarding the exception of hyperlinks, the Law specifies that the use of hyperlinks cannot be prohibited by the press publishers only if such hyperlinks: (a) can be activated purely in order to lead the user to the original press publication or part of it on the press publisher's website, and (b) do not include other types of links like links in which the technology of framing is used.

Furthermore, it has to be noticed that the Law 59/1976, on the occasion of the implementation of the CDSM Directive, provided a definition of the right of communication to the public, as following : "*communication to the public*" means the exclusive right of control of the beneficiary 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 phonogram, as these terms are defined in the Treaty of the World Intellectual Property Organization for Performances and Phonograms Law, digital broadcasting and hyperlinking to works protected by copyright. This definition does not include placing on a website a hyperlink to works freely available on another website".

#### **AC 4: Targeted users**

- 11. Does the LNI target use by a specific kind of user (provider)? Please provide any relevant definitions. Specifically, please indicate whether private or non-commercial uses by individual users are covered. Please also indicate whether online platforms (OCSSPs) are covered.**

The LNI, as the Directive does, focuses on specific acts of Internet service providers. The law does not offer its own definition of an ISSP. Accordingly, the definition of Directive 2015/1535 should be followed. The LNI does not specifically refer to online platforms. According to article 36 of the Law, private or non-commercial uses by individual users are not covered.

- 12. Does the LNI allow for the rights it provides to be invoked against:**
- a) right owners whose content is incorporated in the protected subject matter?**
  - b) holders of licenses to exercise rights in content that is incorporated in the protected subject matter?**
- Please describe the applicable rules.**

Based on article 36(4) the rights of press publishers in no way affect the rights granted under the provisions of the Law to authors and other beneficiaries in relation to works incorporated in a press publication. Also, according to article 36(5), the rights provided to press publishers shall not be invoked against such authors and other rightsholders and, in particular, shall not deprive them of their right to exploit their works and other subject matter independently from the press publication in which they are incorporated. Also, according to paragraph 6, when a work or other subject matter is incorporated in a press publication on the basis of a non-exclusive licence, the rights provided for press publishers shall not be invoked to prohibit the use by other authorised users.

#### **AC 5: Exceptions and limitations**

- 13. Does the LNI recognise exceptions or limitations to the protection it provides? If so, please indicate what these are.**

According to article 36 the following are excluded from the press publishers' exclusive rights: private or non-commercial use of press publication by individual users, hyperlinks to press publications (on the conditions laid down in Article 36 (3) (a)), the use of individual words or very short extracts from press publications.

Regarding the exception of hyperlinks, the Law specifies that the use of hyperlinks cannot be prohibited by the press publishers only if such hyperlinks: (a) can be activated purely in order to lead the user to the original press publication or part of it on the press publisher's website, and (b) do not include other types of links like links in which technology framing is used.

Article 36 (8) provides that the provisions of Articles 2, 7, 7I until 7IK and 14B έως 14E apply par analogy to the press publisher right. Accordingly, all copyright exceptions apply par analogy to the right.

#### **AC 6: Licensing**

- 14. Does the LNI include provisions on the licensing (incl. systems of extended collective licensing) of uses of press publications? If so, please briefly describe any relevant details. For example, these could involve the following:**
- **criteria for determining the height of compensation;**
  - **the process for negotiating compensation;**
  - **transparency duties (incl. data sharing obligations);**
  - **duties to engage in negotiations;**
  - **oversight by a government authority;**
  - **(mandatory) collective rights management.**

No, the LNI does not include any provisions regarding licensing of uses of press publications.

### **AC 7: Revenue sharing**

**15. Does the LNI require that any revenue it provides be shared with authors of works incorporated in its subject matter? If so, does it provide details on e.g., the size of the share or modes of collection and distribution or transparency obligations on press publishers? Please describe the applicable rules.**

Based on article 36(9), the authors of the works incorporated in a press publication receive a reasonable share of the revenues earned by the press publishers for the use of their press publications by information society service providers.

However, the law does not provide how authors of works incorporated in a press publication will benefit from this right and how will receive an appropriate share of the publisher's revenues for the use of their press publications by information society service providers. More specifically, the Law does not provide clearly and precisely how such a remuneration will be calculated and by whom.

### **AC 8: Term of protection**

**16. What is the term of the protection afforded to press publications by the LNI?**

The rights of press publishers shall expire two years after the press publication is published. The term shall be calculated from 1 January of the year following the date on which that press publication is published.

### **AC 9: Waiver**

**17. Can right-holders waive their rights under the LNI? Can authorisation be given for free?**

The LNI does not mention anything regarding the possibility for right-holders to waive their rights or to authorize them for free. According to Cypriot contract law, consideration is needed for any contract to be valid.

### **AC 10: Entry into effect**

**18. From what date did the protection provided by the LNI come into effect in your jurisdiction?**

Article 15 CDSMD has been transposed into national law through the amending law 155(I)/2022. The law entered into force on 7 October 2022, amending the Law of Copyright and Related Rights of 1976 (Article 36 of the Law No.59/76). Therefore, the protection came into effect on 7 October 2022. Press publications first published before 6 June 2019 are not protected in Cyprus.

### **Additional information**

**19. Can you think of any noteworthy divergence in the LNI from the standards set out in Article 15 of the CDSMD that you have not already addressed above? If so, please elaborate.**

Article 36 of the Law is mostly in line with Directive's Article 15. However, the law does not provide how authors of works incorporated in a press publication will benefit from this right and how will receive an appropriate share of the publisher's revenues for the use of their press publications by information society service providers. More specifically, the Law does not provide clearly and precisely how such a remuneration will be calculated and by whom. As a result, it does not provide effectively such a mechanism.

## PART II: Article 17 CDSMD

**Note:** The questions below concern the national implementation of Article 17 CDSMD in your country. They refer to this as the “local national implementation” or LNI. It is recommended that you read all the questions before beginning to compose answers. In all responses, please cite the relevant provisions of national law in your country.

### **Background information**

- 1. Has Article 17 CDSMD been transposed into national law in your country? If so, please cite the legal act with which and the date on which this was done. Please also briefly indicate whether you consider that the transposition takes a textual (“*ad litteram*”) or intentionalist approach (e.g., one that is adaptive to national circumstances).**

**If available, please provide a link to the legal provision in the official language(s) of your jurisdiction. If you are aware of a good (official or unofficial) English language translation, please include that as well.**

**Note: if there is no national implementation of Article 17 CDSMD you can end the questionnaire at this point.**

Article 17 CDSMD has been transposed into national law through the amending Law 155(I)/2022. The law entered into force on 7 October 2022, amending the Law of Copyright and Related Rights of 1976 (Law No. 59/76). The transposition can be considered as textual, as the amended law implements literally the text of the Directive.

### **AC 1: Subject matter**

- 2. What is the subject matter (object) of protection by the LNI?**

There is no express definition in the law of the subject matter. The subject matter is copyright-protected works or other protected subject matter uploaded by users of the services provided by online content-sharing service providers. Other protected subject matter shall normally cover what is protected by copyright law or related right on the basis of Law 59/1976. According to Article 3 of Law No. 59/76, the following are eligible for protection: (a) by copyright: i. scientific works; ii. literary works, including computer programs; iii. musical works; iv. artistic works, including photographs of all kinds; v. films; vi. databases; vii. sound recordings; viii. broadcasts; ix. publications of previously unpublished works; (b) by related rights: (i) press publications (ii) interpretations or performances of work by artists.

### **AC 2: Right-holders**

- 3. Who are the beneficiaries of the protection provided by LNI? Please note whether there are any deviations from the directive.**

There is no express reference in the law to beneficiaries of protection. Since the protection covers copyright-protected works or other protected subject matter which is uploaded by users of the services provided by online content-sharing service providers, the beneficiaries are the copyright holders or the holders of other protected subject matter which are uploaded by the users.

### **AC 3: Exclusive rights**

**4. Against what kind of act does the LNI protect right-holders? Is a legal qualification given to those acts (e.g., “communication to the public”)?**

According to Article 38, online content-sharing service providers perform an act of communication to the public or an act of making available to the public when they provide access to the public to copyright protected works or other protected objects uploaded by their users. So, these acts are qualified as “communication to the public” or “making available to the public”.

### **AC 4: Targeted providers**

**5. Does the LNI target a specific kind of service provider? Please provide any relevant definitions, including any exclusions (“carve-outs”). Please focus on any differences from the concept of “online content sharing providers” (OCSSPs) as defined by Article 2(6) CDSMD and any elements taken from the recitals (e.g., facilitating piracy, definitions of “large amounts”).**

Article 38 of the Law refers to online content-sharing service providers. The definition of online content-sharing service providers is provided in Article 2 of the Law. The latter, implementing textually the Directive, states that “online content-sharing service provider” means a provider of an information society service of which the main or one of the main purposes is to store and give the public access to a large amount of copyright-protected works or other protected subject matter uploaded by its users, which it organises and promotes for profit-making purposes.

Also, it is provided that providers of services, such as not-for-profit online encyclopaedias, not-for-profit educational and scientific repositories, open-source software-developing and-sharing platforms, providers of electronic communications services as defined in the related national legislation, online marketplaces, business-to-business cloud services and cloud services that allow users to upload content for their own use, are not “online content-sharing service providers”.

No element has been taken from the recitals regarding this definition.

**6. Were the targeted service providers considered to infringe the relevant exclusive rights in your country prior to the adoption of the LNI? Please indicate whether any liability was primary or secondary.**

There was no specific legislative framework or case law referring to this issue before the adoption of the Directive. The provisions of the E-Commerce Directive as they have been implemented in the law of Cyprus were applicable. More specifically, article 14 of the E-Commerce Directive 2000/31 was implemented in Cyprus by Law 156(I)/2004.

Based on articles 17 and 18 of this Law, although the online content-sharing service providers had not a general obligation to monitor the information which they transmit or store, nor a general obligation actively to seek facts or circumstances indicating illegal activity, they could be held liable if at the request of a recipient of the service they had actual knowledge of illegal activity or information and, as regards claims for damages, were aware of facts or circumstances from which the illegal activity or information is apparent. Also, there was liability if the provider, upon such knowledge or awareness did not act expeditiously to remove or to disable access to the information.



## AC 5: Scope of protection

- 7. In your national jurisdiction prior to the transposition of the CDSMD did the service providers targeted by the LNI benefit from the protection of an immunity (e.g., the national implementation of the hosting safe harbour provided by Article 14 of the ECD (Directive 2000/31/EC))? If so, does this provision continue to apply?**

Yes, based on article 17 of Law 156(I)/2004 which implemented article 14 of the ECD, online content-sharing service providers prior to the transposition of the CDSMD benefited from the protection of an immunity. More specifically, as article 14 of this Law states, online content-sharing service providers were not liable for the information stored at the request of a recipient of the service on condition that (a) the provider did not have actual knowledge of illegal activity or information and, as regards claims for damages, was not aware of facts or circumstances from which the illegal activity or information was apparent, and (b) the provider, upon obtaining such knowledge or awareness, acted expeditiously to remove or to disable access to the information.

According to Article 38 (5) (a) of Law 59/1976, when an online content-sharing service provider performs an act of communication to the public or an act of making available to the public under the conditions laid down in Article 38, the limitation of liability established in Article 17 of the Law 156(I)/2004 does not apply to the situations covered by Article 38. This does not affect the possible application of Article 17 of the Law 156(I)/2004 to those service providers for purposes falling outside the scope of Article 38.

- 8. Does the LNI provide an immunity for targeted service providers against the protection it introduces? If so, please describe the conditions for this immunity. To the extent that such conditions relate to obligations to take action against infringing content, please distinguish between obligations to take action against current infringing content and obligations to take action against future infringing content.**

The LNI has reproduced literally the text of the Directive. More specifically, Article 38(6) states that if no authorisation is granted, online content-sharing service providers shall be liable for unauthorised acts of communication to the public, including making available to the public, of copyright-protected works and other subject matter, unless the service providers demonstrate that they have:

- (a) made best efforts to obtain an authorisation and
- (b) made, in accordance with high industry standards of professional diligence, best efforts to ensure the unavailability of specific works and other subject matter for which the right-holders have provided the service providers with the relevant and necessary information), and in any event
- (c) acted expeditiously, upon receiving a sufficiently substantiated notice from the right-holders, to disable access to, or to remove from their websites, the notified works or other subject matter, and made best efforts to prevent their future uploads in accordance with point (b).

Also, based on paragraph 7, in determining whether the service provider has complied with its obligations and in light of the principle of proportionality, the following elements, among others, shall be taken into account:

- (a) the type, the audience and the size of the service and the type of works or other subject matter uploaded by the users of the service; and
- (b) the availability of suitable and effective means and their cost for service providers.

- 9. Does the LNI identify a standard of care to which targeted service provider should adhere in relation to the conditions of the immunity? For example, the Directive makes reference to “best efforts” and to “high industry standards of professional diligence”. Please also discuss whether you consider any such terms used in the LNI to represent accurate translations of the corresponding terms in the EU provision, preferably taking into account both the English language and the national language versions.**

The same terms with the Directive are used in the LNI (‘best efforts’, ‘high industry standards of professional diligence’). The Cypriot legislation has reproduced accurately the relevant terms in the Greek version of the Directive. In this context, best efforts has been introduced as “every possible effort” (“κάθε δυνατή προσπάθεια”).

- 10. Are the conditions for the immunity in the LNI subject to the principle of proportionality? If so, please describe any specified implications.**

Yes. More specifically based on article 38(7), in determining whether the service provider has complied with its obligations and in light of the principle of proportionality, the following elements, among others, shall be taken into account:

- (a) the type, the audience and the size of the service and the type of works or other subject matter uploaded by the users of the service; and
- (b) the availability of suitable and effective means and their cost for service providers.

- 11. Do the conditions of the immunity differ depending on the characteristics of the specific service provider (e.g., size or age)? If so, please describe those differences, providing any relevant definitions.**

Yes. More specifically, based on article 38(8) in respect of new online content-sharing service providers the services of which have been available to the public in the Union for less than three years and which have an annual turnover below EUR 10 million, the conditions under the liability regime set out in paragraph 6 are limited to compliance with point (a) of paragraph 6 (made best efforts to obtain an authorisation) and to acting expeditiously, upon receiving a sufficiently substantiated notice, to disable access to the notified works or other subject matter or to remove those works or other subject matter from their websites.

Also, where the average number of monthly unique visitors of such service providers exceeds 5 million, calculated on the basis of the previous calendar year, they shall also demonstrate that they have made best efforts to prevent further uploads of the notified works and other subject matter for which the right-holders have provided relevant and necessary information.

#### **AC 6: Right-holder cooperation**

- 12. Does the LNI depend the conditions of the immunity on right-holder cooperation? If so, please describe what cooperation is expected of right-holders.**

Yes. The right-holders shall provide the service providers with the relevant and necessary information, regarding which the service providers shall, in accordance with high industry standards of professional diligence, make best efforts to ensure the unavailability of specific works and other subject matter. Moreover, the right-holders shall send a sufficiently substantiated notice to the service providers to disable access to, or to remove from their websites, the notified works or other subject matter.

Based on article 38(9), the cooperation between online content-sharing service providers and right-holders shall not result in the prevention of the availability of works or other subject matter uploaded by users, which do not infringe copyright and related rights, including where such works or other subject matter are covered by an exception or limitation.

Also, based on paragraph 10(b), the online content-sharing service providers shall provide right-holders, at their request, with adequate information on the functioning of their practices with regard to such a cooperation and where licensing agreements are concluded between service providers and right-holders, information on the use of content covered by the agreements.

**13. Does the LNI allow right-holders to “earmark” content the unauthorised online availability of which could cause them significant economic harm? If so, please provide any definitions and conditions that govern such earmarking and describe any special regime set in place for earmarked content.**

Article 38 does not contain any specific provisions allowing right-holders to ‘earmark’ content in cases when its unauthorised online availability can cause them significant economic harm.

#### **AC 7: General monitoring**

**14. Does the LNI permit the conditions of the immunity to result in general monitoring? If not, please explain how “general monitoring” is defined.**

Based on article 38(10) (a) of the Law, the application of article 38 shall not lead to any general monitoring obligation. There is no definition of the phrase ‘general monitoring’ in the Law.

**15. Does the LNI recommend or dissuade from using any specific kind of technology in order to adhere to the conditions for immunity? If so, please describe.**

No.

#### **AC 8: Exceptions and limitations**

**16. Prior to the adoption of the LNI, did national law provide for an exception or limitation to copyright for uses for the purpose of a) quotation, criticism and review; and b) caricature, parody or pastiche? If not, has it now introduced such exceptions or limitations? Please describe the conditions under which such exceptions or limitations apply.**

Before the adoption of the LNI, the quotation, criticism and review exception or limitation was already provided by the national law.

First, a “fair dealing” provision is found in Article 7 (2) (a) of Law 59/1976. According to this provision, copyright does not include the right to control the doing of any of the aforesaid acts, in good faith, for purposes of research private use, criticism or review or the reporting of current events, on condition that, if such use is made in public, it shall be accompanied by an acknowledgement of the title of the work and its authorship, except where the work is incidentally included in a broadcast”.

Moreover, the quotation exception was provided in Article 7 (2) (f). According to this provision, copyright does not include the right to control the quotation of passages from published works if they are compatible with fair practice and their extent does not exceed the extent justified by the purpose, including extracts from newspaper articles and magazines in the form of press summaries, provided that mention is made of the source and of the name of the author which appears on the work thus used.

After the adoption of the LNI the quotation exception has been amended as following: “copyright law does not include the right to control quotation for the purpose of criticism or book presentation, 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 found that this is impossible, and that such quotation is in accordance with morality and its extent is justified by its purpose.”

Regarding caricature, parody or pastiche, such an exception or limitation was not provided by the national law before the implementation of the Directive. After the implementation, article 38(9)(b) of the Law states that users are able to rely on any of the following existing exceptions or limitations when uploading and making available content generated by users on online content-sharing services:

- (a) quotation, criticism, review;
- (b) use for the purpose of caricature, parody or pastiche.

On the occasion of the implementation of the Directive, a general caricature, parody or pastiche exception has been also added in Law 59/1976 (article 7). The Law does not provide any definition for caricature, parody or pastiche.

**17. Do other exceptions or limitations apply to the protection provided by the LNI? If so, please describe.**

No, the article has been implemented as a special provision with no reference to Article 7, which is the article covering general copyright exceptions. Accordingly, general copyright exceptions and limitations are not applicable.

**AC 9: Licensing**

**18. Does the LNI include provisions on the licensing (incl. systems of extended collective licensing) of relevant uses? If so, please briefly describe any relevant details. For example, these could involve the following:**

- **criteria for determining the height of compensation;**
- **the process for negotiating compensation;**
- **transparency duties (incl. data sharing obligations);**
- **duties to engage in negotiations;**
- **oversight by a government authority;**
- **(mandatory) collective rights management.**

No, the LNI does not include any provisions regarding licensing.

**19. Under the LNI, do licenses obtained by a platform cover the platform's users and/or the other way around? If so, please explain.**

Based on article 38(3), where an online content-sharing service provider obtains an authorisation, for instance by concluding a licensing agreement, that authorisation shall also cover acts carried out by users of the services when they are not acting on a commercial basis or where their activity does not generate significant revenues. There is no reference in the law for application the other way around.

**AC 10: Legitimate uses: *ex ante* safeguards**

**20. Does the LNI include a concept of "legitimate uses"? If so, how are these defined? How are legitimate uses treated?**

In the article 38 the concept of "legitimate uses" is not included. However, in paragraph 9(b) it states that users are able to rely on any of the following existing exceptions or limitations when uploading and making available content generated by users on online content-sharing services:

- (a) quotation, criticism, review;
- (b) use for the purpose of caricature, parody or pastiche.

**21. Does the LNI include a concept of “manifestly infringing uploads”? If so, how is this defined? How are “manifestly infringing” and “non-manifestly infringing” uploads treated?**

No.

**22. Does the LNI include other *ex ante* mechanisms for the avoidance of action against legitimate content? If so, please describe these citing the relevant provisions of national law.**

No.

#### **AC 11: Legitimate uses: *ex post* safeguards**

**23. Does the LNI provide for effective and expeditious complaint and redress mechanisms in the event of disputes? If so, please describe these. If applicable, please include information on time limits, decision-makers, procedural steps and whether any review is performed by humans.**

Based on article 38(11)(a) the online content-sharing service providers shall implement an effective and expeditious complaint and redress mechanism available to users of the service in case of disputes regarding the disabling of access to or removal of works or other subject matter uploaded by them. Where right-holders request to have access to their specific works or other subject matter disabled or to have those works or other subject matter removed, they shall duly justify the reasons for their requests. Complaints submitted under the mechanism shall be processed without undue delay, and decisions to disable access to or remove uploaded content shall be subject to human review.

The law simply reproduces the text of the Directive without further effort to provide a more detailed framework. Accordingly, it does not establish specific *ex post* safeguards that need to be implemented by the online content-sharing service providers.

**24. Does the LNI foresee for any other ways of settling disputes over content posted on their platforms (e.g., out-of-court mechanisms or recourse to the courts, incl. collective redress)? If so, please list these.**

The LNI does not foresee that a specific out-of-court redress mechanisms will be available for the settlement of disputes. It does not provide the way that such mechanisms will enable the settlement of disputes impartially and without prejudice to the user’s rights concerning the affordable legal and judicial protection. Even if such an obligation is not specifically provided by the Directive, it shall be stated that the law does not define any authority to supervise complaint and redress procedures.

The LNI provides that the users have the right to apply to a court to establish the legality of the use of the exceptions or limitations provided for in subsection (2) of article 7 of Law 59/1976 (Article 38 (11) (a) (d)).

#### **AC 12: Sanctions**

**25. Does the LNI foresee sanctions in cases of abuses of the procedures it introduces by right-holders, users and/or platforms? If so, please describe these.**

No, article 38 does not foresee sanctions in cases of abuses of the procedures it introduces by right-holders, users and/or platforms.

### **AC 13: Information obligations**

#### **26. Does the LNI impose information obligations on platforms? If so, please describe these.**

Based on article 38(10)(b) the online content-sharing service providers shall provide right-holders, at their request, with adequate information on the functioning of their practices with regard to the aforementioned cooperation and, where licensing agreements are concluded between service providers and right-holders, information on the use of content covered by the agreements. Furthermore, based on Article 38(11) (f), Online content-sharing service providers shall inform their users in their terms and conditions that they can use works and other subject matter under exceptions or limitations to copyright and related rights provided for in Union law.

### **AC 14: Waiver**

#### **27. Can right-holders waive the rights provided by LNI? Can authorisation be given for free?**

Article 38 of the Law does not mention anything regarding the possibility for right-holders to waive their rights or to authorize them for free. According to Cypriot contract law, a consideration is necessary for a contract to be valid. The consideration is established as a fundamental condition for the validity of the contract at the Section 25 of the Cap149. However, consideration does not have to mean material gain or monetary value. According to the relevant UK case law, which is used as persuasive precedent in Cyprus, the consideration is ruled valid if “factual benefits” are given from one to another party. That means that the obligations of the user an open content license to respect the terms and conditions of the contract, but also and most of all that the dissemination of the work and its broad use worldwide are factual benefits for the right holder and therefore the consideration requirement is met.

### **AC 15: Entry into effect**

#### **28. From what date did the protection provided by the LNI come into effect in your jurisdiction?**

The law entered into force on 7 October 2022, amending the Law of Copyright and Related Rights of 1976 (Law No.59/76). Therefore, the protection came into effect on 7 October 2022.

### **Additional information**

#### **29. Does the LNI explicitly address the relationship between the protection it provides as against OCSSPs and fundamental or human rights (whether of OCSSPs or third parties)?**

According to Article 38 (11) (e), the law shall in no way affect legitimate uses, such as uses under exceptions or limitations provided for in Union law and shall not lead to any identification of individual users nor to the processing of personal data, except in accordance with Directive 2002/58/EC and Regulation (EU) 2016/679.

However, Article 38 does not explicitly address more broadly the relationship between the protection it provides against OCSSPs and fundamental or human rights.

**30. Can you think of any noteworthy divergence in the LNI from the standards set out in Article 17 of the CDSMD that you have not already addressed above? If so, please elaborate.**

Article 38 has reproduced almost literally the text of the Directive and, consequently, the LNI is mostly in line with Directive's Article 17. A divergence is that the law does not foresee that a specific out-of-court redress mechanism will be available for the settlement of disputes. In this context, it does not provide the way that such mechanisms will enable the settlement of disputes impartially and without prejudice to the user's rights concerning the affordable legal and judicial protection. Furthermore, and even if such an obligation is not specifically provided by the Directive, it is worth pointing out that the law does not define any authority to supervise complaint and redress procedures.