

# Greek monuments in advertising

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**Greece** | January 8 2025

It has become quite common for advertisers of different kinds of products or services, both in Greece and abroad, to intend to use photos and/or videos of Greek archaeological monuments (such as the Acropolis etc.) for their promotional campaigns.

In this regard, it is important to note that, under Greek Law, when depictions of Greek monuments are intended to be used for commercial purposes (such as in an advertising campaign, in the form of images or videos), appropriate prior licensing should first be obtained by the competent authorities of the Greek Ministry of Culture, and relevant fees need also to be paid.

In particular, the main legal provision on this matter is article 46 (paragraphs 4 to 4D) of Greek Law 4858/2021. Ministerial Decision No. 436630/2023 (Greek Gov. Gaz. B' 5591/2023) has also recently come into force - replacing the previous ministerial decision on the same subject - specifying the above provision of art. 46 and setting the terms, conditions, competent authorities and procedure for licensing of production, reproduction and display to the public of depictions of archaeological/ historic monuments belonging to the Greek State. In addition, Joint Ministerial Decision No. 126463/2011 (Greek Gov. Gaz. B'3046/2011) currently sets the relevant fees to be paid, the amount of which depends on various factors.

Under the definitions of the current legislation, the “depiction” of an archaeological monument in principle means the reproduction of the actual image of the monument in whole or in part (such as in photographs and/or videos). Regarding the potential use of photos and/or videos of any Greek archaeological monument for advertising purposes, it is clear from the current legislation that prior licensing and payment of relevant fees to the Ministry of Culture is obligatory.

In such a case, the relevant application and license (if granted) shall mention the specific purpose of use of the monument’s image, and also every depiction of the image shall be accompanied by the monument’s name along with the wording “Ministry for Culture”.

Also, in case of filming / photo-shooting, the detailed application needs to be filed to the competent Ephorate of Antiquities beforehand, as set by the relevant legal provisions. A separate license and fees are needed for filming / photo-shooting and a separate license and fees will apply for each specific commercial use of the videos and/or photos.

On the other hand, according to the current legislation, a “creative/artistic” representation / illustration that uses the image of the monument only as a reference point and “exceeds” this actual image in a creative or abstract way, such as by artistic or imaginary creation of an artist, would not, in principle, be subject to prior licensing. However, it is strongly suggested to seek advice for each specific depiction intended for commercial use. It is noted that such kind of “creative/artistic representations” would require

prior licensing if their production would require access to the monument itself and would entail the use of complex, bulky, or special equipment or the use of laser scanning for creating a model of the monument or would affect the monument regarding its security, accessibility etc.

In any case it should be noted that the issue of the use of depictions of archaeological monuments for commercial purposes is closely monitored, and such use has been, in many cases, contested by competitors and/or has been controlled ex officio by the authorities in Greece.

Finally, it is noted that the above licenses and fees are completely separate to the issue of the copyrights to any image / video / illustration which will be used, for which the creator's license will also have to be obtained for the specific commercial use of the photographs / videos etc.

Given the above, it is strongly suggested to seek professional legal advice for any specific case involving the use of a depictions of Greek monuments for commercial purposes.