Recent Developments in Intellectual Property Legislation Regarding Law 5271/2026

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A. Introduction

1. On 30 January 2026, the New Law 5271/2026[1] (the **Law**) was published, establishing a dedicated legal framework to strengthen the protection of Works of Art[2] and Collectible Items[3] through enhanced criminal liability, expanded institutional mechanisms and increased penalties for forgery, fraud and intentional damage to cultural property.

B. Key Points

1. **New criminal offences**: The Law criminalizes the manufacture, alteration, display, sale, transfer, possession or circulation of Works of Art or Collectible Items where there is intent to mislead regarding authenticity, authorship, origin, material, date or value. This extends beyond the existing fraud provisions applied under general criminal law.

[1] Protection of works of art and collectible items — Combating manufacture and trafficking of forged works of art and collectibles and damage to works of art and collectibles — Criminal provisions — Establishment of a Register of Sworn Experts — Other provisions of the Ministry of Culture.

[2] 'Work of Art' is defined as any work of artistic creation, in particular in the fields of visual arts, such as painting, sculpture, engraving, drawing, ceramics, photography, and tapestry, in applied arts, such as architectural drawings and models, graphic design and decorative arts, and in forms of art that incorporate science and technology.

[3] 'Collectible Object' is defined as any object that possesses the characteristics required to be included in a collection and is relatively rare, not usually used for its original purpose, constitutes an item of special transaction outside the ordinary commerce of practically useful similar objects and has significant value.

2. **Penalties and aggravating factors**: The Law introduces various penalties for the new criminal offence:
   a. Base penalties: Imprisonment from 6 months to five years and fines from €5k to €120k.
   b. Aggravated cases: Up to 10 years imprisonment and fines up to €300k where offences are committed by an organized group or on a commercial scale or the Work of Art or Collectible Item exceeds €120k in value.
   c. Professional activity: An ancillary penalty in the form of a prohibition of the practice of their profession from three to five months if the offender operates professionally in the field of artworks or collectible items.
   d. Confiscation, restitution, destruction: The Court may:
      i. confiscate a Work of Art or Collectible Item under B.1 above or return it to the creator, their heirs or the State; or
      ii. order the destruction of a Work of Art or Collectible Item under B.1 above (after it has been documented).

   These measures may be applied even if the offender is acquitted.
3. **Protection against damage to Works of Art and Collectible Items**: A new provision is inserted into the Criminal Code by way of Article 378A (**Article 378A**) which specifically criminalizes intentional vandalism, destruction, alteration or substantial defacement of Works of Art and Collectible Items, particularly those held in public institutions or cultural venues.
4. **Penalties and aggravating factors:** Article 378A provides for penalties as follows:
   a. Intentional and negligent damage: Imprisonment of at least two years and fines of at least €2k for intentional damage and in cases of negligence, imprisonment of up to one year or a fine.
   b. Aggravated cases: Up to 10 years imprisonment and fines of up to €10k where offences are committed by an organized group on a commercial scale, or the Work of Art or Collectible Item exceeds €120k in value.
5. **Institutional and expert frameworks**: The Law establishes:
   a. a Register of Sworn Expert Appraisers to provide certified authentication opinions for use in criminal and civil proceedings; and
   b. an Independent Artworks Unit within the Ministry of Culture under the General Directorate of Contemporary Culture. The Unit's primary purpose is the management, protection and promotion of contemporary Works of Art in accordance with recent legislative provisions and the maintenance of an electronic registry of Works of Art and Collectible Items under B.1 above.

C. Other Provisions

1. The Law introduces targeted institutional and heritage-related reforms within the cultural governance framework. In particular, the Law:
   a. establishes a legal regime for the designation and protection of historic cinemas;
   b. amends the governance provisions relating to the Board of Directors of the European Cultural Centre of Delphi;
   c. provides for a structured and transparent procedure for the selection of governing bodies of entities supervised by the Ministry of Culture; and
   d. updates the regulatory framework governing the composition and operation of Local Monuments Councils under the cultural heritage protection system.

D. Conclusion

1. The Law updates Greek legislation on the protection of artworks by establishing specific criminal offences, enhancing deterrence and creating formal mechanisms for expert authentication, thereby strengthening the integrity of the art and collectibles market and safeguarding cultural heritage.
2. From a practical perspective, it is particularly relevant not only to creators and their heirs, but also to market participants, such as collectors, dealers, galleries, auction houses and art advisors, as it heightens due-diligence expectations, increases potential criminal exposure in cases of misattribution or illicit trade and formalizes authentication procedures.
3. In this respect, the reforms carry material compliance, transactional and risk-management implications for those active in the art and collectibles sector.

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