Chapter 5
Examining the Governance Framework of OARs in Greece as a European Case Study

ABSTRACT

In modern times, technological development is continuous, and one of its distinctive features is open access, which has been greatly discussed in the preceding chapter. The literature reflects that open access practice is distinguished from a variety of instruments, and the most renowned is OARs. This chapter’s analysis is designed to juxtapose the European copyright framework with copyright in a domestic context. Additionally, the chapter examines the status of OARs in Greece and proposes potential changes to improve its governance framework.

INTRODUCTION

Chapter four discussed the design of the copyright regime of the European Union and examined a few examples where open access policies have been put into practice. The preceding chapter also included a literature review about the governance framework of OARs in the European Union. That discussion demonstrates that there is increasing interest regarding the development of OARs as an additional way of disseminating information (Lynch, 2003). In
this chapter, the Greek open access model is analysed in comparison with the European governance framework. The analysis is designed to juxtapose the European example of copyright regime with that in a domestic context.

This chapter is divided into four parts. The first part is twofold and is also divided into two subparts. In the first subpart, the background context of how the Greek regulations system works is set, to understand in layman terms the process that should be followed for a statute to be introduced and implemented. In the second subpart, a consideration of Greek laws (constitution and specific statutes) that facilitate access to information is undertaken. An analysis of the Greek copyright regime will be undertaken to explore how information can be disseminated in the Greek context. In the context of the contemporary copyright law in Greece, it follows consideration of specific legal provisions in the Greek system that facilitate access to information. The legal instruments have been selected as examples to determine both issues of how they have introduced the concept of freedom of information and whether they make a required connection among the concepts of information and knowledge. Further, how can the connections between these concepts be strengthened through education? The starting assumption is that there is an inevitable link between information and knowledge, which helps me argue that access to information is imperative.

In the second part of the chapter, there is a discussion about the implications for the Greek Copyright Act from the latest developments in European directives that refer to additional sharing and dissemination of information. This analysis helps to assess the potential desirability and growth of open access practice in Greece. Hence, the third part of the chapter discusses the emergence of open access practice in Greece and considers: when open access was introduced and the manner of its implementation; and what were the relevant initiatives and programs that facilitated such introduction. This consideration further leads to investigate whether the Greek copyright framework should be reformed to keep pace with continuous technological growth and to define more strictly the concept of open access for the beneficial spread of information. In the last part of this chapter, surveys conducted by Greek scholars regarding the status and progress of the Greek OARs are also examined. Such examination helps to argue about long-term perspectives and future potential that can emerge for Greek OARs. The following discussion sets the appropriate theoretical background to help us understand how the Greek legislative system operates. A consideration of the Greek Constitution and Greek Law 4009/2011 is also undertaken.
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