

# COPYRIGHT ACT

Act No. 404/1961 issued on July 8, 1961, as amended up to January 1, 1996

## Table of Contents

	<i>page</i>
CHAPTER 1 Subject matter and scope.....	1
CHAPTER 2 (446/95) Limitations on copyright .....	2
CHAPTER 2 a (442/84) Compensation for the making of copies of a work, for private use .....	8
CHAPTER 2 b (446/95) Resale royalty .....	10
CHAPTER 3 Transfer of copyright.....	11
CHAPTER 4 Duration of copyright.....	14
CHAPTER 5 Certain rights neighbouring copyright .....	15
CHAPTER 6 Special provisions .....	17
CHAPTER 7 Penal Sanctions and Liability.....	19
CHAPTER 8 Applicability of the Act.....	21
<u>Implementing provisions of Copyright Act amendments .....</u>	<u>23</u>

## CHAPTER 1

### Subject matter and scope

#### Article 1

A person who has created a literary or artistic work shall have copyright therein, whether it be a fictional or descriptive representation in writing or speech, and whether it be a musical or dramatic work, a cinematographic work, a photographic work or other work of fine art, a product of architecture, artistic handicraft, industrial art, or expressed in some other manner. (446/95)

Maps and other descriptive drawings or graphically or three-dimensionally executed works, and computer programs, shall also be considered literary works. (34/91)

#### Article 2

Within the limitations stated hereinafter, copyright shall include the exclusive right to control a work by producing copies thereof and by making it available to the public, be it in the original or an altered form, in translation or adaptation, in other literary or artistic form, or by other technical means.

The recording of a work on contrivances by which it can be reproduced shall also be considered a production of copies.

A work is made available to the public when it is performed in public or when copies of it are offered for sale, rental or lending, or otherwise distributed to the public or publicly exhibited. The performance of a work at a place of business for a comparatively large closed group of people shall be considered a public performance.

#### Article 3

When copies of a work are produced, or when it is made available to the public, the name of the author shall be stated to the extent and in the manner required by proper usage.

A work may not be altered in a manner which is prejudicial to the author's literary or artistic reputation, or to his individuality; nor may it be made available to the public in such a form or context as to prejudice the author in the manner stated.

The author may with binding effect waive his right under this section only in regard to clearly specified uses of the work.

#### **Article 4**

A person who translates or adapts a work or converts it into some other literary or artistic form shall have copyright in the new work in this form, but his right to control it shall be subject to the copyright in the original work.

If any person by using freely a work has created a new and independent work, his copyright shall not be subject to the right in the original work.

#### **Article 5**

A person who, by combining works or parts of works, creates a literary or artistic compilation work shall have copyright therein, but his right shall not restrict the rights in the individual works.

#### **Article 6**

If a work has two or more authors whose contributions do not constitute independent works, the copyright shall belong to the authors jointly. However, each one of them may bring an action for infringement.

#### **Article 7**

The person whose name or generally-known pseudonym or signature is stated in the usual manner on the copies of a work, or when the work is made available to the public, shall be deemed to be the author, in the absence of proof to the contrary.

If a work is published without the name of the author being stated in the manner described in the first paragraph, the editor, if he is named, and otherwise the publisher, shall represent the author until his name is stated in a new edition of the work or in a notification to the competent Ministry.

#### **Article 8**

A work is considered disseminated when it is lawfully made available to the public.

A work shall be considered published when copies thereof have first been placed on sale or otherwise distributed to the public with the consent of the author. (648/74)

#### **Article 9**

There shall be no copyright in laws and decrees, or in decrees and declarations of public authorities and other public organizations.

#### **Article 10**

Despite the registration of a work as a design in accordance with special provisions, the author may have therein rights based on this Act. (669/71)

Provisions regarding rights in a photographic picture are additionally prescribed in Article 49a. Separate provisions shall be issued regarding the legal protection of rights in layout-designs of integrated circuits. (446/95)

## **CHAPTER 2 (446/95)**

### **Limitations on copyright**

#### *General provisions regarding limitations*

#### **Article 11**

The provisions of this Chapter shall not limit the author's rights under Article 3 more extensively than as provided in Article 25e.

When a work is publicly reproduced according to the provisions of this Chapter, the source shall be stated to the extent and in the manner required by proper usage. Without the consent of the author, the work shall not be altered more than necessitated by the permitted use.

*Copying for private use*

**Article 12**

Anyone may reproduce in a few copies a disseminated work for his private use. Such copies may not be used for other purposes.

It is also permitted to engage an outsider to reproduce copies which are intended for the private use of the party ordering the copies.

What is provided in the second paragraph shall not concern the reproduction of musical works, cinematographic works, useful articles, sculptures, or the copying of any other artistic work by artistic reproduction.

The provisions of this Article shall not apply to a computer-readable computer program or to the construction of an architectural work.

*Photocopying*

**Article 13**

Anyone who has received authorization, from an organization representing a large number of Finnish authors in a certain field, to reproduce published works by photocopying or analogous methods of reproduction shall also have the right to reproduce by the same methods published works of the same field the author of which is not represented by the organization. The conditions determined in the authorization shall be observed in the case of such reproduction.

*Copying in educational activities*

**Article 14**

Whenever an organization representing a large number of Finnish authors in a certain field has given an authorization for the making, on agreed-upon conditions, of copies by audio or video recording of a disseminated work included in a radio or television broadcast, for use in educational activities or in scientific research, the recipient of such an authorization may on corresponding conditions make copies also of a work in the same field, included in a broadcast, the author of which is not represented by the organization.

In educational activities it is permitted to reproduce by direct audio or video recording a disseminated work performed by a teacher or a student, for temporary use in educational activities. A copy thus made shall not be used for any other purpose.

Parts of a published literary work or, when the work is not extensive, the whole work, may be incorporated into a test constituting part of the matriculation examination or into any other analogous test. A picture of a published work of art may be reproduced for the same purpose.

*Copying in certain institutions*

**Article 15**

In hospitals, senior citizens' homes, prisons, and other similar institutions, published works included in radio and television broadcasts may be reproduced by audio and video recording for purposes of temporary use in the institution within a short period from the time of the reproduction.

*Copying in archives, libraries and museums*

**Article 16**

Archives, libraries and museums, as defined by decree, shall have the right to make copies of a work for the purpose of their activities, on the conditions defined in the decree.

The provisions of the Act Regarding the Delivery and Deposit of Films in Archives (576/84) shall be in force regarding the right of the Finnish Film Archive to make copies of a work included in a publicly shown Finnish film or in the advertising or other publicity materials of such a film.

*Copying for handicapped persons*

**Article 17**

A published literary or musical work may be reproduced with the purpose of rendering the text readable by visually handicapped persons.

Institutions, as defined by decree, shall have the right, on the conditions defined in the decree, to make copies of a published literary work by sound reproduction for the purpose of being loaned to visually handicapped persons and to persons who, because of some other handicap or illness, are unable to use books in the conventional manner.

*Compilation works for use in education*

**Article 18**

Minor parts of a literary or musical work or, if such a work is not extensive, the whole work, may be incorporated into a compilation work consisting of works of a plurality of authors and intended for use in education, after five years have passed since the year during which the work was published. In connection with the text, a picture of a published work of art may be reproduced. The provisions of this article shall not apply to a work created for use in education.

The author shall be entitled to compensation for reproduction under the preceding paragraph.

*Distribution of copies of a work*

**Article 19**

When a copy of a work has been sold or otherwise permanently transferred with the consent of the author, the copy may be further distributed.

Whatever is provided in the first paragraph shall not apply to making a copy of a work available to the public by rental or by a comparable legal act. However, a product of architecture, artistic handicraft, or industrial design may be rented to the public.

Whatever is provided in the first paragraph shall not apply to making a copy of a cinematographic work or of a computer-readable computer program available to the public by lending.

The author shall have the right to compensation for the lending of copies of a work to the public, with the exception of products of architecture, artistic handicraft or industrial design. Compensation may be claimed only for lending which has taken place within the last three calendar years. However, a right to compensation shall not exist if the lending is from a public library or from a library serving research or educational activities.

*Displaying of works*

**Article 20**

Whenever a copy of a work has, with the consent of the author, been sold or otherwise permanently transferred, or whenever such work has been published, the work may be publicly displayed.

*Public performing*

**Article 21**

A published work may be publicly performed at divine services and in connection with education.

A published work may also be publicly performed in cases where the performance is not the main feature of an event, provided that no admission fee is charged and the event is not conducted for profit. It may also be publicly performed in connection with educational extension programmes and for charitable or other non-profit purposes, provided the performer or, if there are several, all the performers receive no payment for their performance.

Whatever is provided in the first and second paragraphs shall, however, not apply to dramatic or cinematographic works.

*Quotation*

**Article 22**

A disseminated work may be quoted, in accordance with proper usage, to the extent necessary for the purpose.

*An article on a current topic*

**Article 23**

Articles in newspapers and periodicals on current religious, political, or economic topics may be included in other newspapers and periodicals, unless reproduction is expressly prohibited.

*Concert programs*

**Article 24**

If a musical work is performed with text, the text may be reproduced on concert programmes, etc., for the use of the audience.

*Reproduction of works of art and buildings*

**Article 25**

Pictures of a disseminated work of art, associated with the text, may be reproduced:

- (1) in a critical or learned presentation; and
- (2) in a newspaper or a periodical when reporting on a current event, provided that the work has not been created in order to be reproduced in a newspaper or a periodical.

After a copy of a work of art has been sold or otherwise permanently transferred with the consent of the author, or after a work of art has been published, the work of art may be incorporated into a photographic picture, a film, or a television program, provided such reproduction is of secondary importance in the photograph, film or program.

**Article 25a**

A work of art included in a collection, or exhibited, or placed on sale, may be reproduced in catalogues and notices concerning the exhibition or sale.

A work of art may also be reproduced in pictorial form when it is permanently situated outdoors or at a public place. If the work of art is the principal topic of the picture, the picture shall not be used for the purpose of gain. A picture relevant to a text may, however, be reproduced in a newspaper or a periodical.

A building may be freely reproduced in pictorial form.

*Reproduction of a current event*

**Article 25b**

In the reproduction of a current event in a radio or television broadcast or as a film, a work visible or audible in the current event may be included in the reproduction to the extent required by the informational purpose.

*Reproduction of public statements*

**Article 25c**

Oral or written statements in a public representation or before an authority or at public meetings concerning community problems may be reproduced without the author's consent; however, opinions as well as writings or similar works, referred to as evidence, may be reproduced only in connection with an account of the case or the matter in which they were used and only to the extent required by the purpose of such account. The author shall have the exclusive right to publish a compilation of his statements.

*Publicity of documents and administration of justice*

**Article 25d**

Copyright shall not limit the right, prescribed in law, to obtain information from a public document.

A work may be used when the administration of justice or public security so requires.

A work used in accordance with the first and second paragraphs above may be quoted in accordance with Article 22.

*Altering of buildings and useful objects*

**Article 25e**

Buildings and useful articles may be altered by the owner without the consent of the author, if considerations of a technical nature or reasons connected with the use so require.

*Special provisions concerning radio and television broadcasts*

**Article 25f**

A broadcasting organization, whenever the organization has the right to broadcast works on the basis of an agreement signed with an organization representing a large number of Finnish authors in a specific field, may also broadcast a work in the same field by an author not represented by the organization.

Whatever is provided in this paragraph shall not, however, apply to a dramatic work, a cinematographic work, or even other works if the author has prohibited their broadcasting.

Whatever is provided in the first paragraph shall not be applied to the retransmission of a work included in a radio or television broadcast, the retransmission taking place simultaneously with the original broadcast and without any change in the broadcast.

Whatever is provided in the first paragraph shall apply to radio or television broadcasts by satellite only if the satellite broadcast is simultaneous with the terrestrial broadcast by the same broadcasting organization.

**Article 25g**

If a broadcasting organization has the right to broadcast a work, the organization may also, on conditions to be stipulated by decree, for use in its own broadcasts, record the work on a contrivance by which it can be reproduced. The right to make the work available to the public by means of such recording shall be subject to the rules stated elsewhere.

A broadcasting organization may, when fulfilling his recording obligation based on law, reproduce or have reproduced by a third person a copy of a work included in a transmitted program.

Of a work included in a current events or news program broadcast on radio or television, a few copies may be made for the internal communication purposes of a public authority, entrepreneur, or some other organization.

#### **Article 25h**

Whenever an organization representing a large number of Finnish authors and approved by the Ministry of Education has given an authorization permitting a work included in a radio or television broadcast to be retransmitted on the agreed-upon terms and conditions for reception by the public, simultaneously with the original broadcast and without any change in the broadcast, the recipient of the authorization may, on the terms and conditions of the authorization, respectively retransmit also a work, included in the broadcast, the author of which is not represented by the organization.

Whatever is provided in the first paragraph shall not be applied to cable retransmission of a work included in a broadcast originating in another State belonging to the European Economic Area, provided its author has transferred the right to its cable retransmission to the broadcasting organization the broadcast of which the retransmission concerns.

Any authorizations concerning the cable retransmission of works included in a broadcast, as defined in the second paragraph above, shall be granted simultaneously.

Whatever is provided in the first paragraph shall be applicable to a cable transmission of a radio or television broadcast only if the broadcast originates in another State belonging to the European Economic Area.

#### **Article 25i**

A cable operator and other body retransmitting a radio or television broadcast may retransmit simultaneously with the original broadcast and without any change in the broadcast by a conductive device for reception by the public a work included in a radio or television broadcast referred to Article 16 (213/92) of the Cable Act.

The author shall be entitled to compensation for the retransmission. The compensation can be paid only through an organization referred to in Article 25h. Unless the compensation is claimed verifiably within three years from the end of the year during which the right to compensation came into being, the right to compensation shall expire.

More detailed provisions regarding the application of the present Article shall, when necessary, be issued by decree.

#### *Special provisions concerning computer programs*

#### **Article 25j**

Whoever has legally acquired a computer program shall be entitled to prepare whatever copies of the program and make whatever alterations to the program are necessary for the use of the program for the intended purpose. This shall also apply to the correction of errors.

Whoever has a right to use a computer program shall be entitled to prepare a back-up copy of the program, provided this is necessary for the use of the program.

Whoever has a right to use a computer program shall be entitled to observe, study or test the functioning of the computer program in order to determine the ideas and principles which underlie any element of the program if he does so while performing the acts of loading, displaying, running, transmitting or storing the program.

Any contract term or condition limiting the use of a computer program in accordance with the second and third paragraphs shall be without effect.

#### **Article 25k**

The reproduction of the code of a program and the translation of its form shall be permissible, provided that these acts are indispensable to obtain the information by means of which the interoperability of an independently created computer program with other programs can be achieved and that the following conditions are met:

(1) these acts are performed by the licensee or by another person having the right to use a copy of the program, or on their behalf by a person authorized to do so;

(2) the information necessary to achieve interoperability has not previously been readily available to the persons defined in subparagraph 1; and

(3) these acts are confined to the parts of the original program which are necessary to achieve interoperability.

The information obtained under the provisions of the first paragraph shall not, on the basis of these provisions:

(1) be used for goals other than to achieve the interoperability of the independently created computer program;

(2) be given to others, except when necessary for the interoperability of the independently created computer program; or

(3) be used for the development, production or marketing of a computer program substantially similar in its expression or for any other act which infringes copyright.

Any contract term or condition limiting the use of a computer program in accordance with this Article shall be without effect.

#### *Contractual license*

### **Article 26**

Whatever the organization defined in Article 13, Article 14, first paragraph, Article 25f, first paragraph, or Article 25h, first paragraph, may have stipulated regarding the distribution of compensations to be paid for the reproduction of a work or for the broadcasting of a work to authors, shall also be applied to authors who are not represented by the organization.

If the stipulations issued by the organization and referred to in the second paragraph do not provide, for the authors represented by the organization, the right to individual compensation, an author not represented by the organization shall, however, have the right to claim an individual compensation. The compensation shall be paid by the organization defined in the first paragraph. The right to individual compensation shall, however, have expired if a claim concerning it cannot be proved to have been presented within three years from the end of the calendar year during which the reproduction of the work or the broadcasting of the work took place.

## **CHAPTER 2a (442/84)**

### **Compensation for the making of copies of a work, for private use**

#### **Article 26a (442/84)**

Whenever an audio or video tape or any other contrivance on which a sound or an image can be recorded and which is suitable for making a copy for private use of a work broadcast by radio or television or a work on an audio or video recording, is produced or imported into the country for the purpose of distribution to the public, the manufacturer or the importer shall pay a levy, set on the basis of the playing time of the contrivance, for use for compensations to be paid out to the authors of the said works and for joint purposes of authors. The compensations shall be paid out to the authors through an organization representing a large number of Finnish authors in a certain field, entitled to compensation.

Whoever offers for resale a contrivance sold by a manufacturer or importer, as defined in the first paragraph, shall, upon request by the organization, as defined in Article 26b, show that the levy has been paid on the contrivance. If the levy has not been paid, the payment of the levy shall be made by the reseller. The latter shall, however, be entitled to request from the manufacturer or the importer reimbursement of the levy. (1254/94)

The Ministry of Education shall annually set the amount of the levy after negotiating with the organizations representing the manufacturers and the importers, as well as the authors, referred to in first

paragraph. The levy shall be set at such an amount that it can be regarded as fair compensation for the making of copies of works for private use.

**Article 26b** (442/84)

The levy shall be collected by an organization representing a large number of Finnish authors, which organization the Ministry of Education has approved for this task for a fixed period of time, at maximum for five years. It shall be a prerequisite for the approval that the organization binds itself to use a proportion, annually agreed upon by the Ministry of Education and the said organization, of the proceeds of the levy for joint purposes of the authors in accordance with a plan approved by the Ministry of Education for the use of the levied funds.

**Article 26c** (442/84)

The Ministry of Education may issue to the organization more detailed instructions regarding the collection of the levy and the management of the funds levied. The Ministry shall control that the levy is collected in accordance with the instructions and that the plan for the use of the funds is upheld. The Ministry of Education shall have the right to obtain from the organization any information necessary for such control.

The Ministry of Education may withdraw its approval of an organization if the organization does not comply with the instructions issued to it or with the plan for the use of the funds, or if it does not provide the information required for the control.

**Article 26d** (442/84)

The organization shall have the right, notwithstanding the secrecy provisions of the Customs Act (573/78), to obtain from a customs authority, regarding individual import consignments, any information necessary for the collection.

The manufacturer or importer of a contrivance and, when so separately requested by the organization, the seller, as defined in Article 26a, second paragraph, shall provide the organization with the information, necessary for the collection, regarding the contrivances manufactured, imported or offered for sale by him. (1254/94)

Whoever on the basis of the first, second, fifth or sixth paragraph has received information regarding the business activities of another shall not use it illegally or reveal it to others. (1254/94)

A customs authority may hand over a contrivance to the importer only if the importer proves that he has made a payment of the levy to the organization or has posted for the organization a security, accepted by it, for the making of the payment. The organization may give its consent, for a predetermined period or indefinitely, for the handing over of a contrivance before the making of the payment or the posting of a security, if there is well-founded ground to presume that the importer will make the payment appropriately. The organization may cancel such a consent if the importer neglects the making of the payment or the providing of the information referred to in the second paragraph. (34/91)

A county government may, upon application by the organization, obligate the manufacturer, importer, or seller, as defined in Article 26a, second paragraph, to fulfill his obligation, as defined in the second paragraph, under threat of a fine. In the imposition of a conditional fine and in the ordering of the payment of such fine, the provisions of the Act regarding the Conditional Imposition of a Fine (1113/90) shall be complied with. (1254/94)

The county government shall have the right to conduct an inspection for the purpose of surveillance of compliance with the obligation to make payment, as defined in Article 26a, first paragraph. The manufacturer, importer, or seller of a contrivance, as defined in Article 26a, second paragraph, shall admit the person conducting the inspection to any business and storage premises, land areas, and vehicles in his possession and, when so requested, present his bookkeeping, business correspondence, data processing records, and any other documents which may have significance in the surveillance. The person conducting the inspection shall have the right to make copies of the documents to be inspected. The person conducting the inspection shall have the right to use as an expert a person appointed by the organization. The county government shall have the right to hand over to the organization any information necessary for the purposes of collection. (1254/94)

The police shall be obligated, when necessary, to provide official assistance to the county government in the performance of the functions pertaining to the county government under the sixth paragraph.  
(1254/94)

**Article 26e** (442/84)

Whoever uses or exports a contrivance shall have the right to receive from the organization repayment corresponding to the levy paid for contrivances:

- (1) which are exported;
- (2) which are used for professional audio or video recording;
- (3) which are used for the making of audio or video recordings intended for those with impaired vision or hearing; and
- (4) which the Ministry of Education has for an especially important reason exempted from the levy.

Unless such repayment is requested verifiably within three months from the end of the year during which the right to the repayment came into being, this right shall expire.

**Article 26f** (442/84)

If it can be proved that the user or the exporter would, under Article 26e, first paragraph, have the right to repayment for all contrivances included in a certain batch manufactured or consignment imported, or for a considerable proportion of them, the levy may be left uncollected in respect to it.

**Article 26g** (442/84)

It shall not be possible to seek change, through appeal, to a Ministry of Education decision by which the amount of the levy has been set on the basis of Article 26a, second paragraph, or by which an organization has been approved on the basis of Article 26b, or by which a contrivance has been granted exemption from the levy on the basis of Article 26e, first paragraph, fourth subparagraph.

**Article 26h** (442/84)

More detailed provisions regarding the application of Articles 26a—26g shall be issued by decree.

## **CHAPTER 2b** (446/95)

### **Resale royalty**

**Article 26i**

For professional and public resale of works of fine art the author has the right to receive as a resale royalty 5 per cent of the sales price, not including the value added tax, of the work sold.

There shall be no right to a resale royalty for the resale of products of architecture or photographic works, or for the resale of products of artistic handicraft or industrial design which have been produced in a plurality of identical copies.

The right to royalty shall be in force for the term of copyright protection. The right shall be personal and untransferable. However, what is provided in Article 41, first paragraph, shall be applied to the right. If there are no right-owners surviving the author, the royalties shall be used for the joint purposes of authors.

**Article 26j**

The resale royalty shall be collected by an organization representing authors, approved for this function by the Ministry of Education for a predetermined period, at maximum five years. No appeal from the decision of the Ministry of Education regarding the approval of the organization can be made.

The Ministry of Education may issue to the organization more specific regulations regarding the collection of the royalties and the use of the royalty funds. The Ministry of Education shall have the right to obtain from the organization any information necessary for the purposes of surveillance.

#### Article 26k

The right to royalty shall come into existence when a work of fine art is sold. The right to royalty shall lapse if a claim concerning it has not been presented verifiably to the organization within three years from the end of the calendar year during which the resale of the work took place.

The payment of the royalty shall be the responsibility of a person who engages in the sale of, or serves as a middleman for, works of fine art, as defined in Article 26i. The seller shall be obligated to submit annually to the organization, as defined in Article 26j, an account of the sales of works. The seller shall be obligated, when so requested by the organization, to submit to the organization any information necessary for the verification of the correctness of the payments for at maximum three calendar years preceding the year of the payments.

#### Article 26l

A county government may, upon application by the organization, obligate the seller to fulfill his obligation, as defined in Article 26k, second paragraph, under threat of a fine. In the imposition of a conditional fine and in the ordering of the payment of such fine, the provisions of the Act regarding the Conditional Imposition of a Fine (1113/90) shall be complied with.

The county government shall have the right to conduct an inspection for the purpose of surveillance of compliance with the obligation to provide information and to give account, as defined in Article 26k, second paragraph. The seller shall admit, for the purpose of the inspection, the person conducting the inspection to any business premises in the possession of the seller and, when so requested, present his bookkeeping, his business correspondence, and any documents concerning the sales subject to the obligation to pay royalty, as well as any other documents which may have significance in the surveillance. The person conducting the inspection shall have the right to make copies of the documents inspected. The person conducting the inspection shall have the right to use as an expert a person appointed by the collecting organization. The county government shall have the right to hand over to the organization any information necessary for the purpose of collection.

The police shall be obligated, when necessary, to provide official assistance to the county government in the performance of the functions pertaining to the county government under the second paragraph.

Whoever under Article 26k, second paragraph, or the present Article, has received information regarding the business activities of another shall not, without authorization, use the information or convey it to others.

#### Article 26m

More specific provisions regarding the application of Articles 26i—26l may be issued by decree.

### CHAPTER 3

## Transfer of copyright

#### *General provisions*

#### Article 27

Subject to the limitation of Article 3, copyright may be transferred entirely or partially.

The transfer of a copy shall not include a transfer of the copyright. However, in the case of a portrait executed on commission, the author may not exercise his right without the permission of the person who commissioned it or, if such person is dead, the surviving spouse and heirs.

Provisions regarding the transfer of copyright in certain cases are issued in Articles 30—40 and 40b. The said provisions shall, however, be applied only in the absence of an agreement to the contrary. (418/93)

#### Article 28

In the absence of an agreement to the contrary, the person to whom a copyright has been transferred may not alter the work or transfer the copyright to others. If the copyright belongs to a business, it may be

transferred together with the business or part thereof; however, the transferor shall remain liable for the fulfillment of the original contract.

#### **Article 29** (960/82)

The provisions of the Contracts Act (228/29) shall be in force with respect to the adjustment of an unfair condition in an agreement made regarding the transfer of copyright.

#### *Public performance contracts*

#### **Article 30**

If the right to perform a work publicly has been transferred, the transfer shall be valid for a period of three years and shall not imply exclusive rights. If a longer term than three years has been settled upon, and if exclusive rights have been agreed upon, the author may, nevertheless, himself perform the work or transfer the right of performance to others if that right has not been exercised for a period of three years.

The first paragraph shall not apply to cinematographic works.

#### *Publishing contracts*

#### **Article 31**

By a publishing contract the author transfers to the publisher the right to reproduce a literary or artistic work by printing or a similar process and the right to publish it.

The manuscript or other copy from which the work is to be reproduced shall remain the property of the author.

#### **Article 32**

The publisher shall have the right to publish one edition, which in the case of a literary work may not exceed 2000 copies, in the case of a musical work not exceed 1000 copies, and in the case of an artistic work not exceed 200 copies.

By an edition is meant the number of copies which the publisher produces at one time.

#### **Article 33**

The publisher shall publish the work within a reasonable time, take care of its distribution in the usual manner, and follow up the publishing to the extent determined by marketing conditions and other circumstances. In case of default, the author may rescind the contract and keep any remuneration received. If the author has suffered damage not covered by the remuneration, such damage shall also be compensated for.

#### **Article 34**

If the work has not been published within two years or, if it is a musical work, within four years from the time at which the author submitted a complete manuscript or other copy for reproduction, the author may rescind the contract and keep any remuneration received, even if there is no fault on the part of the publisher. The same rule shall apply when the copies of the work are exhausted and the publisher has the right to publish a new edition, but he fails, within one year from being requested by the author to publish a new edition, to use the said right.

#### **Article 35**

The publisher shall give the author a certification issued by the printer, or whoever reproduces the work, concerning the number of copies produced.

If during the fiscal year sale or hiring has taken place for which the author is entitled to remuneration, the publisher shall render account to him within nine months from the end of the year, stating the sale or hiring during the year and the number of copies in stock at the end of the year. Also otherwise, after the end of the accounting term, the author shall be entitled to receive, at his request, a statement of copies in stock at the end of the year.

### Article 36

If the production of a new edition is initiated later than one year after publication of the previous edition, the author shall be given a chance beforehand to make such alterations in the work as can be made without unreasonable cost and without changing the character of the work.

### Article 37

The author shall not have the right to publish the work again in the form or manner stated in the contract, until the edition or editions which the publisher has the right to publish have been exhausted.

However, a literary work may be included by the author in an edition of his collected or selected works when fifteen years have elapsed since it was first published.

### Article 38

The provisions concerning publishing contracts shall not apply to contributions to newspapers and periodicals. Articles 33 and 34 shall not apply to contributions to other compilation works.

#### *Film contracts*

### Article 39

Transfer of the right to produce a film of a literary or artistic work shall include the right to make the work available to the public by showing the film in cinemas, on television or by any other means, including the right to provide the film with subtitles and to dub the film in another language. (648/74)

The first paragraph shall not apply to musical works.

### Article 40

If the right to use a literary or musical work for a film intended for public showing is transferred, the transferee shall produce the film and make it available to the public within a reasonable time. If this is neglected, the author may rescind the contract and keep any remuneration received. If the author has suffered damage not covered by the remuneration, such damage shall also be compensated for.

If the film has not been produced within five years from the time at which the author carried out his obligations, the author may rescind the contract and keep any remuneration received, even if there is no fault on the part of the transferee.

#### *Computer programs (34/91)*

### Article 40a

(Article 40 a was repealed by Act 418/93, which came into force on January 1, 1994 by Decree 1395/93.)

### Article 40b (34/91)

If a computer program and a work directly associated therewith have been created within the scope of duties in an employment situation, the copyright in the computer program and the work shall pass to the employer. The same shall respectively apply to a computer program and a work directly associated therewith created within the scope of a civil service post.

The provisions of the first paragraph above shall not be applied to a computer program, or to a work directly associated therewith, created by an author independently engaged in teaching or research work in a university-level institution, with the exception of institutions of military education. (418/93)

#### *A portrait made by photographic means (446/95)*

### Article 40c (446/95)

A party commissioning a portrait made by means of photography shall, even if the photographer has retained for himself the right to the work, have the right to authorize the reproduction of the portrait in a

newspaper, periodical or a biographical writing, unless the photographer has separately retained for himself the right to prohibit this.

*Transfer of copyright upon the author's death, etc.*

#### **Article 41**

After the author's death, the rules governing matrimonial property, inheritance and wills shall apply to copyright.

The author may give directions in his will, with binding effect on the surviving spouse and direct descendants, adopted children and their descendants, as to the exercise of copyright, or authorize somebody else to give such directions.

#### **Article 42**

Copyright shall not be subject to legal seizure as long as the copyright remains with the author or with any other person who has acquired the copyright by virtue of marriage, inheritance or will. The same rule shall apply to manuscripts and works of art which have not been exhibited, placed on sale, or otherwise authorized for dissemination.

## **CHAPTER 4**

### **Duration of copyright**

#### **Article 43** (1654/95)

Copyright shall subsist until the end of the seventieth year after the year in which the author died or, in the case of works defined in Article 6, after the year in which the last surviving author died. Copyright in a cinematographic work shall subsist until the end of the seventieth year after the year in which the last surviving principal director, the author of the screenplay, the author of the dialogue, or the composer of the music specifically created for use in the cinematographic work died.

#### **Article 44** (1654/95)

In the case of a work disseminated without mention of the author's name or generally known pseudonym or signature, the copyright shall subsist until the end of the seventieth year after the year in which it was first disseminated. If the work is published in parts, the term shall of protection shall run for each part separately.

If the identity of the author is disclosed during the period referred to in the first paragraph, Article 43 shall apply.

In the case of a non-disseminated work, the author of which is unknown, the copyright shall subsist until the end of the seventieth year after the year in which the work was created.

#### **Article 44a** (1654/95)

Anyone who for the first time publishes or disseminates a previously unpublished or non-disseminated work, which has been protected under Finnish law and the protection of which has expired, shall be entitled to a right in the work as provided in Article 2 of this Act. The right shall subsist until the end of the twenty-fifth year after the year in which the work was published or disseminated.

## **CHAPTER 5**

### **Certain rights neighbouring copyright**

#### **Article 45** (446/95)

Without the consent of the performing artist, a performance of a literary or musical work shall not:

- (1) be recorded on a contrivance by means of which the performance can be reproduced;
- and not

(2) be made available to the public by broadcast over radio or television or by direct communication.

A performance recorded on a contrivance referred to above in the first paragraph shall not, without the consent of the performing artist, be copied or distributed to the public until 50 years have elapsed from the year in which the performance took place. If the recording of the performance is published or disseminated within this period, the protection shall subsist until the end of the fiftieth year after the year during which the recorded performance was for the first time published or disseminated. (1654/95)

The transfer of the right to film a performance shall, unless otherwise agreed, comprise the right to distribute the recorded performance to the public by renting.

Whatever is provided in Article 3, Articles 6—8, Article 11, Article 12, first to third paragraphs, Article 14, first paragraph, Articles 15 and 16, Article 17, second paragraph, Article 19, first and second paragraphs, Articles 21, 22, 25b, 25d, 25g—25i, 26a—26h, Article 27, first and second paragraph, and Articles 28, 29, 41 and 42 shall by analogy be applied to the recording of a performance, its copying, making it available to the public, and its distribution, as defined in this article. However, Article 19, first paragraph, shall be applied only if a recorded performance has, with the consent of the performing artist, been sold or been otherwise permanently transferred within the European Economic Area.

#### **Article 46** (446/95)

A phonograph record or other contrivance on which a sound has been recorded shall not, without the consent of the producer, be copied or distributed to the public until 50 years have elapsed from the year during which the recording took place. If the recording is published or disseminated within this period, the protection shall subsist until the end of the fiftieth year after the year during which the recording was for the first time published or disseminated. (1654/95)

The provisions of Articles 6—8, Article 12, first to third paragraphs, Article 14, first paragraph, Articles 15 and 16, Article 19, first and second paragraphs, Article 22, 25b, 25d, 25g, 26a—26h, Article 27, first and second paragraphs, and Article 29 shall by analogy be applied to any procedure for which under the consent of the producer is required under the first paragraph. However, Article 19, first paragraph, shall be applied only if a contrivance, as defined in the first paragraph, has, with the consent of the producer, been sold or been otherwise permanently transferred within the European Economic Area.

#### **Article 46a** (446/95)

A film or any other contrivance on which a moving picture has been recorded shall not, without the consent of the producer, be copied or distributed to the public until 50 years have elapsed from the year during which the recording took place. If the recording is published or disseminated within this period, the protection shall subsist until the end of the fiftieth year after the year during which the recording was for the first time published or disseminated. (1654/95)

Whatever is provided in Articles 6—8, Article 12, first to third paragraphs, Article 14, first paragraph, Articles 15 and 16, Article 19, first and second paragraphs, Articles 22, 25b, 25d, 25g, 26a—26h, Article 27, first and second paragraphs, and Article 29 shall by analogy be applied to a procedure for which the consent of the producer is required under the first paragraph. However, Article 19, first paragraph, shall be applied only if a contrivance, as defined in the first paragraph, has, with the consent of the producer, been sold or been otherwise permanently transferred within the European Economic Area.

#### **Article 47** (446/95)

If a contrivance defined to in Article 46 is used, within the term defined in that Article, in a radio or television broadcast or in any other public performance, a compensation shall be paid to the producer and to the performing artist whose performance has been recorded on the contrivance. If two or more artists have participated in the performance, they may realize their right only jointly. The performing artist and the producer may realize their rights only by simultaneous presenting of their claims. When the right is realized through the mediation of an organization representing a large number of Finnish performing artists or producers, the right of a performing artist or a producer to compensation shall, however, have lapsed if a claim concerning it has not been verifiably presented to the organization within three years from the end of the calendar year during which the use took place.

In cases referred to above in the first paragraph, the provisions of Article 21, 22, 25b, Article 27, first and second paragraphs, and Article 29, as regards the right of the performing artist, also the provisions of Article 11, second paragraph and Articles 28, 41 and 42 shall by analogy be applied.

If a user of the contrivance does not pay a compensation, as defined in the first paragraph, the amount of which compensation the user has agreed upon with the performing artists and producers, or the amount of which has been settled in a procedure under Article 54, a court of justice may, upon request by a party concerned, decide that such use may continue only with the consent of the performing artists and producers until the compensation has been paid.

Whatever is provided in this article shall not apply to a contrivance defined in Article 46a.

#### **Article 47a** (446/95)

Whenever a contrivance defined in Article 46 has been used in a radio or television broadcast which, simultaneously and unaltered, is retransmitted for reception by the public, the performing artist and the producer of the contrivance shall be entitled to compensation for the retransmission. The compensation can be paid only through an organization referred to in Article 25h. Unless compensation is verifiably claimed within three years from the end of the year during which the right to compensation came into being, the said right to compensation shall expire.

Whatever is provided in this article shall not apply to a contrivance defined in Article 46a.

#### **Article 48** (446/95)

A radio or television broadcast shall not, without the consent of the emitting organization, be rebroadcast or recorded on contrivances by which it can be reproduced. A television broadcast shall also not, without such consent, be made available on premises to which the public has admission in return for payment.

A recorded broadcast shall not be copied, rebroadcast or distributed to the public without the consent of the broadcasting organization until 50 years have elapsed from the year during which the first transmission of a broadcast took place. (1654/95)

The provisions of Articles 6—8, Article 12, first and second paragraphs, Article 15, Article 19, first paragraph, Articles 21, 22, 25b, 25d and 25g, Article 27, first and second paragraphs, and Article 29 shall by analogy be applied in the cases referred to in the first and second paragraphs above. Furthermore, whatever is provided in Article 25h, first paragraph, and Article 25i shall by analogy be applied to the cable retransmission of a broadcast, except if the broadcast originates in another State belonging to the European Economic Area, in which case whatever is provided in Article 25h, third paragraph, shall by analogy be applied instead of these provisions. However, Article 19, first paragraph, shall be applied only if the recorded broadcast has, with the consent of the broadcasting organization, been sold or been otherwise permanently transferred within the European Economic Area.

#### **Article 49** (34/91)

A catalogue, a table, a programme or any other production in which a large number of information items are compiled shall not be reproduced without the consent of the producer, until ten years have elapsed from the year in which the production was published. However, the term of protection shall expire at the latest when 15 years have elapsed from the year in which the work was completed.

The provisions of Article 9, Article 12, first and second paragraphs, Article 13, Article 14, first and third paragraphs, and Articles 16, 22, 25c, 25d and 40b shall by analogy be applied to a production referred to above in the first paragraph. If such a production or its part is subject to copyright, recourse may be made to that right.

#### **Article 49a** (446/95)

The photographer shall have the exclusive right to decide regarding a photographic picture, unaltered or altered:

- (1) by making copies thereof; and
- (2) by exhibiting it publicly.

The right to a photographic picture shall be in force until 50 years have elapsed from the end of the year during which the photographic picture was made.

Whatever is provided in Article 2, second paragraph, Article 3, first and second paragraphs, Articles 7—9 and 11, Article 12, first and second paragraphs, Article 13, Article 14, first and third paragraphs, Articles 15, 16, 18, 20, 22 and 25, Article 25a, first and second paragraphs, Articles 25b, 25d, 25f—25i, 26, 26a—26h, 27—29, 39, 40, 40c, as well as Articles 41 and 42, shall by analogy be applied to photographic pictures, as defined in this article. If a photographic picture is subject to copyright, that right can be relied on.

#### **Article 50**

A press report by a foreign press agency or by a correspondent located abroad, made by virtue of a contract, may not be communicated to the public by means of a newspaper or by broadcasting without the consent of its recipient, until twelve hours have elapsed from its publication in Finland.

## **CHAPTER 6**

### **Special provisions**

#### **Article 51**

A literary or artistic work shall not be made available to the public under such a title, pseudonym or signature that the work or its author easily may be confused with a previously disseminated work or its author.

#### **Article 52**

The inscribing by a third party of the name or signature of the author onto a copy of a work of art is permissible only upon the instructions of the author.

The name or signature of the author shall not be inscribed onto a copy of a work of art in such a manner that the copy could be confused with the original work.

Whoever makes or distributes to the public a copy of a work of art shall mark the copy in such a manner that the copy cannot be confused with the original work. (446/95)

#### **Article 52a (446/95)**

The author of a work of fine art shall have the right of access to see the work he has transferred, unless this causes unreasonable inconvenience to the owner or holder of the work, and provided this access is necessary:

- (1) for the author's artistic activity; or
- (2) for the purpose of effectuation of his financial rights, as defined in Article 2.

Whatever is provided in Article 41 shall be applied to the right defined above in the first paragraph, second subparagraph.

#### **Article 53**

If, after the death of the author, a literary or artistic work is the subject of public action in a manner which violates cultural interests, the authority designated by decree shall have the right to prohibit such action, notwithstanding the fact that the copyright is no longer in force, or that copyright may not even have existed.

The person who is the object of such measures may, if he opposes them, have the question submitted to the decision of a court of justice.

#### **Article 54 (446/95)**

In the event of a dispute, the matter shall be settled by an arbitration procedure in the manner prescribed by decree, whenever the question concerns:

- (1) Compensation, as defined in Article 18, second paragraph; Article 19, fourth paragraph; Article 25i, Article 47, first paragraph; or Article 47a;

(2) Granting of an authorization, as defined in Article 13, and the terms and conditions thereof, if the matter relates to the making of copies for use in educational activities;

(3) Granting of an authorization, as defined in Article 14, first paragraph, and the terms and conditions thereof, if the matter relates to the making of copies of a work included in a program and produced and broadcast for educational purposes;

(4) Granting of an authorization, as defined in Article 25h, first paragraph, and the terms and conditions thereof; or

(5) Granting of an authorization, as defined in Article 25h, second paragraph, or Article 48, first paragraph, regarding simultaneous and unaltered cable retransmission of a radio or television broadcast, and the terms and conditions of such authorization, provided the broadcast originates in another State belonging to the European Economic Area. An authorization may be granted if the broadcasting organization continues, without a well-founded reason, to prohibit cable retransmission or sets unreasonable terms and conditions therefor.

The parties concerned may also agree that the matter be submitted to arbiters to settle in compliance with the Act regarding Arbitration (967/92).

Any authorization granted on the basis of the present Article shall have the same effect as has the authorization referred to in Article 13, Article 14, first paragraph, Article 25h, first and second paragraph, or Article 48, first paragraph.

If a party concerned refuses the settling by arbitration of a matter defined in the first paragraph, the matter may, upon application by a party concerned, be submitted to a court of justice for settling. The court of justice having jurisdiction in matters defined in the first paragraph shall be the District Court of Helsinki. If the Court has granted authorization in a matter defined in the first paragraph, second to fourth subparagraphs, and an appeal is made from the decision, the authorization and its terms and conditions shall be in force temporarily, until the matter has been settled with finality or until a higher court orders otherwise upon an appeal.

#### **Article 54a** (897/80)

Whatever has been provided in this Act regarding educational activities shall not apply to educational activities conducted for purpose of gain.

#### **Article 54b** (446/95)

If there is a risk that the person entitled to compensation, as defined in Article 47, will not be paid, a court of justice may, upon the request of said person, prohibit the user of the contrivances referred to in Article 46 from using said contrivances until he posts an acceptable security for the payment of compensations or until a court of justice orders otherwise. The applicable parts of the provisions of Articles 4, 5, 7, 8, 11 and 14 of Chapter 7 of the Code of Procedure shall be complied with in the matter.

#### **Article 55** (442/84)

The Council of State shall appoint a Copyright Council the function of which shall be to assist the Ministry of Education in the handling of matters pertaining to copyright and to issue statements regarding the application of the present Act.

More detailed provisions regarding the Copyright Council shall be issued by decree.

## **CHAPTER 7**

### **Penal Sanctions and Liability**

#### **Article 56** (715/95)

Punishment for a copyright crime is prescribed in Article 1 of Chapter 49 of the Penal Code.

#### **Article 56a** (442/84)

Anyone who

(1) wilfully or out of gross negligence violates a provision issued for the protection of copyright in the present Act or acts in violation of an instruction issued under Article 41, second paragraph, of a provision of Article 51 or 52, or of a prohibition referred to in Article 53, first paragraph, or Article 54b; or

(2) imports into the country a copy of a work for distribution to the public, which copy he knows or has well-founded reason to suspect to have been produced outside the country under such circumstances that such production in Finland would have been punishable under the present Act, shall, unless the act is punishable as a copyright crime under Article 1 of Chapter 49 of the Penal Code, be sentenced for a **copyright offence** to a fine. (1024/95)

However, the making of a few copies for private use of a computer-readable computer program which has been published or copies of which have been sold or otherwise permanently transferred with the consent of the author shall not be held to be a copyright offence. (418/93)

#### **Article 56b** (1024/95)

A violation of the provisions of Article 26d, third paragraph, or Article 26l, fourth paragraph regarding confidentiality shall be punishable under Articles 1 or 2 of Chapter 38 of the Penal Code, unless the act is punishable under Article 5 of Chapter 40 of the Penal Code or unless a more severe punishment has been provided for the act elsewhere in law.

#### **Article 56c** (418/93)

Whoever for the purpose of gain distributes to the public, or for this purpose keeps in his possession, any means the sole purpose of which is the unauthorized removal or circumvention of a technical device protecting a computer program shall be sentenced to a fine for **unauthorized distribution of a means for removing protection**.

#### **Article 56d** (446/95)

Whoever intentionally or out of gross negligence violates the provision of Article 26d, second paragraph, or the obligation to provide information or to give account, provided in Article 26k, second paragraph, shall be sentenced to a fine for **a violation of the obligation to provide information**, prescribed in the Copyright Act, unless a more severe punishment has been provided for the act elsewhere in law.

#### **Article 57** (442/84)

Anyone who uses a work in violation of the present Act or an instruction given under Article 41, second paragraph, shall be obligated to pay the author a fair compensation for such use.

If such use is wilful or out of negligence, the infringer shall, in addition to compensation, also pay damages for any other loss, also for mental suffering and for other injury.

Anyone who, otherwise than by using a work, is guilty of an act punishable under Article 1 of Chapter 49 of the Penal Code or Article 56a of the present Act, shall be obligated to pay the author damages for any loss, mental suffering or other injury caused by the crime. (715/95)

The provisions of the Act regarding Damages and Tort Liability (412/74) shall also be in force regarding the payment of damages referred to above in the second and third paragraphs.

#### **Article 58**

If a copy of a work has been produced, imported, made available to the public, or altered contrary to this Act, or to a direction given under Article 41, second paragraph, or to the provisions of Articles 51 or 52, or to a prohibition pronounced under Article 53, first paragraph, the Court may, upon the demand of the injured party, prescribe, according to what it deems reasonable, that the copy, as well as any type matter, printing blocks, forms and other devices, shall be destroyed, or that such property shall be altered in specific ways, or be conveyed to the injured party against a compensation corresponding to their cost of manufacture, or be rendered such that their unauthorized use is prevented.

The provisions of the first paragraph shall not apply to a person who has acquired the property or some right therein in good faith, or to works of architecture; however, the modification of a building may be ordered according to circumstances.

### Article 59

Notwithstanding the provisions of Article 58, first paragraph, the Court may—upon a request of that effect—permit, if warranted by the artistic or economic value of the copies referred to in the said paragraph, or by other circumstances, that the copies be made available to the public or otherwise used according to their purpose in return for compensation to the injured party.

### Article 60 (715/95)

The provisions of Articles 56a, 57, 58 and 59 shall also apply analogously to the rights protected under Chapter 5.

### Article 61

The District Court of Helsinki shall have jurisdiction in cases involving radio or television broadcasts which violate this Act.

### Article 62

A violation of the provisions of Article 51 or 52 shall be subject to public prosecution. In other cases a criminal action for a copyright offence shall not be brought by a public prosecutor, unless the injured party has reported it for the purpose of prosecution. (715/95)

An action for violation of Article 3 or directions given under Article 41, second paragraph, may be brought by the surviving spouse, by heirs in the ascending or descending line or brothers and sisters, or by a person who by virtue of adoption is related to the author in the same manner. Violation of a prohibition pronounced under Article 53, first paragraph, shall be denounced by the authority specified therein.

(Third paragraph has been repealed by Act 442/84.)

## CHAPTER 8

### Applicability of the Act

#### Article 63 (648/74)

The provisions of this Act relating to copyright shall apply:

- (1) to works of which the author is a Finnish national or a person having his permanent domicile in Finland;
- (2) to works first published in Finland or published in Finland within thirty days of their first publication in another country;
- (3) to cinematographic works of which the producer has his headquarters or permanent domicile in Finland;
- (4) to architectural works erected in Finland; and
- (5) to works of art incorporated in a building located in Finland or fixed to the ground by any other means.

For the purposes of application of the third subparagraph above, the producer of the cinematographic work shall, unless otherwise indicated, be deemed to be the person or company whose name is mentioned in the usual manner in the cinematographic work.

The provisions of Chapter 2b of the Copyright Act shall be applied if the author of the work is a citizen of a State belonging to the European Economic Area or if he has his permanent domicile in such a State. (446/95)

The provisions in Articles 51—53 above shall be applied regardless of who created the work and where the work was published. (446/95)

#### Article 63a (1654/95)

The provisions in Article 44a shall be applied to a person who is a citizen of a State belonging to the European Economic Area or has his permanent domicile in such a State, and to a body corporate having its residence in such a State.

**Article 64** (446/95)

The provisions in Article 45 above shall be applied if:

- (1) the performance takes place in Finland;
- (2) the performance has been recorded on a contrivance, as defined in the second paragraph; or
- (3) the performance, which has not been recorded on a phonogram, is included in a broadcast, as defined in the sixth paragraph.

The provisions in Article 46 above shall be applied to a contrivance the sound on which has been recorded on the contrivance in Finland.

The provisions in Article 46a above shall be applied to a contrivance the moving picture on which has been recorded on the contrivance in Finland.

The provisions in Article 47 above shall be applied to radio and television broadcasts taking place in Finland and to any other public performance taking place in Finland, if a contrivance, as defined in the second paragraph, is used in the broadcast or program.

The provisions in Article 47a above shall be applied to all radio and television broadcasts and to any rebroadcasting taking place in Finland, if a contrivance, as defined in the second paragraph, is used in the broadcast.

The provisions in Article 48 above shall be applied:

- (1) to radio and television broadcasts taking place in Finland; and
- (2) to radio and television broadcasts taking place elsewhere, if the principal place of business of the broadcasting operator is in Finland.

The provisions in Article 49 above shall be applied to a work which was first published in Finland.

Whatever is provided regarding a work in Article 63, first paragraph, first, second and fifth subparagraphs, shall by analogy be applied to a photographic picture, as defined in Article 49a.

The provisions in Article 50 above shall be applied to a press report which has been received in Finland.

**Article 64a** (446/95)

When program-carrying signals, intended for reception by the public and carrying a work protected under the present Act, are introduced in Finland, under the control and responsibility of a broadcasting organization, into an uninterrupted chain of communication leading to a satellite and back down towards the earth, the provisions of Article 2 regarding making available to the public and other provisions of the present Act regarding radio and television broadcasts shall be applied to this communication by satellite.

If a satellite communication to the public, as defined in the first paragraph, takes place in a State outside the European Economic Area, the protective level of the legislation in that State not corresponding to the protective level provided in Chapter 2 of the Council Directive (93/83/EEC) on the Coordination of Certain Rules Concerning Copyright and Rights Related to Copyright Applicable to Satellite Broadcasting and Cable Transmission, and

(1) the signals are transmitted towards the satellite from a transmission station situated in Finland, or

(2) in a case in which a transmitting station situated in Finland is not used, a broadcasting organization located in Finland has commissioned others to carry out the transmission,

then the communication to the public by satellite shall be deemed to take place in Finland. The provisions of Article 2 regarding making available to the public and other provisions in the present Act regarding radio and television broadcasts shall be applied thereto.

**Article 65**

On condition of reciprocity, the President of the Republic may provide for the application of this Act in relation to other countries and similarly for application to works first published by an international organization and to unpublished works which such organization has a right to publish.

### Article 66

Subject to the provisions of Articles 67—71, this Act shall apply also to literary or artistic works created before it comes into force.

### Article 67

Copies of a work produced under the old law may be freely distributed and exhibited. However, the provision of Article 23 concerning the lease of sheet music and the right to fix a payment defined by decree shall apply to such copies.

### Article 68

Type matter, printing blocks, forms and other devices produced under the old law for the reproduction of a particular work may be used according to their purpose until the end of 1962, notwithstanding the provisions of the present Act. The provisions of Article 67 shall by analogy be applied to copies produced in the course of such use.

### Article 69

Copyright in newspapers, periodicals, and other works which consist of independent contributions by several contributors and which are published before this Act comes into force shall belong to the editor in accordance with Article 5, and the term of protection shall be calculated according to Article 44.

### Article 70

The old law shall apply to contracts regarding transfer of copyright concluded before the coming into force of the present Act, but the provisions of Article 29 shall be complied with even regarding such contracts.

Any privileges and injunctions applicable at the time of the coming into force of the present Act shall remain in force.

### Article 71

If, before the coming into force of this Act, an author has transferred a work of art, or has executed a drawing on commission, his right to transfer a duplicate of the same work of art to a third party or to produce for a third party a work based upon the same drawing, shall be governed by the provisions of the old law. The old law shall apply equally to a portrait executed before the coming into force of this Act, insofar as concerns the rights of the author in respect thereof.

### Article 72

The provisions of Articles 66—68 shall apply to the rights protected under Chapter 5. (1654/95)

If an agreement concerning such recording, as defined in Article 45, has been made before this Act comes into force, the provision of Article 70, first paragraph, shall be applicable.

### Article 73

This Act shall come into force on September 1, 1961. It abrogates the Act of June 3, 1927 (No. 174/27) on Copyright in Products of Intellectual Activity, as well as Article 28 of the Decree of March 15, 1880 (No. 8/80) Relating to the Rights of Writers and Artists in Respect of the Products of Their Labour.

## Implementing provisions of Copyright Act amendments

**July 8, 1961 / 404** (Published July 18, 1961)

**August 23, 1971 / 669** (Published August 23, 1971)

**July 31, 1974 / 648** (Published August 8, 1974):

This Act shall come into force on October 1, 1974.

**December 19, 1980 / 897** (Published December 23, 1980):

This Act shall come into force on December 29, 1980.

**December 17, 1982 / 960** (Published December 22, 1982):

This Act shall come into force on January 1, 1983. It shall also be applied to any agreements on the transfer of copyright which were made before the coming into force of the Act.

**June 8, 1984 / 442** (Published June 13, 1984):

This Act shall come into force on June 15, 1984.

**July 27, 1984 / 578** (Published August 3, 1984):

This Act shall come into force on October 1, 1984.

**January 24, 1986 / 54** (Published January 28, 1986):

This Act shall come into force on February 1, 1986.

**March 14, 1987 / 309** (Published March 20, 1987):

This Act shall come into force on June 1, 1987.

**January 11, 1991 / 34** (Published January 16, 1991):

This Act shall come into force on January 16, 1991.

Article 23, second paragraph, of this Act shall not be applied to a computer program created before the coming into force of this Act insofar as the question is of the lending of the computer program to the public. In other respects, provisions regarding the application of this Act to a computer program created before the coming into force of this Act shall be prescribed separately. (419/93) (According to **the Implementing Decree 1395/93, issued on December 22, 1993**, the amendment shall come into force on January 1, 1994.)

A performance of a literary or artistic work by a performing artist, a contrivance on which sound has been recorded, and a radio or television broadcast which has been recorded or transmitted after September 1, 1961 shall be protected as provided in this Act.

Whoever has taken steps to use, in the manner defined in Article 45, 46 or 48 of the Copyright Act, a performance, phonogram, or radio or television broadcast the protection of which has expired before the coming into force of this Act shall, notwithstanding the provisions of the third paragraph, be permitted to use the said performance, phonogram or broadcast for two years after the end of the calendar year during which this Act came into force.

If 15 years have elapsed from the end of the year during which a production, defined in Article 49 of the Copyright Act and enjoying protection at the time of the coming into force of the present Act, was completed, that protection shall lapse at the time the present Act comes into force.

**May 7, 1993 / 418** (Published May 12, 1993):

This Act shall come into force at a time to be prescribed by decree. Article 23, third paragraph, of the Act shall, however, come into force on June 1, 1993.

This Act shall also be applied to a computer program created before the coming into force of this Act. However, provisions in force at the time of the coming into force of this Act shall be applied to any acts done and any rights acquired before the coming into force of this Act.

Whatever is provided in the second paragraph shall, after the coming into force of this Act, also apply to the application of provisions regarding computer programs in the Act (34/91) amending the Copyright Act, issued on January 11, 1991, with the exception of the provisions regarding the loaning of computer programs to the public.

**Decree No. 1395, December 22, 1993** (Published December 28, 1993):

#### **Article 1**

The following Acts shall come into force on January 1, 1994:

- 
- 2) Act (418/93), issued on May 7, 1993, amending the Copyright Act; and
  - 3) Act (419/93), issued on May 7, 1993, amending the implementing provision of the Act amending the Copyright Act.

**December 16, 1994 / 1254** (Published December 22, 1994):

This Act shall come into force on January 1, 1995.

**March 24, 1995 / 446** (Published March 30, 1995):

This Act shall come into force on May 1, 1995.

This Act shall also be applied to any works and any protected items, defined in Articles 45, 46, 48 and 49a, which were created, recorded or produced before the coming into force of this Act and which continue to be protected. However, the provisions in force at the time of the coming into force of this Act shall be applied to any acts done and any rights acquired before the coming into force of this Act.

An agreement on filming or sound recording, made by a performing artist before the coming into force of this Act shall cover the right to distribute copies of the film or phonogram to the public, unless otherwise agreed.

An agreement on the inclusion of a phonogram in a film, made by the producer of the phonogram before the coming into force of this Act, shall cover the right to distribute copies of the film to the public, unless otherwise agreed.

The provisions of Articles 25f and 64a of this Act shall be applied as of January 1, 2000 to any agreements on satellite broadcasting of works and performances which were made before the coming into force of this Act.

**December 22, 1995 / 1654** (Published December 28, 1995):

This Act shall come into force on January 1, 1996.

This Act shall also be applied to works created before the coming into force of this Act.

The provisions in force on the entry into force of this Act shall be applied to any contracts concluded and any rights acquired before the coming into force of this Act.

Copies of a work which have been produced prior to the coming into force of this Act under provisions in force on the entry into force of this Act, may further be distributed to the public and publicly exhibited. The provisions of Article 19, second to fourth paragraphs, and Chapter 2b of this Act shall, however, be applied to copies produced before the coming into force of this Act.

Notwithstanding the provisions of this Act, any person who before the coming into force of this Act has commenced to use a work, the term of protection of which has expired prior to coming into force of this Act, by producing copies thereof or making the work available to the public in a manner which requires substantial measures, may proceed to complete the commenced use to a normal extent necessary for the said use by January 1, 2003. Provisions on the completion of commenced use above shall also apply to any person who, under similar circumstances, has taken substantial measures to produce copies of a work or to make a work available to the public. Copies produced by virtue of the provisions in this paragraph may further be distributed to the public and publicly exhibited, subject to the provisions in Article 19, second to fourth paragraphs, and Chapter 2b of this Act.

Notwithstanding the provisions of this Act, if a work is incorporated in a recording made by a broadcasting organization after the expiry of the protection and prior to the coming into force of this Act, with a particular view to use in radio or television broadcasting, the work may further be used in broadcasts until January 1, 2003. This paragraph shall also apply to the public performance of a work which has been recorded on a contrivance containing moving pictures.

The provisions of second to sixth paragraphs above shall apply analogously to subject matter protected pursuant to Articles 45, 46, 46a and 48 of this Act.

The provisions of second to sixth paragraphs above shall apply

- 1) to works originating in a State belonging to the European Economic Area,



2) to subject matter defined in paragraph 7 above originating in a State belonging to the European Economic Area, in regard to the protection of which special provisions have been enacted, and

3) to rights in phonograms referred to in Article 14, first, second and fourth paragraphs of the Agreement on Trade-Related Aspects of Intellectual Property Rights annexed to the Agreement Establishing the World Trade Organization, as prescribed in paragraph 6 of the aforesaid Article.

This Act shall apply to works and subject matter other than those referred to in Article 8 above only in so far as they have been protected at the time of the coming into force of this Act.