

Copyright Act

(404/1961, amendments up to 608/2015)

Chapter 1

Subject Matter and Scope of Copyright

(the repeal of former sub-headings deleted by 607/2015)

Section 1

Subject matter (607/2015)

(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, 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. (446/1995)

(2) Maps and other descriptive drawings or graphically or three-dimensionally executed works and computer programs shall also be considered literary works. (34/1991)

Section 2 (821/2005)

Economic rights (607/2015)

(1) Within the limitations imposed hereinafter, copyright shall provide the exclusive right to control a work by reproducing it and by making it available to the public, in the original form or in an altered form, in translation or in adaptation, in another literary or artistic form, or by any other technique.

(2) The reproduction of a work shall comprise making copies of the work in whole or in part, directly or indirectly, temporarily or permanently and by any means or in any form whatsoever. The reproduction of a work shall also comprise the transfer of the work on to another device, by which it can be reproduced or communicated.

(3) A work is made available to the public when:

1) it is communicated to the public by wire or wireless means, including communication in a way which enables members of the public to access the work from a place and at a time individually chosen by them;

2) it is publicly performed to an audience present at a performance;

3) a copy thereof is offered for sale, rental or lending or it is otherwise distributed to the public; or

4) it is publicly displayed without the aid of a technical device.

(4) A performance and communication to the public shall also comprise performance and communication to a comparatively large closed circle for purposes of gain.

Section 3

Moral rights (607/2015)

(1) When copies of a work are made or when the work is made available to the public in whole or in part, the name of the author shall be stated in a manner required by proper usage.

(2) 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.

(3) The right conferred to the author by this section may be waived by him with binding effect only in regard of use limited in character and extent.

Section 4

Adaptation or conversion of a work (607/2015)

(1) A person who translates or adapts a work or converts it into some other literary or artistic form shall have copyright in the work in the new form, but shall not have the right to control it in a manner which infringes the copyright in the original work.

(2) If a person, in free association with a work, has created a new and independent work, his copyright shall not be subject to the right in the original work.

Section 5

Work of compilation (607/2015)

A person who, by combining works or parts of works, creates a literary or artistic work of compilation shall have copyright therein, but his right shall be without prejudice to the rights in the individual works.

Section 6

Work by multiple authors (607/2015)

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 of them is entitled to bring an action for infringement.

Section 7

Assumed authorship (607/2015)

- (1) The person whose name or generally known pseudonym or pen name is indicated 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, unless otherwise demonstrated.
- (2) If a work is published without the name of the author being indicated in the manner described in subsection 1, the editor, if he/she is named, and otherwise the publisher, shall represent the author until his name is indicated in a new edition of the work or notified to the competent ministry.

Section 8

Making public and publishing (607/2015)

- (1) A work shall be considered to have been made public when it has lawfully been made available to the public.
- (2) A work shall be regarded as published when copies thereof have, with the consent of the author, been placed on sale or otherwise distributed to the public. (648/1974)

Section 9 (821/2005)

Works excluded from protection (607/2015)

- (1) There shall be no copyright:
 - 1) in laws and decrees;
 - 2) in resolutions, stipulations and other documents which are published under the Act on the Statutes of Finland (188/2000) and the Act on the Regulations of Ministries and other Government Authorities (189/2000);
 - 3) treaties, conventions and other corresponding documents containing international obligations;
 - 4) decisions and statements issued by public authorities or other public bodies;
 - 5) translations of documents referred to in paragraphs 1–4 made by or commissioned by public authorities or other public bodies.
- (2) The provisions of subsection 1 shall not apply to independent works contained in the documents referred to in the subsection.

Section 10 (1971/669)

Other intellectual property rights (607/2015)

- (1) Notwithstanding the registration of a work as a design under other applicable statutes, its author may have copyright therein by virtue of this Act.

(2) Rights in a photographic picture shall additionally be governed by the provisions of section 49a. Legal protection of rights in layout-designs of integrated circuits has been provided separately. (446/1995)

Chapter 2 (446/1995)

Limitations on copyright and provisions concerning extended collective licence (821/2005)

Section 11 (821/2005)

General provisions (607/2015)

(1) The provisions of this Chapter do not limit the rights conferred to the author by section 3 to a larger degree than as provided in section 25 e.

(2) If a work is reproduced or made available to the public under the provisions of this Chapter, the author's name and the source must be indicated to the extent and in a manner required by proper usage. The work may not be altered without the author's consent more than necessitated by the permitted use.

(3) A copy of a work made by virtue of a limitation on copyright as provided in this Chapter may be, for the purpose determined in the limitation, distributed to the public and used in a public performance.

(4) The provisions of subsection 3 shall correspondingly apply to use by virtue of extended collective licence.

(5) A limitation on copyright as provided in this Chapter does not permit the reproduction of a copy of a work which has been made or made available to the public contrary to section 2 or whose technological measures have been circumvented in violation of section 50a(1). The provisions of this subsection shall not, however, pertain to the use of works under sections 11a, 16, 16a–16c or 22 or under section 25d(2) or (5).

Section 11a (821/2005)

Temporary reproduction (607/2015)

(1) The provisions of section 2 in regard to the right to make copies of a work shall not apply to temporary reproduction:

1) which is transient or incidental;

2) which is an integral and essential part of a technological process;

3) the sole purpose of which is to enable a transmission of a work in a network between third parties by an intermediary or a lawful use of a work; and

4) which has no independent economic significance.

(2) The provisions of subsection 1 shall not apply to a computer program or to a database.

Section 12 (446/1995)

Reproduction for private use (607/2015)

(1) Anyone may make single copies for his private use of a work that has been made public. The copies thus made may not be used for other purposes.

(2) It is also permitted to have copies made by a third party for the private use of the party ordering the copies.

(3) The provisions of subsection 2 shall not apply to the reproduction of musical works, cinematographic works, utility articles or sculptures, or the reproduction of any other work of art by artistic means.

(4) The provisions of this section shall not apply to a computer-readable computer program, to the making of a computer-readable copy of a computer-readable database, or to the construction of a work of architecture. (250/1998)

Section 13 (821/2005)

Photocopying (607/2015)

A published work may be reproduced by photocopying or by corresponding means by virtue of extended collective licence as provided in section 26.

Sub-heading has been repealed by Act 607/2015 (607/2015)

Section 13a (821/2005)

Use for internal communication (607/2015)

(1) A piece of writing published in a printed or by corresponding means reproduced newspaper or periodical, and an illustration accompanying the text, may be reproduced by virtue of extended collective licence, as provided in section 26, for use in the internal communication of an authority, a business enterprise and an organisation, and the copies thus made may be used for communication to the public for said purpose by means other than transmitting on radio or television. The provisions of this subsection shall not apply to reproduction by photocopying or by corresponding means.

(2) A work included in a current affairs or news programme transmitted on radio or television may be reproduced in single copies for use within a short period of time after the reproduction for internal information by an authority and a business enterprise, as well as by another person and organisation.

(3) The provisions of subsection 1 shall not apply to a work whose author has prohibited the reproduction or communication of the work.

Section 14 (821/2005)

Use of works for educational activities and scientific research (607/2015)

(1) A work made public may, by virtue of extended collective licence, as provided in section 26, be reproduced for use in educational activities or in scientific research and be used in this purpose for communication to the public by means other than transmitting on radio or television. The provisions of this subsection shall not apply to reproduction by photocopying or by corresponding means.

(2) In educational activities, a work made public, performed by a teacher or a student, may be reproduced by direct recording of sound or image for temporary use in educational activities. A copy thus made may not be used for other purposes.

(3) Parts of a literary work that has been made public 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 corresponding test.

(4) The provisions of subsection 1 concerning works other than those transmitted on radio or television shall not apply to a work whose author has prohibited the reproduction or communication of the work.

Section 15 (446/1995)

Reproduction in certain institutions (607/2015)

In hospitals, senior citizens' homes, prisons and other similar institutions, copies of works made public, included in radio and television transmissions, may be made by audio and video recording for temporary use in the institution within a short period from the recording.

Section 16 (821/2005)

Reproduction in archives, libraries and museums (607/2015)

An archive, and a library or a museum open to the public, to be determined in a government decree, may, unless the purpose is to produce direct or indirect financial gain, make copies of a work in its own collections:

- 1) for the purpose of preserving material and safeguarding its preservation;
- 2) for the purpose of technically restoring and repairing material;
- 3) for the purpose of administering and organising collections and for other internal purposes required by the maintenance of the collection;
- 4) for the purpose of supplementing a deficient item or completing a work published in several parts if the necessary complement is not available through commercial distribution or communication.

Section 16a (821/2005)

Reproduction of works for the public and communication of works to the public (607/2015)

(1) An archive, and a library open to the public, to be determined in a government decree, may, unless the purpose is to produce direct or indirect financial gain:

1) make copies of a work in its collections which is susceptible to damage by photocopying or by corresponding means and make them available to the public through lending if the work is not available through commercial distribution or communication;

2) where seen appropriate, make copies by photocopying or by corresponding means of individual articles in literary or artistic works of compilation, newspapers or periodicals and of short passages in other published works in its collections to be handed over to the borrowers for their private use in lieu of the volumes and booklets wherein they are contained.

(2) An archive, and a library or a museum open to the public, to be determined in a government decree, may, unless the purpose is to produce direct or indirect financial gain, communicate a work made public that it has in its collections, to a member of the public for purposes of research or private study on a device reserved for communication to the public on the premises of the institution. This shall be subject to the provision that the communication can take place without prejudice to the purchasing, licensing and other terms governing the use of the work and that the digital reproduction of the work other than reproduction required for use referred to in this subsection is prevented, and provided that the further communication of the work is prevented.

Section 16b (674/2013)

Use of works in libraries preserving cultural material (607/2015)

(1) A library entitled to a legal deposit of a copy of a work under the Act on Deposit and Preservation of Cultural Material (1433/2007) may:

1) use the copy it has in its collections in the manner referred to in sections 16 and 16a of this Act and subject to the terms laid down in these sections;

2) communicate a work made public that it has in its collections to a member of the public for purposes of research or private study on a device reserved for communication to the public, if the digital reproduction of the work other than reproduction required for use referred to in this paragraph is prevented and if the further communication of the work is prevented, on the premises of a library in whose collections the material is deposited under the Act on Deposit and Preservation of Cultural Material, and in the Library of Parliament and in the National Audiovisual Institute;

3) make copies of works made available to the public in information networks for inclusion in its collections;

4) make a copy for inclusion in its collections of a published work which it needs to acquire as part of the library collection but which is not available through commercial distribution or communication.

(2) The provisions of paragraphs 1 and 4 of subsection 1, shall also apply to libraries in whose collections the library referred to in subsection 1 deposits the material under the Act on Deposit and Preservation of Cultural Material.

Section 16c (674/2013)

Use of works in the National Audiovisual Institute (607/2015)

(1) The National Audiovisual Institute may:

1) use a work in its collections in the manner referred to in sections 16 and 16a and subject to the terms laid down in these sections;

2) communicate a work in its collections to a member of the public for purposes of research or private study by means of a device reserved for communication to the public on devices located on the premises of a library referred to in section 16b, in the Library of Parliament, and in the Department of Journalism and Mass Communication of the University of Tampere, if the digital reproduction of the work other than reproduction required for the use is prevented and if the further communication of the work is prevented;

3) make copies of works made available to the public by transmission on television or radio for inclusion in its collections.

(2) The provisions of paragraphs 1 and 2 of subsection 1 shall not apply to a cinematographic work deposited by a foreign producer.

(3) A work in the collections of the National Audiovisual Institute, with the exception of a cinematographic work deposited by a foreign producer, may be used for purposes of research and higher education in cinematography.

(4) The provisions of subsections 1–3 shall also apply to material subject to legal deposit, stored in storage facilities approved in accordance with the Act on Deposit and Preservation of Cultural Material.

Section 16d (821/2005)

Use of works in archives, libraries and museums by virtue of extended collective licence (607/2015)

(1) An archive, and a library or a museum open to the public, to be determined in a Government Decree, may, by virtue of extended collective licence, as provided in section 26:

1) make a copy of a work in its collections in cases other than those referred to in sections 16 and 16a–16c;

2) communicate a work in its collections to the public in cases other than those referred to in sections 16a–16c.

(2) The provisions of subsection 1 shall not apply to a work whose author has prohibited the reproduction or communication of the work.

Section 16e (821/2005)

Further provisions concerning the use of works in archives, libraries and museums (607/2015)

(1) In cases referred to in sections 16, 16a and 16d, provisions may be issued by Government Decree regarding the archives and the libraries and museums open to the public which are authorised under these sections to use works, or who may apply the provisions on extended collective license, if:

- 1) the activities or mission of the institution has been enacted by an Act;
- 2) the institution has been assigned a specific archival, preservation or service function in legislation;
- 3) the activities of the institution serve scientific research to a significant degree; or
- 4) the institution is owned by the State.

(2) Further provisions may be enacted by Government Decree concerning reproduction under section 16 and sections 16a–16c and the use of the copies thus made.

(3) Further provisions may be enacted by Government Decree concerning the communication of a work to a member of the public under sections 16a–16c.

Section 16f (763/2013)

Use of orphan works (607/2015)

The Act on Orphan Works (764/2013) lays down provisions on copies made of orphan works and the communication of orphan works to the public:

- 1) in public libraries, museums and educational organisations;
- 2) in archives and film and audio archives; and
- 3) in public television and radio companies.

Section 17 (821/2005)

Making works available to persons with disabilities (607/2015)

(1) Copies of a published literary work, a published musical work or a published work of fine art may be made by means other than recording sound or moving images for use by people with visual impairments and others who, owing to a disability or illness, cannot use the works in the ordinary manner. The copies thus made may be used for communication to persons referred to above by means other than transmission on radio or television.

(2) A government decree shall be issued concerning the institutions entitled to make copies of a published literary work by sound recording for use by visually impaired persons and others who,

owing to a disability or illness, cannot use the works in the ordinary manner, to be lent, sold or used in communication by means other than radio or television transmission.

(3) A government decree shall be issued concerning the institutions entitled to make copies of a published work in sign language for the deaf and persons with auditory impairments who cannot use the works in the ordinary manner, to be lent, sold or used in communication by means other than radio or television transmission.

(4) The author shall have a right to remuneration for the making of copies for sale under subsections 2 and 3 or the communication of a work to a disabled or other person so that the person will permanently have a copy of the work.

(5) The provisions of subsections 1–4 shall not apply to reproduction or communication for commercial purposes.

(6) The prerequisite in regard of an institution referred to in subsections 2 and 3 is that the institution, to be determined by decree, does not seek commercial or economic gain, that the mission of the institution includes services to persons with disabilities and that the institution has the financial and operational facilities to pursue such activity. Further provisions may be enacted by government decree concerning the technical properties and labelling of the copies of works made and works communicated to the public under subsections 2 and 3.

Section 18 (821/2005)

Works of compilation used in education (607/2015)

(1) Minor parts of literary or musical works or, if not extensive, the entire work may be incorporated into a literary or artistic work of compilation consisting of works by several authors which is printed or produced by corresponding means and intended for use in education, after five years have elapsed from the year of publication. A work of art made public may be reproduced in pictorial form in connection with the text. The provisions of this subsection shall not apply to a work created for use in education.

(2) The author shall have a right to remuneration for incorporation referred to in subsection 1.

Section 19 (446/1995)

Distribution of copies of a work and right to remuneration for lending (607/2015)

(1) When a copy of a work has been sold or otherwise permanently transferred with the consent of the author within the European Economic Area, the copy may be further distributed. (821/2005)

(2) The provisions of subsection 1 shall not apply to making a copy of a work available to the public by rental or by a comparable legal transaction. However, a product of architecture, artistic handicraft or industrial art may be rented to the public.

(3) The provisions of subsection 1 shall not apply to making a copy of a cinematographic work or of computer-readable computer program available to the public by lending.

(4) The author shall have a right to remuneration for the lending of copies of a work to the public, with the exception of products of architecture, artistic handicraft and industrial art. Remuneration may be claimed only for lending which has taken place within the last three calendar years. However, the right to remuneration shall not subsist if the lending takes place in a library serving research or educational activities. The right referred to in this subsection shall be governed by the provisions of section 41. Any legal actions whereby an author concedes his right to remuneration referred to in this subsection shall be null and void. (763/2013)

(5) A copy of a work which has, with the consent of the author, been sold or otherwise permanently transferred outside the European Economic Area may in accordance with the provisions of subsection 1, under the conditions laid down in subsection 3, be:

1) made available to the public by lending;

2) sold or otherwise permanently transferred if the copy to be transferred is one acquired by a private individual for private use;

3) sold or otherwise permanently transferred if the copy to be transferred is one acquired by an archive, or by a library or a museum open to the public, for its own collections.

(821/2005)

Section 19a (1228/2006)

Organisation managing the remuneration for lending (607/2015)

(1) The remuneration for the lending in a public library referred to in section 19(4) shall be paid through an organisation which has been approved by the Ministry of Education and which represents a large number of authors whose works are lent in a public library.

(2) The Ministry of Education shall approve the organisation on application for a fixed period, for a maximum of five years. The organisation to be approved shall be financially sound and capable of managing matters in accordance with the approval decision. The organisation shall annually submit an account to the Ministry of Education of the actions it has carried out pursuant to the approval decision. The organisation, or organisations, where the representation of the authors can be achieved only through the approval of several organisations, must represent a substantial proportion of the authors of works of different fields whose works are lent from the public libraries. The approval decision may also lay down terms guiding the practical operation of the organisation in general.

(3) The decision of the Ministry of Education shall be complied with, notwithstanding an appeal pending, until the matter has been resolved by means of a valid decision. The approval may be reversed if the organisation commits serious or essential breaches or dereliction of duty in breach of the approval decision and its terms and if notices to comply or warnings issued to the organisation have not led to the rectification of the shortcomings in its operation.

Section 20 (821/2005)

Display of a copy of a work (607/2015)

When a copy of a work has, with the consent of the author, been sold or otherwise permanently transferred, the copy may be used for public display of the work.

Sub-heading has been repealed by Act 607/2015 (607/2015)

Section 21 (821/2005)

Public performance (607/2015)

- (1) A published work may be publicly performed in connection with divine services and education.
- (2) A published work may also be publicly performed at an event in which the performance of works is not the main feature and for which no admission fee is charged and which otherwise is not arranged for the purpose of gain.
- (3) The provisions of subsections 1 and 2 shall not apply to dramatic or cinematographic works. The public performance of a cinematographic work for purposes of research and higher education on cinematography is governed by section 16c.

Sub-heading has been repealed by Act 607/2015 (607/2015)

Section 22 (446/1995)

Quotation (607/2015)

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

Section 23 (446/1995)

An article on a current topic (607/2015)

- (1) 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.
- (2) The author's name and the source must always be indicated. (821/2005)

Section 24 (821/2005)

Concert programmes (607/2015)

When a musical work is performed with text, the text may be made available to the audience in a concert programme or a corresponding leaflet produced by printing, photocopying or by corresponding means.

Section 25 (446/1995)

Use of works of arts that have been made public or transferred (607/2015)

(1) Works of art made public may be reproduced in pictorial form in material connection with the text:

1) in a critical or scientific 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.

(2) When a copy of a work of art has, with the consent of the author, been sold or otherwise permanently transferred, the work of art may be incorporated into a photograph, a film, or a television programme if the reproduction is of a subordinate nature in the photograph, film or programme. (821/2005)

Section 25a (821/2005)

Use of works of art in catalogues and in information and pictorial representation of a building (607/2015)

(1) A work of art which is included in a collection or displayed or offered for sale, may be reproduced in pictorial form for the purpose of disseminating information about the exhibition or sale or for a catalogue produced by printing, photocopying or by other corresponding means.

(2) A work of art which is included in a collection, displayed or offered for sale may be reproduced by the maintainer of the collection, the exhibitor or the vendor by virtue of extended collective licence, as provided in section 26, in cases other than those referred to in subsection 1, and the copies thus made may be used for communication to the public by means other than transmission on radio or television. The provisions of this subsection shall not apply to a work of art whose author has prohibited the reproduction or communication of the work.

(3) A work of art may be reproduced in pictorial form in cases other than those referred to in subsections 1 and 2 if the work is permanently placed at, or in the immediate vicinity of, a public place. If the work of art is the leading motive of the picture, the picture may not be used for the purpose of gain. A picture having a material connection to the text may, however, be included in a newspaper or a periodical.

(4) A building may be freely reproduced in pictorial form.

Section 25b (446/1995)

Inclusion of a work in a news broadcast (607/2015)

(1) When a current event is presented in a radio or television broadcast or as a film, a work visible or audible in the current event may be included in the presentation to the extent necessary for the informational purpose.

(2) When short extracts from a television transmission are used in accordance with section 48(5) for the purpose of news reports on events of high interest to the public, a work included in the transmission may be incorporated into the news report. (307/2010)

Section 25c (446/1995)

Use of public statements (607/2015)

Oral or written statements made in a public representational body, before an authority or at a public consultation on a matter of public interest may be reproduced and communicated without the author's consent. However, a statement and a written or similar work presented as evidence in a case or in a matter may be reproduced and communicated only in the reporting of the case or matter and only to the extent necessary for the purposes of such reporting. The author shall have the exclusive right to publish a compilation of his statements.

Section 25d (446/1995)

Public documents and administration of justice (607/2015)

(1) Copyright shall not limit the statutory right to obtain information from a public document.

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

(3) A work used pursuant to subsections 1 and 2 above may be quoted in accordance with section 22.

(4) Works referred to in section 9(2) of this Act may be reproduced or communicated to the public in connection with a document referred to in subsection 1 of said section and used separately from the document for the administrative or other purpose to which the document relates. (821/2005)

(5) Anyone who communicates a work to the public by radio or television transmission or by other means may make a copy or have a copy made or retain a copy of the transmitted or communicated work for the purpose of discharging a statutory duty to record or store. (821/2005)

Section 25e (446/1995)

Altering of buildings and utilitarian articles (607/2015)

Buildings and utilitarian articles may be altered by the owner without the consent of the author, if required by technical or practical reasons.

Section 25f (821/2005)

Original radio and television transmissions (607/2015)

(1) A broadcasting organisation may transmit a work under extended collective licence, as provided in section 26. The provisions of this subsection shall not, however, apply to a dramatic work, a cinematographic work and any other work if the author has prohibited the transmission of the work.

(2) If a broadcasting organisation is entitled to transmit a work, it may make a copy of the work for use in its own broadcasts for a maximum of four times during one year.

(3) For using a work more often than provided in subsection 2, or for over a year, a broadcasting organisation may make a copy or have a copy made of the work by virtue of extended collective licence, as provided in section 26.

(4) The provisions of subsection 1 shall not apply to the retransmission of a work in a radio or television transmission simultaneously with the original transmission without altering the transmission.

(5) The provisions of subsection 1 shall apply to radio or television transmissions by satellite only if the satellite transmission is simultaneous with a terrestrial transmission by the same broadcasting organisation.

Section 25g (763/2013)

A reuse of a television programme or a newspaper or periodical stored in archives (607/2015)

(1) A broadcasting organisation may make a copy of a television or radio programme and a work included in it stored in its archives by virtue of extended collective licence, as provided in section 26, and use it for communication to the public, if the work is included in a television programme produced by the broadcasting organisation and transmitted before 1 January 2002.

(2) A publisher may make a copy of the work by virtue of extended collective licence, as provided in section 26, and communicate it to the public, if the work is included in a newspaper or a periodical published by the publisher before 1 January 1999.

(3) The provisions of subsections 1 and 2 shall not apply to a work whose author has prohibited the use.

Section 25h (446/1995)

Retransmission of a radio or television transmission (607/2015)

(1) A work included in a radio or television transmission may be retransmitted without altering the transmission by virtue of extended collective licence, as provided in section 26, for reception by the public simultaneously with the original transmission. (821/2005)

(2) The provisions of subsection 1 shall not apply to cable retransmission of a work included in a transmission originating in another State belonging to the European Economic Area, provided its author has assigned the right to its cable retransmission to the broadcasting organisation whose transmission the retransmission concerns.

(3) The authorisations concerning the cable retransmission of works included in a transmission referred to in subsection 2 above, shall be granted simultaneously.

(4) The provisions of subsection 1 shall be applicable to a radio and television transmission by wire only if the transmission originates in another State belonging to the European Economic Area.

Section 25i (608/2015)

Retransmission of programmes based on the must carry obligation to transmit programmes

(1) A telecommunications enterprise providing a network service in a cable television network which is primarily used to transmit television and radio programmes and which a significant number of the end-users of the network use as their primary means of receiving television and radio programmes may retransmit by wire for reception by the public a work included in the television or radio broadcast referred to in section 227 of the Information Society Code (917/2014) simultaneously with the original transmission without altering the transmission.

(2) The author is entitled to receive remuneration for the retransmission from the retransmitting organisation unless the retransmitting organisation demonstrates that the remuneration has already been paid in the context of obtaining the transmission rights. Where the transmitting organisation has not paid remuneration for the retransmission directly to the rightholders, the remuneration may be paid only through the organisation referred to in section 26(1). Unless a claim for remuneration has verifiably been presented within three years from the end of the year in which the right to remuneration arose, the right to remuneration expires.

Section 25j (446/1995)

Use of computer programs and databases (607/2015)

(1) Whoever has legally acquired a computer program may make such copies of the program and make such alterations to the program as are necessary for the use of the program for the intended purpose. This shall also apply to the correction of errors.

(2) Whoever has a right to use a computer program may make a back-up copy of the program, if necessary for the use of the program.

(3) 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.

(4) Whoever has a right to use a database may make copies of it and perform all other acts necessary for accessing the database and for normal use of its contents. (250/1998)

(5) Any contractual provision limiting use in accordance with subsections 2–4 shall be without effect. (250/1998)

Section 25k (446/1995)

Interoperability of computer programs (607/2015)

(1) The reproduction of the code of a program and the translation of its form shall be permissible if these acts are indispensable for obtaining 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 authorised to do so;

2) the information necessary for achieving interoperability has not previously been readily available to the persons referred to in paragraph 1; and

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

(2) The information obtained under the provisions of subsection 1 shall not, by virtue of these provisions:

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

2) be given to others, unless 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.

(3) Any contractual provision limiting the use of a computer program in accordance with this section shall be without effect.

Section 25I (607/2015)

Online recording service of television programmes

(1) A provider of online recording services may make a copy of a work included in a programme transmitted on the television by virtue of extended collective licence, in compliance with section 26, to be used for making available to the public in a way which enables the customer of the recording service to view or listen to the programme from a place and at a time individually chosen by them.

(2) The provisions of subsection 1 shall not apply to a work whose author has conceded the right to determine the use of the work referred to in subsection 1 to the transmitting organisation.

(3) The provisions of subsection 1 shall not apply if the producer of a video recording has obtained the rights to determine the use referred to in subsection 1 from the authors of works included in the programme and if the producer has prohibited the use of the programme.

Section 26 (607/2015)

Extended collective licence

(1) The provisions of this Act regarding extended collective licences shall apply to an agreement made on the use of works of authors in a given field between the user and the organisation which is approved by the Ministry of Education and Culture and which represents, in this field, numerous authors of works used in Finland. An approved organisation is with regard to this agreement deemed to represent authors of other works in the same field. A licensee who has obtained an

extended collective licence by virtue of aforementioned agreement, may, under terms determined in the agreement, use all works by authors in the same field.

(2) The Ministry of Education and Culture shall approve the organisation on application for a fixed period, for a maximum of five years. The organisation to be approved must have the financial and operational prerequisites and capacity to manage the affairs in accordance with the approval decision. The organisation shall annually submit an account to the Ministry of Education and Culture of the actions it has carried out pursuant to the approval decision. The organisation, or organisations, where the representation of the authors can be achieved only through the approval of several organisations, must represent a substantial proportion of the authors of works of different fields whose works are used under a given provision on extended collective licence. When several organisations are approved to grant licence for a given use of works, the terms of the approval decisions shall ensure, where needed, that the licences are granted simultaneously and on compatible terms. The approval decision may also lay down terms guiding practical licensing in general for the organisation.

(3) The decision of the Ministry of Education and Culture shall be complied with, notwithstanding an appeal pending until the matter has been resolved by means of a valid decision. The approval may be reversed if the organisation commits serious or essential breaches or dereliction of duty in breach of the approval decision and its terms and if notices to comply or warnings issued to the organisation have not led to the rectification of the shortcomings in its operation.

(4) Possible stipulations by the organisation referred to in subsection 1 concerning the distribution of remunerations for the reproduction, communication or transmission of works among the authors it represents or the use of the remunerations for the authors' common purposes shall also apply to authors in the same field whom the organisation does not represent, as referred to in subsection 1.

(5) If the stipulations of the organisation referred to in subsection 4 do not provide the right to individual remuneration for the authors represented by the organisation, an author in the same field referred to in subsection 1 and not represented by the organisation shall, however, have the right to claim an individual remuneration. The remuneration shall be paid by the organisation referred to in subsection 1. The right to individual remuneration shall expire if a claim concerning it has not verifiably been presented within three years from the end of the calendar year during which the reproduction, communication or transmission of the work took place.

Chapter 2a (442/1984)

Compensation for the reproduction of a work for private use (821/2005)

Section 26a (1172/2014)

Compensation (607/2015)

(1) The State shall pay compensation for the reproduction of a work for private use to its authors. The compensation is paid from an allocation included in the State budget, and the amount of compensation shall be settled at a level which can be considered a fair compensation for the reproduction of a work for private use.

(2) The reproduction of a work for private use and its frequency is surveyed in order to size the right amount for the compensation. The survey is conducted by an independent research institution approved by the Ministry of Education and Culture.

(3) The Government shall appoint an advisory board by proposal of the Ministry of Education and Culture, the aim of which is to act as an advisory expert body on the survey on reproduction for private use. The term of office of the advisory board is four years.

Section 26b (1172/2014)

Payment of the compensation (607/2015)

(1) The compensation shall be paid as direct compensation to the authors and as indirect compensation to the authors for their common purposes, in accordance with a plan for the use of the funds annually approved by the Ministry of Education and Culture.

(2) The compensation shall be paid to the authors through an organisation representing numerous authors of works used in Finland. When paying the direct compensation, the organisation shall treat all authors equally, whether or not they are members of the organisation.

(3) The Ministry of Education and Culture shall monitor that the application and redistribution of the compensation follows the plan for the use of funds. The Ministry shall have the right to obtain from the organisation any information necessary for the purposes of supervision.

Sections 26c–26f (442/1984)

Sections 26c–26f have been repealed by Act 1171/2014.

Section 26g (821/2005)

Section 26g has been repealed by Act 821/2005.

Section 26h (2014/1171)

Section 26h has been repealed by Act 1171/2014.

Chapter 2b (446/1995)

Resale remuneration

Section 26i (345/2006)

Resale remuneration (607/2015)

(1) The author of a work of fine art has the right to receive a remuneration for all acts of resale involving an art market professional as a seller, a buyer, or an intermediary. However, the right does not extend to acts of resale by a private person to a museum open to the public.

(2) The remuneration for resale shall be:

a) 5 per cent for the portion of the sale price up to EUR 50,000;

b) 3 per cent for the portion of the sale price exceeding EUR 50,000 but not exceeding EUR 200,000;

c) 1 per cent for the portion of the sale price exceeding EUR 200,000 but not exceeding EUR 350,000;

d) 0.5 per cent for the portion of the sale price exceeding EUR 350,000 but not exceeding EUR 500,000; and

e) 0.25 per cent for the portion of the sale price exceeding EUR 500,000.

(3) The resale remuneration shall be calculated from the net sale price of the work of fine art, not including value added tax. Resale remuneration shall not be collected for a sale price up to EUR 255, not including value added tax. The total amount of remuneration calculated in accordance with subsection 2 may not exceed EUR 12,500.

(4) The right to receive remuneration for the sale of a work of fine art shall come into effect when the author or his successor in title has sold or otherwise permanently transferred a work of fine art or copies of a work made in limited numbers by the artist himself or under his authority.

(5) The resale right does not extend to the resale of products of architecture.

(6) The resale right shall subsist for the term of copyright protection. The right is personal, and it cannot be transferred to a third party or waived. However, what is provided in section 41(1) shall be applied to the right. If there are no successors in title surviving the author, the remunerations shall be used for the common purposes of authors.

Section 26j (345/2006)

The organisation collecting the remuneration (607/2015)

(1) The resale remuneration shall be collected and distributed by an organisation representing the authors of the works sold, approved for this function by the Ministry of Education for a fixed period, for a maximum of five years. Only one organisation at a time can be approved for the function. The organisation to be approved must have the financial and operational prerequisites and capacity to manage the affairs in accordance with the approval decision. The organisation shall annually submit an account to the Ministry of Education of the actions it has carried out pursuant to the approval decision.

(2) The decision of the Ministry of Education shall be complied with, notwithstanding an appeal pending, until the matter has been resolved by means of a valid decision. The approval may be reversed if the organisation commits serious or essential breaches or dereliction of duty in breach of the approval decision and its terms and if notices to comply or warnings issued to the organisation have not led to the rectification of the shortcomings in its operation.

(3) The Ministry of Education may issue to the organisation more detailed orders regarding the collection of the remuneration and the distribution to the authors. The Ministry of Education shall have the right to obtain from the organisation any information necessary for the purposes of supervision.

Section 26k (345/2006)

Responsibility for the payment of the remuneration (607/2015)

(1) The payment of the remuneration is the responsibility of the seller and the intermediary referred to in section 26i(1). The buyer is responsible for the payment of the remuneration if the act of resale involves no other art market professionals besides the buyer.

(2) The seller, the intermediary, and the buyer are obliged to submit to the organisation referred to in section 26j an annual account of the sales of works. The seller, the intermediary, and the buyer are obliged, at the request of the organisation, to submit to the organisation any information necessary for the verification of the correctness of the payments for the year of the payments and for the preceding three calendar years.

Section 26l (2009/1442)

Supervising compliance with the obligation to provide information and submit an account (607/2015)

(1) A regional state administrative agency may, upon application by the organisation, oblige the seller to fulfil the obligation referred to in section 26k(2) on pain of fine. The imposition of a conditional fine and the ordering of its payment shall otherwise be governed by the provisions of the Act on the Conditional Imposition of a Fine.

(2) The regional state administrative agency shall have the right to conduct an inspection for the purpose of supervising compliance with the obligation to provide information and submit an account referred to in section 26k(2). For the purpose of the inspection, the seller shall admit 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 payment of remuneration, as well as any other documents which may have relevance to the supervision. 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 a person appointed by the collecting organisation as an expert. The regional state administrative agency shall have the right to provide the organisation with any information necessary for the purposes of collection.

(3) The police shall have the duty, where necessary, to provide official assistance to the regional state administrative agency in the execution of duties assigned to the regional state administrative agency under subsection 2.

(4) Whoever has received information under section 26k(2) or the present section regarding the business activities of another may not use it illegally or reveal it to others.

Section 26m (345/2006)

Section 25m has been repealed by Act 345/2006.

Chapter 3

Transfer of copyright

Section 27

General provisions on the transfer of copyright (607/2015)

- (1) Copyright may be transferred entirely or partially, subject to the limitations of section 3.
- (2) The transfer of a copy shall not include the transfer of copyright. In the case of a commissioned portrait, the author may not, however, exercise his right without the consent of the person who commissioned it or, after his death, the surviving spouse and heirs.
- (3) Provisions concerning the transfer of copyright in certain cases are issued in sections 30–40 and 40b. The said provisions shall, however, apply only where not otherwise agreed. (418/1993)

Section 28

Prohibition to alter the work and transfer of copyright (607/2015)

Unless otherwise agreed, the person to whom a copyright has been transferred may not alter the work or transfer the copyright to others. When copyright is held by a business, it may be transferred in conjunction with the business or a part thereof; however, the transferor shall remain liable for the fulfilment of the agreement.

Section 29 (607/2015)

The adjustment of an unreasonable condition in an agreement on a transfer of copyright

- (1) If a condition in an agreement on a transfer of copyright is unreasonable in view of good agreement practice in the field or in other respects, or if its application would result in an unreasonable situation, the condition may be adjusted or ignored.
- (2) The assessment of the reasonability of a condition shall take into account the entire content of the agreement, the position of the parties, conditions prevalent at the time of making the agreement and afterwards, as well as other factors.
- (3) If the condition referred to in subsection 1 is such that the staying in force of the rest of the agreement in unadjusted form cannot be considered reasonable because of the adjustment of the condition, the agreement may be adjusted in other respects or made expire.
- (4) A compensation for the transfer of a right shall also be deemed a condition in an agreement.

(5) Provisions on the adjustment of an unreasonable condition in an employment contract on a transfer of copyright are laid down in section 2 of Chapter 10 of the Employment Contracts Act (55/2001).

(6) Other provisions on the adjustment of an unreasonable condition are laid down in section 36 of the Contracts Act (228/1929).

Sub-heading has been repealed by Act 607/2015 (607/2015)

Section 29a (967/1997)

Right to remuneration for rental of a copy of a film or a sound recording (607/2015)

An author who has transferred to the producer of a film or a sound recording the right to distribute a sound recording or a film by rental shall be entitled to receive an equitable remuneration for the rental from the producer. The author may not waive his/her right to remuneration.

Sub-heading has been repealed by Act 607/2015 (607/2015)

Section 30

Contract on public performance (607/2015)

(1) Where the right to perform a work publicly has been transferred, the transfer shall be valid for a period of three years and shall not provide exclusive right. If a duration longer than three years and an exclusive right have been agreed upon, the author may nevertheless perform the work himself or transfer the performance right to others if the right has not been exercised during the period of three years.

(2) The provisions of subsection 1 shall not apply to cinematographic works.

Section 31

Publishing contract (607/2015)

(1) 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.

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

Section 32

Publishing of an edition (607/2015)

(1) The publisher shall have the right to publish an edition, which may not exceed 2,000 copies in the case of a literary work, 1,000 copies in the case of a musical work, and 200 copies in the case of a work of art.

(2) An edition means the number of copies which the publisher produces at one time.

Section 33

Obligations related to publishing (607/2015)

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 the remuneration received; the author shall also be entitled to compensation for any damage not covered by the remuneration.

Section 34

Non-publishing (607/2015)

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

Section 35

Information on the edition and the account (607/2015)

- (1) The publisher shall provide the author with a certification from the printer, or whoever else reproduces the work, concerning the number of copies produced.
- (2) If, during a fiscal year, sale or rental has taken place for which the author is entitled to be remunerated, the publisher shall render account to him within nine months from the end of the year concerning the sales or rentals during the year and the number of copies in stock at the end of the year. The author shall moreover have the right to obtain information, at his own request, about the number of copies in stock at the end of a year even after the end of the accounting term.

Section 36

New edition (607/2015)

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

Section 37

The author's right to publish the work (607/2015)

- (1) The author may not publish the work again in the form and manner determined in the contract, until the edition or editions which the publisher has the right to publish have been sold out.

(2) A literary work may nevertheless be incorporated by the author in an edition of his collected or selected works after fifteen years from the year during which the publishing of the work commenced.

Section 38

Contributions (607/2015)

The provisions concerning publishing contracts shall not apply to contributions to newspapers and periodicals. Sections 33 and 34 shall not apply to contributions to other literary or artistic work of compilation.

Sub-heading has been repealed by Act 607/2015 (607/2015)

Section 39

Film contract (607/2015)

(1) A transfer of the right to make a film on the basis of a literary or artistic work shall comprise the right to make the work available to the public by showing the film in cinemas, on television or by any other means, and the right to provide the film with subtitles and to dub the film in another language. (648/1974)

(2) The provisions of subsection 1 shall not, however, apply to musical works.

Section 40

Rescission of the contract (607/2015)

(1) When 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; the author shall also be entitled to compensation for any damage not covered by the remuneration.

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

Sub-heading has been repealed by Act 607/2015 (607/2015)

Section 40a (418/1993)

Section 40a has been repealed by Act 418/1993.

Section 40b (34/1991)

A computer program and database created in private or public employment (607/2015)

(1) If a computer program and a work directly associated with it has been created in the scope of duties in an employment relation, the copyright in the computer program and the work shall pass to the employer. The same shall correspondingly apply to a computer program and a work directly associated therewith, created within the scope of a civil service post.

(2) The provisions of subsection 1 above shall not apply to a computer program, or to a work directly associated therewith, created by an author independently engaged in teaching or research in an institution of higher education, with the exception of institutions of military education. (418/1993)

(3) The provisions of subsections 1 and 2 above shall correspondingly apply to a database which is created in the scope of duties in private and public employment relation. (250/1998)

Sub-heading has been repealed by Act 607/2015 (607/2015)

Section 40c (446/1995)

A portrait made by photographic means (607/2015)

A person commissioning a photographic portrait shall, even if the photographer has retained the right in the work, have the right to authorise the inclusion of the portrait in a newspaper, a periodical or a biographical writing, unless the photographer has separately retained for himself the right to prohibit this.

Section 41

Transfer of copyright upon the author's death (607/2015)

(1) After the author's death, copyright shall be governed by provisions pertaining to marital right to property, inheritance and will.

(2) The author may give directions in his will for the exercise of copyright, with binding effect also on the surviving spouse and direct descendants, adopted children and their descendants, or authorise someone else to give such directions.

Section 42

Foreclosure of copyright (607/2015)

Copyright shall not be subject to foreclosure as long as the copyright remains with the author or with a person to whom the copyright has been transferred by virtue of marital right to property, inheritance or will. The same shall apply to manuscripts and works of art which have not been exhibited, offered for sale, or otherwise authorised for being made public.

Chapter 4

Term of copyright

Section 43 (1654/1995)

Term of copyright (607/2015)

(1) Copyright shall subsist until 70 years have elapsed from the year of the author's death or, in the case of a work referred to in section 6, from the year of death of the last surviving author. Copyright in a cinematographic work shall subsist until 70 years have elapsed from the year of the death of the last of the following to survive: the principal director, the author of the screenplay, the author of the dialogue or the composer of music specifically created for use in the cinematographic work.

(2) Copyright in a musical work with lyrics, when the lyrics and music have been specifically created for the work, shall subsist until 70 years have elapsed from the death of the last surviving lyricist or composer, whether or not they have been appointed as the authors of the musical work with lyrics. (763/2013)

Section 44 (1654/1995)

Work by an unknown author (607/2015)

(1) The copyright in a work made public without mention of the author's name or generally known pseudonym or pen name shall subsist until 70 years have elapsed from the year in which it was made public. If the work is published in parts, the duration of copyright shall be calculated separately for each part.

(2) If the identity of the author is disclosed during the period referred to in subsection 1, the provisions of section 43 shall apply.

(3) The copyright in a work not made public, whose author is unknown, shall subsist until 70 years have elapsed from the year in which the work was created.

Section 44a (1654/1995)

Unpublished work (607/2015)

Anyone who for the first time publishes or makes public a previously unpublished work or a work not made public, which has been protected under Finnish law and the protection of which has expired, shall obtain a right in the work as provided in section 2 of this Act. The right shall subsist until 25 years have elapsed from the year in which the work was published or made public.

Chapter 5

Rights related to copyright (821/2005)

Section 45 (821/2005)

Performing artist (607/2015)

(1) Without the performing artist's consent, a performance of a literary or artistic work or folklore shall not:

- 1) be recorded on a device by means of which the performance can be reproduced;
- 2) be made available to the public on radio or television or by direct communication.

(2) A performance referred to in subsection 1 which has been recorded on a device referred to in section 46 shall not, without the performing artist's consent, until 50 years have elapsed from the year in which the performance took place:

- 1) be transferred on to a device by means of which it can be reproduced;
- 2) be performed publicly to an audience present at the performance;
- 3) be communicated to the public by wire or by wireless means, including communication of the recorded performance to the public in a manner which enables members of the public to access the work from a place and at a time individually chosen by them;
- 4) be distributed to the public.

(3) A performance referred to in subsection 1 which has been recorded on a device referred to in section 46a shall not, without the performing artist's consent, until 50 years have elapsed from the year in which the performance took place:

- 1) be transferred on to a device by means of which it can be reproduced;
- 2) be communicated to the public in a manner which enables members of the public to access the work from a place and at a time individually chosen by them;
- 3) be distributed to the public.

(4) If a recording of the performance referred to in subsection 2 is published or legally made available to the public by means other than the distribution of copies of the recording before 50 years have elapsed from the year of performance, the protection conferred by the subsection shall subsist until 70 years have elapsed from the year during which the recorded performance was published or made available to the public in said manner for the first time. (763/2013)

(5) If the recording referred to in subsection 3 is published or legally made available to the public by means other than the distribution of copies of the recording before 50 years have elapsed from the year of performance, the protection conferred by the subsection shall subsist until 50 years have

elapsed from the year during which the recorded performance was published or made available to the public in said manner for the first time. (763/2013)

(6) The transfer of the right to film the performance covers the right to distribute the recorded performance to the public by renting where not otherwise agreed. (763/2013)

(7) The procedure which under subsections 1–5 requires the performing artist's consent shall be correspondingly governed by the provisions of sections 2(2–4), 3, 6–9, 11, 11a, 12(1–3), 13a(2), 14(1, 3 and 4), 15, 16, 16a–16e, 17(2, 3 and 5), 19(1, 2 and 5), 21, 22, 25b–25d, 25f(2 and 3), 25g(1 and 3), 25h, 25i, 25l, 26, 26a, 26b, 27(1 and 2), 28, 29, 29a, 41 and 42. (607/2015)

Section 46 (821/2005)

Producer of a sound recording (607/2015)

(1) A phonograph record or any other device on which sound has been recorded shall not, without the consent of the producer, until 50 years have elapsed from the year during which the recording took place:

1) be transferred on to a device by means of which it can be reproduced;

2) be performed publicly to an audience present at the performance;

3) be communicated to the public by wire or by wireless means, including communication of the recorded material to the public in a manner which enables members of the public to access the work from a place and at a time individually chosen by them;

4) be distributed to the public.

(2) If the recording is published before 50 years have elapsed from the year of recording, the protection conferred by subsection 1 shall subsist until 70 years have elapsed from the year during which the recording was published for the first time. If the recording is not published but is legally made available to the public by means other than the distribution of copies of the recording before 50 years have elapsed from the year of recording, the protection shall subsist until 70 years have elapsed from the year during which the recording was made available to the public in said manner for the first time. If the contract on the transferring of rights is terminated in accordance with section 46b, the protection conferred by this section shall expire. (763/2013)

(3) The procedure which under subsections 1 and 2 requires the producer's consent shall be correspondingly governed by the provisions of sections 2(2–4), 6–9, 11(2–5), 11a, 12(1–3), 13a(2), 14(1, 3 and 4), 15, 16, 16a–16e, 19(1, 2 and 5), 21, 22, 25b, 25d, 25f(2 and 3), 25g(1 and 3), 25l, 26, 26a, 26b, 27(1 and 2) and 29. (607/2015)

(4) The provisions of this section shall not apply to a device referred to in section 46a.

Section 46a (821/2005)

Producer of a video recording (607/2015)

(1) A film or any other device on which moving images have been recorded shall not, without the producer's consent, until 50 years have elapsed from the year during which the recording took place:

- 1) be transferred on to a device by means of which it can be reproduced;
- 2) be distributed to the public;
- 3) be communicated to the public by wire or by wireless means in a manner which enables members of the public to access the work from a place and at a time individually chosen by them.

(2) If the recording is published or made public before 50 years have elapsed from the year of recording, the protection conferred by subsection 1 shall subsist until 50 years have elapsed from the year during which the recording was published or made public for the first time.

(3) The procedure which under subsections 1 and 2 requires the producer's consent shall be correspondingly governed by the provisions of sections 2(2 and 3), 6–9, 11(2–5), 11a, 12(1–3), 13a(2), 14(1, 3 and 4), 15, 16, 16a–16e, 19(1, 2 and 5), 22, 25b, 25d, 25f(2 and 3), 25g(1 and 3), 25l, 26, 26a, 26b, 27(1 and 2) and 29. (607/2015)

Section 46b (763/2013)

Termination of the contract on the transfer of rights to a sound recording (607/2015)

(1) If the producer of a sound recording does not offer a sufficient number of copies of the sound recording for sales or make it available to the public by wire or wireless means in a manner which enables members of the public to access the work from a place and at a time individually chosen by them, and if 50 years have elapsed from the publishing of the sound recording or, if the sound recording has not been published, from when the sound recording was legally made available to the public, by means other than the distribution of copies of the recording, the performing artist may notify the producer in writing of his intention to terminate the contract on the transferring of rights to a sound recording.

(2) The performing artist shall have the right to, in writing, terminate a contract referred to in subsection 1 if the producer of the sound recording does not start making the sound recording available by both means referred to in subsection 1 within one year after the performing artist submitted the notification on his intention to terminate the contract.

(3) If the sound recording contains a performance by multiple artists together, the prerequisite for terminating the contract shall be that all artists must file the notification referred to in subsection 1 and, should be producer not undertake to make the sound recording available, the notice of termination referred to in subsection 2, simultaneously.

(4) Any contract whereby a performing author concedes his right of termination referred to in this section shall be null and void.

Section 46c (763/2013)

Related measures (607/2015)

(1) A performing artist shall be entitled to an annual additional remuneration from the producer of a sound recording for each full year, starting at 50 years from when the sound recording was published or, if the sound recording has not been published, from when the sound recording was legally made available to the public, by means other than the distribution of copies of the recording, if the one-time compensation payable to the performing artist has been agreed on in the contract on the transfer of rights. Any contract whereby a performing artist concedes his right to additional remuneration referred to in this subsection shall be null and void.

(2) The producer of a sound recording shall allocate 20 per cent of the income it has received from the reproduction or distribution of the copies of the recording, and from the communication of the sound recording to the public, to the additional remuneration.

(3) If the performing artist is entitled to regular payments from the producer of a sound recording by virtue of a contract on the transferring of rights, payments made to the performing artist shall not be subject to advance payments or deductions specified in the agreement when 50 years have elapsed from the publishing of the sound recording or, if the sound recording has not been published, from when the sound recording was legally made available to the public, by means other than the distribution of copies of the recording.

Section 46d (763/2013)

Payment of the additional remuneration (607/2015)

(1) The additional remuneration referred to in section 46c(1 and 2) above shall be paid through an organisation referred to in section 47a(1).

(2) Producers of sound recordings shall, upon request, submit to the organisation referred to in section 47a(1) all the information on artists entitled to additional remuneration and their performances that might be necessary to guarantee the payment of the additional remuneration.

(3) Performing artists and the producers of sound recording shall agree on the payment and distribution methods of the additional remuneration and other practical matters with the organisation.

Section 47 (821/2005)

Use of a sound recording and a music recording containing images (607/2015)

(1) Notwithstanding the provisions of section 45(2 and 4) and section 46(1–2), a performance referred to in section 45, which has been recorded on a device referred to in section 46, and a device referred to in said section, which has been published for commercial purposes and the copies of which have been distributed or which has been communicated to the public, may be used:

1) directly or indirectly in a public performance;

2) in original communication to the public in a manner other than one enabling members of the public to access the recorded performance or material at a place and time chosen by them;

3) for simultaneous and unaltered retransmission of a radio or television broadcast for reception by the public.

(2) Remuneration shall be paid to the producer and the performing artist whose performance is recorded on a device used in a performance, communication or retransmission referred to in subsection 1. The retransmitting organisation shall be liable for remuneration for retransmission referred to in section 25i(1), unless the retransmitting organisation demonstrates that the remuneration has already been paid. (608/2015)

(3) If a music recording containing images, which has been published for commercial purposes and copies of which have been distributed or which has been communicated to the public, is used in a manner referred to in paragraph 1 or 2 of subsection 1 during the period determined in section 46a(2), the performing artist whose performance of a composition is recorded on the device shall have a right to remuneration for the use of the recorded performance.

(4) Cases referred to in subsections 1–3 above shall be correspondingly governed by the provisions of sections 21, 22, 25b, 27(1–2) and 29 and additionally, in regard of a performing artist, by the provisions of sections 11(2), 28, 41 and 42.

(5) The provisions of subsections 1 and 2 shall not apply to a device referred to in section 46a.

Section 47a (821/2005)

Remuneration for use (607/2015)

(1) The remuneration for the use of a sound recording under section 47(1)(1 and 2) shall be paid through an organisation which has been approved by the Ministry of Education and which represents numerous performing artists and sound recording producers whose performances recorded on a device and whose devices are used in Finland.

(2) The remuneration for retransmission under section 47(1)(3) shall be paid through the organisation referred to in section 26(1).

(3) The remuneration for the use of a music recording containing images under section 47(3) shall be paid through an organisation which has been approved by the Ministry of Education and which represents numerous performing artists whose performances recorded on a device are used in Finland.

(4) The right to remuneration of a performing artist or a producer shall expire if a claim concerning it has not verifiably been presented to the organisation within three years from the end of the calendar year during which the performance recorded on a device and the device were used.

(5) The Ministry of Education shall approve the organisation referred to in subsections 1 and 3 on application for a fixed period, for a maximum of five years. Only one organisation representing the rightholders at a time may be approved for each task. The organisation to be approved shall be financially sound and capable of managing matters in accordance with the approval decision. The organisation shall annually submit an account to the Ministry of Education of the actions it has

carried out pursuant to the approval decision. The decision of the Ministry of Education shall be complied with, notwithstanding an appeal pending, until the matter has been resolved by means of a valid decision. The approval may be reversed if the organisation commits serious or essential breaches or dereliction of duty in breach of the approval decision and its terms and if notices to comply or warnings issued to the organisation have not led to the rectification of the shortcomings in its operation.

(6) If the user of the device does not pay the remuneration referred to in subsections 1 or 3, the amount of which he has agreed upon with the performing artists and, in cases referred to in section 47(1), also with the producers, or the amount of which has been determined in a procedure referred to in section 54, a court of justice may rule, when a claim is made by a party concerned, that the use may continue only with the consent of the performing artists or the producers until the remuneration has been paid.

Section 48 (821/2005)

Radio and television organisation (607/2015)

(1) A radio or television transmission shall not, without the consent of the transmitting organisation, be retransmitted or recorded on a device by means of which it can be reproduced. Nor shall a television broadcast, without the consent of the transmitting organisation, be performed publicly on premises to which the public has admission in return for payment.

(2) A recorded transmission shall not, without the consent of the transmitting organisation, until 50 years have elapsed from the year of transmission

1) be transferred on to a device by means of which it can be reproduced;

2) be transmitted anew;

3) be distributed to the public;

4) be communicated to the public by wire or wireless means in a manner which enables members of the public to access the work from a place and at a time individually chosen by them.

(3) The provisions of subsections 1 and 2 shall correspondingly apply to any other programme-carrying signal besides radio or television transmissions.

(4) Cases referred to in subsections 1–2 above shall be correspondingly governed by the provisions of sections 2(2–3), 6–8, 11(2–5), 11a, 12(1–2), 13a(2), 14(1, 3, and 4), 15, 16, 16a–16e, 19(1), 21, 22, 25b, 25d, 25f(2–3), 26, 27(1–2) and 29. In addition, the retransmission of a broadcast by cable shall be correspondingly governed by the provisions of section 25h(1) and section 25i(1), unless the broadcast originates in another country in the European Economic Area, in which case the provisions to be applied are section 25h(3), instead of the above. (608/2015)

(5) Notwithstanding the provisions in subsections 1–4, a transmitting organisation established in a country belonging to the European Economic Area may use, for the purpose of news reports on an event of high interest to the public after the event has come to an end, short extracts for its general news programmes from a television transmission which has been transmitted on an exclusive basis by another transmitting organisation. The extract may also be used after the news programme in on-

demand communication to the public. The source must be indicated unless impossible for reasons of practicality. (307/2010)

Section 49 (250/1998)

Producer of a catalogue and a database (607/2015)

(1) A person who has made

1) a catalogue, a table, a program or any other product in which a large number of information items are compiled, or

2) a database the obtaining, verification or presentation of which has required substantial investment,

shall have the exclusive right to control the whole or, in qualitative or quantitative terms, a substantial part thereof, by making copies of it and by making it available to the public.

(821/2005)

(2) The right conferred by subsection 1 above shall subsist until 15 years have elapsed from the year in which the product was completed or, if the product was made available to the public before the end of that time, until 15 years have elapsed from the year in which the product was made available to the public for the first time.

(3) A product referred to in subsection 1 above shall be correspondingly governed by the provisions of sections 2(2-4), 7-9, 11(2-5), 12(1, 2 and 4), 13, 13a, 14(1, 3 and 4), 15, 16, 16a-16e, 17, 18, 19(1, 2 and 5), 22, 25b-25d, 25f-25i, 25j(4-5), 25l, 26 and 27-29. If the product or a part thereof is subject to copyright, that right may be invoked. (607/2015)

(4) Any contractual provision under which the maker of the product that has been made public, referred to in subsection 1 above, prevents the lawful user from using insubstantial parts of its contents, evaluated qualitatively or quantitatively, for any purpose whatsoever, or restricts such a use, shall be without effect.

Section 49a (446/1995)

Photographer (607/2015)

(1) A photographer shall have the exclusive right to control a photographic picture, be it in an original form or in an altered form:

1) by making copies thereof;

2) by making it available to the public.

(821/2005)

(2) 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.

(3) Photographs referred to in this section shall be correspondingly governed by the provisions of sections 2(2–4), 3(1–2), 7–9, 11, 11a, 12(1–2), 13, 13a, 14(1, 3 and 4), 15, 16, 16a–16e, 17(1), 18, 19(1, 2 and 5), 20, 22–25, 25a(1–2), 25b, 25d, 25f–25i, 25l, 26, 26a, 26b, 27–29, 39, 40, 40c, 41 and 42. If a photographic picture is subject to copyright, copyright may be invoked. (607/2015)

Section 50

Press reports (607/2015)

A press report which is supplied by a foreign press agency or by a correspondent abroad by virtue of a contract may not be made available to the public by the medium of a newspaper or radio without the consent of its recipient, until twelve hours have elapsed from its making public in Finland.

Chapter 5a (821/2005)

Technological measures and electronic rights management information

Section 50a (821/2005)

Prohibition to circumvent a technological measure (607/2015)

(1) An effective technological measure protecting a work protected under this Act, which has been installed as protection for the work by the author or some other person with the author's permission in making the work available to the public, shall not be circumvented.

(2) An *effective technological measure* means technology, a device or a component which, in the normal course of its operation, is designed to prevent or restrict acts in respect of the work without the author's or other rightholder's authorisation and by means of which the protection objective is achieved.

(3) The provisions of subsection 1 shall not apply if the technological measure is circumvented in course of research or education relating to cryptology or if a person who has lawfully obtained the work circumvents the technological measure in order to be able to listen to or view the work. A work in which the technological measure has been circumvented for the purposes of listening or viewing shall not be reproduced.

(4) The provisions of subsections 1–3 shall not apply to a technological measure protecting a computer program.

Section 50b (821/2005)

Prohibition to produce and distribute devices for circumventing technological measures (607/2015)

(1) Devices, products or components enabling or facilitating the circumvention of an effective technological measure shall not be manufactured or imported for distribution to the public; brought onto the territory of Finland for the purpose of exportation to a third country; distributed to the

public; sold; rented; advertised for sale or rental; or held in possession for commercial purposes. Nor shall services enabling or facilitating the circumvention of an effective technological measure be offered.

(2) Devices, products or components or services referred to in subsection 1 are those

1) which are promoted, advertised or marketed for the purpose of circumventing effective technological measures;

2) whose purpose or use other than circumvention has only limited commercial significance; or

3) which are primarily designed, produced, adapted or performed for the purpose of enabling or facilitating the circumvention of effective technological measures protecting works protected under this Act.

(3) The provisions of subsection 1 shall not apply to a technological measure protecting a computer program.

Section 50c (821/2005)

Use of works protected by technological measures (607/2015)

(1) Anyone who is lawfully in possession of or has legal access to a work protected by an effective technological measure and who, pursuant to section 14(3), 15, 16, 16a–16c, 17, 25d(2) or 25f(2) is entitled to use the work must be able to use the work to the extent necessary to avail himself of the limitations of copyright laid down in said provisions.

(2) The author shall offer the user referred to in subsection 1 the means to use the work in accordance with the provisions referred to in the subsection, if the user lacks the means to use the work owing to the technological measures. If the author does not offer the means referred to above or if the use of the work is not made possible by voluntary measures, such as agreements between the authors and users of the works or other arrangements, the matter shall be resolved by an arbitration procedure referred to in section 54.

(3) The provisions of subsections 1 and 2 shall not apply to a work communicated to the public on agreed terms so that members of the public may access the work from a place and at a time individually chosen by them.

(4) The provisions of subsections 1 and 2 concerning the author shall also apply to a person who with the author's consent makes the work available to the public.

(5) The provisions of subsections 1 and 2 shall not apply to a computer program.

Section 50d (821/2005)

Electronic rights management information (607/2015)

(1) Electronic rights management information contained in a copy of a work protected under this Act or indicated in the communication of the work to the public, which identify the work, the author

or some other rightholder or which provide information about the terms governing the use of the work, shall not be removed or altered.

(2) A copy of a work protected under this Act shall not be distributed to the public or imported for distribution to the public or the work shall not be communicated to the public in a form in which the electronic management information has been removed from the work or has been altered without authorisation.

(3) The rights management information referred to in this section is information which the author or a person on his behalf or with his authorisation has installed in the work.

Section 50e (821/2005)

Technical measures, electronic management information and rights related to copyright (607/2015)

The provisions of sections 50a–50d concerning the work and the author shall correspondingly apply to the protected subject matter referred to in the provisions of Chapter 5 and to the holders of rights therein.

Chapter 6

Special provisions

Section 51

Confusability of a work or and author (607/2015)

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

Section 52

Name or signature of the author (607/2015)

(1) The name or signature of the author may be inscribed on a copy of a work of art by another person only when so instructed by the author.

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

(3) 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. (446/1995)

Section 52a (446/1995)

Right of access (607/2015)

(1) 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 detriment to the owner or holder of the work, and provided this is necessary:

- 1) for the author's artistic activity; or
- 2) for the purpose of exercising his economic rights, as defined in section 2.

(2) The right referred to in subsection 1(2) above shall be governed by the provisions of section 41.

Section 53

Protection of classics (607/2015)

(1) If, after the death of the author, a literary or artistic work is publicly treated in a manner which violates cultural interests, the authority to be designated by decree shall have the right to prohibit such an action, notwithstanding that the copyright therein is no longer in force, or that copyright has never existed.

(2) If the person whom the prohibition concerns is dissatisfied with the prohibition, he may submit the matter to a court of justice for decision.

Section 54 (821/2005)

Arbitration (607/2015)

(1) In the event of a dispute, the matter shall be settled by an arbitration procedure whenever the question concerns:

- 1) remuneration referred to in section 17(4), 18(2), 19(4) or 47(2 or 3);
- 2) the granting of an authorisation referred to in section 26 and the terms thereof as provided in section 13, if the matter relates to the making of copies for use in educational activities;
- 3) the granting of an authorisation referred to in section 26 and the terms thereof, as provided in section 14(1), if the matter relates to the making of copies for use in educational activities;
- 4) the granting of an authorisation referred to in section 26, and the terms thereof, for simultaneous and unaltered retransmission of a radio or television broadcast in accordance with section 25h(1);
- 5) the granting of an authorisation referred to in section 26, and the terms thereof, for simultaneous and unaltered retransmission of a radio or television broadcast by cable in accordance with section 25h(2) or section 48(1), if the broadcast originates in a country belonging to the European Economic Area; the authorisation may be granted if the transmitting organisation, without a well-founded reason, prohibits cable retransmission or sets unreasonable terms thereupon;

6) the settling of a matter between the author and the user in a case referred to in section 50c(2).

(2) Each party shall appoint an arbitrator for the arbitration, and those thus appointed invite a third arbitrator as a chairperson. If one of the parties has proposed the use of arbitration to the adversary and appointed an arbitrator but the adversary has not appointed an arbitrator within one month of the notification thereof, he shall be considered to have refused the settling of the matter by arbitration.

(3) The parties concerned may also agree to submit the matter to arbitrators to be settled in accordance with the Arbitration Act (967/1992).

(4) Any authorisation granted pursuant to this section shall have the same effect as the granting of authorisation referred to in section 26 in accordance with section 13, 14(1), 25h(1 or 2) or 48(1).

(5) If a party concerned refuses the arbitration of a matter referred to in subsection 1, the matter may, upon application by a party concerned, be submitted to a court of justice for settling. If the Court has granted authorisation in a matter referred to in paragraphs 2–4 of said subsection and the decision is appealed, the authorisation and its terms shall be in force until the matter has been settled with finality or until a higher court rules otherwise in regard of the appeal. (118/2013)

Section 54a (1980/897)

Education for the purpose of gain (607/2015)

The provisions of this Act regarding educational activities shall not apply to educational activities conducted for purpose of gain.

Section 54b (446/1995)

Remuneration for the use of a sound recording and a music recording containing images (607/2015)

(1) If there is a risk that remuneration referred to in section 47 cannot be paid to the person entitled to it, a court of justice may, upon the request of said person, prohibit the user of devices referred to in section 46 from using said devices until he posts an acceptable security for the payment of remunerations or until a court of justice orders otherwise upon the request of a party concerned. The matter shall be governed, where appropriate, by the provisions of sections 4, 5, 7, 8, 11 and 14 of Chapter 7 of the Code of Judicial Procedure.

(2) If the remuneration referred to in section 47(2) has not been agreed upon before the use referred to in subsection 1 of said section, the remuneration shall fall due after 30 days from the day on which the device referred to in section 46 was used in accordance with the provisions of section 47(1). (821/2005)

(3) The provisions of subsections 1 and 2 shall correspondingly apply to remuneration referred to in section 47(3) and a music recording containing images. (821/2005)

Section 55 (442/1984)

Copyright Council (607/2015)

(1) The Government shall appoint a Copyright Council to assist the Ministry of Education in the handling of copyright matters and to issue statements regarding the application of this Act.

(2) Further provisions regarding the Copyright Council shall be issued by government decree. (821/2005)

Chapter 7

Penal sanctions and liability

Section 56 (821/2005)

Penal provisions of the Criminal Code (607/2015)

Penal provisions for the copyright offence are laid down in section 1 of Chapter 49 of the Criminal Code (39/1889); for circumvention of a technological measure in section 3 of the Chapter; for the offence of a device for circumventing a technological measure in section 4 of the Chapter; and for the offence of electronic rights management information in section 5 of the Chapter.

Section 56a (821/2005)

Copyright violation (607/2015)

(1) Anyone who

1) wilfully or out of gross negligence makes a copy of a work, or makes a work available to the public contrary to the provisions of this Act or infringes the provisions of section 3 concerning moral rights,

2) otherwise violates a provision protecting copyright in the present Act or acts contrary to a direction issued under section 41(2), or to a provision of section 51 or 52, or to a prohibition referred to in section 53(1) or 54b(1), or

3) imports into the country or brings onto the territory of Finland for transportation to a third country copies of a work which 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 this Act,

shall be sentenced to a fine for a *copyright violation*, unless the act is punishable as a copyright offence under section 1 of Chapter 49 of the Criminal Code.

(2) The making of single copies for private use of a computer-readable computer program or a database which has been published or copies of which have been sold or otherwise permanently

transferred with the consent of the author, or the making of single copies for private use of a work contrary to section 11(5) shall not be considered to constitute a copyright violation.

Section 56b (1024/1995)

Breach of confidentiality (607/2015)

A violation of confidentiality referred to in section 26d(3) or section 26l(4) shall be punishable under section 1 or 2 of Chapter 38 of the Criminal Code, unless the act is punishable under section 5 of Chapter 40 of the Criminal Code or unless a more severe punishment for the act has been laid down elsewhere in the law.

Section 56c (821/2005)

Illegal distribution of a device for removing a technological measure protecting a computer program (607/2015)

Anyone who distributes to the public for the purpose of gain or for such a purpose keeps in his possession any device whose sole purpose is unauthorised removal or circumvention of a technological device protecting a computer program shall be sentenced to a fine for *unauthorised distribution of a device for removing a technological measure protecting a computer program*.

Section 56d (446/1995)

Breach of the obligation to provide information (607/2015)

Anyone who wilfully or out of gross negligence violates the provision of section 26d(2) or the obligation to provide information or to give account, laid down in section 26k(2), shall be sentenced to a fine for *a violation of the obligation to provide information as provided in the Copyright Act*, unless a more severe punishment for the act has been laid down elsewhere in the law.

Section 56e (821/2015)

Violation of a technological measure (607/2015)

Anyone who wilfully or out of gross negligence infringes

- 1) the prohibition to circumvent a technological measure, as provided in section 50a, or
- 2) the prohibition to produce or distribute devices for circumventing technological measures, as provided in section 50b,

shall be sentenced, unless the act is punishable as a circumvention of a technological measure under section 3 of Chapter 49 of the Criminal Code or as an offence of a device for circumventing a measure under section 4 of the Chapter, to a fine for *a violation of a technological measure*.

Section 56f (821/2005)

Violation of electronic rights management information (607/2015)

Anyone who wilfully or out of gross negligence infringes the prohibition to remove or alter electronic rights management information referred to in section 50d(1) or the prohibition referred to in subsection 2 of said section to distribute to the public or import a copy of a work for distribution to the public or communicate a work to the public in a form in which the electronic management information has been removed from the work or altered without authorisation, shall be sentenced unless the act is punishable as an offence of electronic rights management information under section 5 of Chapter 49 of the Criminal Code, to a fine for a *violation of electronic rights management information*, if the perpetrator knows or has well-founded reason to suspect that his act causes, enables or conceals an infringement of the rights conferred by this Act or facilitates the infringement thereof.

Section 56g (679/2006)

Prohibition to infringe (607/2015)

If a person infringes the copyright, the Court of Justice may prohibit him to proceed with or repeat the act.

Section 57 (821/2005)

Compensation and remuneration (607/2015)

(1) Anyone who in violation of this Act or a direction given under section 41(2) uses a work or imports a copy of work into the country or brings a copy of work onto the territory of Finland for transportation to a third country shall be obliged to pay a reasonable compensation to the author. The illegal reproduction of a work for private use shall be subject to compensation only in the case that the maker of the copy has known or should have known that the material copied has been made available to the public in violation of this Act.

(2) If the work is used wilfully or out of negligence, the infringer shall, in addition to compensation, pay damages for any other loss, including mental suffering and other detriment.

(3) Anyone who, otherwise than by using a work, is guilty of an act punishable under section 1, 3 or 5 of Chapter 49 of the Criminal Code, or section 56a, paragraph 1 of section 56e or section 56f of this Act, shall be obliged to pay the author damages for any loss, mental suffering or other detriment caused by the crime.

(4) The compensation referred to in subsections 2 and 3 above shall also be governed by the provisions of the Tort Liability Act (412/1974).

Section 58 (821/2005)

Forfeiture (607/2015)

(1) If a copy of a work has been produced, imported into the country or brought onto the territory of Finland for further transportation to a third country, or made available to the public or altered

contrary to this Act or to a direction given under section 41(2) or to the provision of section 51 or 52 or to a prohibition issued under section 53(1), or if a prohibition referred to in section 50a or 50b has been violated, the court may, upon the demand of the injured party or, in a case referred to in section 50b, of a public prosecutor, order, as it deems reasonable, that the copy and any composition, printing block, mould or other piece of equipment or illegal device for circumventing technological measures be destroyed, or that such property be altered in specified ways or be transferred to the injured party against a compensation corresponding to the cost of its manufacture, or be rendered unfit for unauthorised use. The provisions of this subsection shall apply to reproduction for private use only if the maker of the copy has known or should have known that the material reproduced has been made available to the public in violation of this Act.

(2) If a copy of a work has been made or distributed contrary to this Act, or imported to the country or brought onto the territory of Finland in a manner referred to in section 56a(1)(3), and it is ordered to be forfeited to the State under a summary penal judgement, the copy of the work may be ordered to be destroyed upon the demand of the injured party. With a summary penal judgement, a court may also order a device intended for circumvention of a technological measure referred to in section 50b to be forfeited to the State and destroyed if it has been manufactured, made available to the public, imported into the country for distribution to the public or brought onto the territory of Finland for transportation to a third country contrary to the provisions of section 50b(1). (776/2010)

Subsection 2 amended by Act 776/2010 shall enter into force on a date to be determined by act. The previous wording is:

(2) If a copy of a work has been made or distributed contrary to this Act, or imported to the country or brought onto the territory of Finland in a manner referred to in section 56a(1)(3), and it is ordered to be forfeited to the State under the Summary Penal Procedures Act (692/1993) the copy of the work may be ordered to be destroyed upon the demand of the injured party. In a summary penal judgement, a court may also order a device intended for circumvention of a technological measure referred to in section 50b to be forfeited to the State and destroyed if it has been manufactured, made available to the public, imported into the country for distribution to the public or brought onto the territory of Finland for transportation to a third country contrary to the provisions of section 50b(1).

(3) The provisions of subsections 1 and 2 shall not apply to a person who has acquired the property or some specific right therein in good faith, or to a work of architecture. A building may, however, be ordered to be modified as indicated by the specific features of the case and the circumstances.

Section 59

Adjustment of forfeiture (607/2015)

Notwithstanding the provisions of section 58(1) the court may, upon a request to that effect and if deemed reasonable in view of the artistic or economic value of the copies referred to in said subsection or other circumstances, permit that the copy be made available to the public or otherwise used for the intended purpose in consideration of specific remuneration to the injured party.

Section 59a (2006/679)

Publication of judgement (607/2015)

(1) A court of justice may, in a civil matter concerning copyright and upon the request of plaintiff, order a defendant to recompense costs incurred from the dissemination, by using appropriate measures, of information about the final judgment in which the defendant has been found to infringe copyright. The order shall not be issued, if the dissemination of the information is limited elsewhere in the law. When considering the issuing of the order and the contents of it, a court of justice shall take into account the general relevance of the dissemination to the public, the quality and extent of the infringement, the costs which are caused by the dissemination and other corresponding matters.

(2) A court of justice shall order a maximum amount of the reasonable dissemination costs to be recompensed by the defendant. The plaintiff is not entitled to compensation, if the information about the judgment has not been disseminated within the time that a court of justice ordered to be run from a passed non-appealable judgement.

Section 60 (679/2006)

Application of provisions on sanctions and compensation to rights related to copyright (607/2015)

The provisions of sections 56a, 56e–56g, 57–59 and 59a shall correspondingly apply to the rights protected under Chapter 5.

Section 60a (607/2015)

Supply of contact information

(1) In individual cases, notwithstanding confidentiality provisions, an author or his representative shall be entitled, by the order of the court of justice, to obtain contact information from the maintainer of a transmitter, server or a similar device or other service provider acting as an intermediary about a tele-subscriber who, unauthorised by the author, makes material protected by copyright available to the public to a significant extent in terms of the protection of the author's rights. The information shall be supplied without undue delay. The handling of the matter concerning the information to be supplied shall be governed by the provisions of Chapter 8 of the Code of Judicial Procedure. The court may order the contact information to be secured in compliance with Chapter 7 of the Code of Judicial Procedure.

(2) The author or his representative who has obtained contact information referred to in subsection 1 above shall be governed by the provisions of the Information Society Code (917/2014) pertaining to confidentiality and the protection of privacy in communications, the handling of messages and identification data, information security, guidance and supervision, coercive measures and sanctions.

(3) An author or his representative referred to in this section shall defray the costs incurring from the enforcement of an order to supply information and recompense the maintainer of the transmitter, server or other similar device or other service provider acting as an intermediary for possible damage.

Section 60b (607/2015)

Claim for an Injunction

For the purpose of prohibiting continued violation, the author or his representative has the right to take legal action against the person who makes the allegedly copyright-infringing material available to the public (*alleged infringer*). In allowing the action, the court of justice shall at the same time order that the making available of the material to the public must cease. The court of justice may impose a conditional fine to reinforce the order.

Section 60c (607/2015)

Discontinuation Order

(1) In considering an action to seek a discontinuation order the court of justice may, upon the request of the author or his representative, order the maintainer of the transmitter, server or other device or any other service provider acting as an intermediary (*intermediary*) to discontinue, on threat of fine, the making of the allegedly copyright-infringing material available to the public (*discontinuation order*).

(2) A prerequisite for issuing a discontinuation order is that the order cannot be regarded as unreasonable in view of the rights of the alleged infringer, the intermediary, the recipient of the content and the author. The order shall not prejudice the rights of a third party to send and receive messages.

(3) The court of justice shall reserve an opportunity to be heard both for the intermediary and the alleged infringer. A service of a notice to the intermediary may be delivered by posting it or by using fax or electronic mail. Upon application by the applicant, the court may issue an interim discontinuation order without reserving the alleged infringer an opportunity to be heard, if deemed necessary for the purpose of the order. The interim discontinuation order shall remain in force until further notice. After the order has been issued, the alleged infringer shall be reserved an opportunity to be heard without delay. After hearing the alleged infringer, the court shall decide without delay whether it retains the order in force or cancels it.

(4) The legal action on a discontinuation order shall be tried as a non-contentious civil case, in compliance with provisions on precautionary measures referred to in Chapter 7 of the Code of Judicial Procedure.

(5) If the cause for the issuing of the discontinuation order ceases to exist, the court shall, upon application by a party concerned, order the order to be cancelled.

Section 60d (607/2015)

Interim discontinuation order

(1) Before taking legal action, the court of justice may, upon application by the author or his representative, issue an interim discontinuation order, if the issuing of the order can be justified under section 60c and if it is obvious that the rights of the author would otherwise be severely prejudiced. The issuing of the order shall be governed by the provisions in section 60c. After

hearing the alleged infringer, the court shall decide without delay whether it retains the order in force or cancels it.

(2) If deemed necessary for the urgency of the matter, the court of justice may issue an interim discontinuation order referred to in subsection 1 even if the alleged infringer cannot be identified, if:

1) significant amounts of allegedly copyright-infringing material is made available to the public without the author's consent; or

2) it is obvious that the rights of the author would otherwise be severely prejudiced.

(3) The applicant shall institute the claim for an injunction before a court of justice within two months from the issuing of the interim discontinuation order. If the legal action is not taken within said schedule, the order shall expire.

(4) If the alleged infringer has not been identified in a case referred to in subsection 2, the applicant may apply for a blocking order referred to in section 60 e. If the blocking order has been applied for within the time allotted for taking legal action, the interim discontinuation order shall not expire.

Section 60e (607/2015)

Blocking Order

(1) If a claim for an injunction cannot be filed because the alleged infringer is unknown, the court of justice may, upon application by the author or his representative, order the intermediary to block, on threat of fine, the making of the allegedly copyright-infringing material available to the public (*blocking order*). The issuing of the blocking order requires that significant amounts of the allegedly copyright-infringing material are made available to the public without the author's consent or that it is obvious that the rights of the author would otherwise be severely prejudiced.

(2) The applicant of the blocking order shall indicate the measures he has taken to identify the alleged infringer.

(3) A prerequisite for issuing a blocking order is that the order cannot be regarded as unreasonable in view of the rights of the alleged infringer, the intermediary, the recipient of the content and the author. The order shall not prejudice the rights of a third party to send and receive messages. The intermediary shall be reserved an opportunity to be heard regarding the application for a blocking order.

(4) The blocking order is issued for a fixed period, for a maximum of one year at a time. The validity of the blocking order may be extended by application for a well-founded reason. If the cause for the issuing of the blocking order ceases to exist, the court shall, upon application by a party concerned, order the blocking order to be cancelled.

Section 60f (607/2015)

Recompensation for costs and damages

(1) The intermediary who received the discontinuation order shall be primarily liable for the costs incurred by the implementation of the order. However, if the legal action is dismissed or ruled

inadmissible or if the case is discontinued due to that plaintiff has cancelled his legal action or failed to appear in court of justice, the applicant of the discontinuation order must recompense the intermediary, as well as the alleged infringer for damage caused by the enforcement of the order and for the costs incurring in the matter. The same shall apply when the discontinuation order is cancelled by virtue of section 60c(3) or 60d(1) or expires by virtue of section 60d(3).

(2) The intermediary against whom an interim discontinuation order referred to in Section 60d(2) or a blocking order referred to in section 60e was issued shall be primarily liable for the costs incurred by the enforcement of the interim discontinuation order.

(3) The party liable for the eventual costs for application and enforcement of the discontinuation order and the blocking order shall be settled, upon the request of the concerned parties, when the claim for an injunction is considered.

(4) The taking of legal action for the compensation of damages and costs shall be governed by the provisions of section 12 of Chapter 7 of the Code of Judicial Procedure.

(5) The concerned parties shall be liable for their own legal costs in a discontinuation order or a blocking order case, unless the court of justice requires for a well-founded reason a party to compensate the legal costs of the other party fully or partly.

Section 60g (607/2015)

Injunctions issued on the basis of copyright infringement and rights related to copyright

The provisions of sections 60a–60f above shall correspondingly apply to the holder of a right related to copyright conferred by Chapter 5 and his representative.

Section 61 (118/2013)

Forum for civil matters and non-contentious civil cases (607/2015)

(1) Civil matters and non-contentious civil cases taken under this Act are considered at a Market Court.

(2) Provisions on the consideration of civil matters and non-contentious civil cases before a Market Court are laid down in the Act on Judicial Proceedings Before a Market Court (100/2013).

Section 61a (118/2013)

Forum for criminal cases (607/2015)

(1) Criminal actions brought under sections 1 and 3–5 of Chapter 49 of the Criminal Code and sections 56a–56f of this Act shall be considered in a district court referred to in Chapter 4 of the Criminal Procedure Act (689/1997).

(2) When trying a criminal action referred to in subsection 1 above, the claim for compensation and remuneration for the offence in question, as referred to in section 57, and the claim referred to in sections 58 and 59 may also be considered, notwithstanding the provisions of section 61.

(3) A court of justice shall have the jurisdiction to investigate a claim referred to in subsection 2, even if the conditions that established the jurisdiction change after the claim is presented.

Section 61b (118/2013)

Expert at a court of justice (607/2015)

(1) When trying a case referred to in section 61a, a district court may have a maximum of two experts as court members, as referred to in section 7(2) of the Market Court Act (99/2013).

(2) The expert shall issue a written statement on the questions asked by the district court. The expert shall have the right to ask questions from the concerned parties and witnesses. Before settling the case, the district court shall reserve the concerned parties the right to give their opinion on the expert statement.

(3) The expert's right to compensation shall be governed by the provisions on the compensation for expert members in section 37 of the Market Court Act.

Section 62

Right to institute criminal proceedings (607/2015)

(1) A public prosecutor may not bring criminal action in cases other than a copyright violation in breach of section 51 or section 52 or a violation of a technological measure referred to in section 56e(2), unless the injured party has filed for prosecution on the matter. (821/2005)

(2) An action for a breach of section 3 or of a direction given under section 41(2) may be brought by the surviving spouse, by heirs in the ascending or descending line or by brothers and sisters, or by a person similarly related to the author by adoption. The lawsuit for a breach of a prohibition mentioned in section 53(1) above shall be filed by the authority referred to in said section.

Subsection 3 was repealed by Act 442/1984. (442/1984)

Chapter 8

Applicability of the Act

Section 63 (648/1974)

Territorial application (607/2015)

(1) The provisions of this Act relating to copyright shall apply:

1) to works the author of which is a Finnish national or a person having his habitual residence in Finland;

2) to works first published in Finland or published in Finland within thirty days of having first been published in another country;

3) to a cinematographic work the producer of which has his headquarters or habitual residence in Finland;

4) to works of architecture located in Finland; and

5) to works of art incorporated in a building located in Finland or otherwise fixed to the ground in Finland.

(2) In the application of paragraph 3 of subsection 1 above, unless otherwise proved, the producer of the cinematographic work shall be deemed to be the person or company whose name is mentioned in the usual manner in the cinematographic work.

(3) The provisions of Chapter 2b above shall be applied to the resale of works of fine art taking place in Finland. If the author of the work is a national of a state not belonging to the European Economic Area and has no habitual residence within the European Economic Area, the provisions of Chapter 2b shall be applied only if the author is a national of a state that reciprocally applies provisions concerning a corresponding royalty to the resale taking place in that country. The Commission of the European Communities shall publish a list of these countries. The provisions of Chapter 2b shall be applied to those entitled under such author only if they are nationals of a country included in the Commission's list. (345/2006)

(4) The provisions of sections 51–53 above shall apply regardless of who created the work and where the work was published. (446/1995)

Section 63a (1954/1996)

Protection of an unpublished work (607/2015)

The provisions of section 44a shall apply to a person who is a national of a State belonging to the European Economic Area or has habitual residence in such a State, and to a legal entity having its statutory domicile in a State belonging to the European Economic Area.

Section 64 (446/1995)

Territorial application of rights related to copyright (607/2015)

(1) The provisions of section 45 above shall apply if:

1) the performance takes place in Finland;

2) the performance has been recorded on a device referred to in subsection 2; or

3) the performance, which has not been recorded on a phonogram, is included in a transmission referred to in subsection 6.

(2) The provisions of section 46 above shall apply to a device:

1) the producer of which is a Finnish national or a Finnish company, or the producer of which has his habitual residence or office in Finland;

2) the sound of which has been recorded in Finland.

(607/2015)

(3) The provisions of section 46a above shall apply to a device the moving images on which have been recorded in Finland.

(4) The provisions of section 47(1) and (2) shall apply to a public performance which takes place in Finland, to other original communication to the public than communication on-demand which takes place in Finland, and to retransmission which takes place in Finland, if a device referred to in subsection 2 of this section is used in the performance, communication or retransmission.
(821/2005)

(5) The provisions of section 47(3) shall apply to a public performance and to other communication to the public than on-demand communication which takes place in Finland if the performance or communication involves a music recording containing images which has been distributed or communicated to the public in the commercial market and which contains a performance of a musical work recorded in Finland. (821/2005)

(6) The provisions of section 48 above shall apply:

1) to a radio and television transmission which takes place in Finland; and

2) to a radio and television transmission which takes place elsewhere, if the headquarters of the transmitting organisation is in Finland.

(7) The provisions of paragraph 1 of section 49(1) above shall apply to a product which was first published in Finland. The provisions of paragraph 2 of section 49(1) above shall apply to a product the maker of which is a national of a State belonging to the European Economic Area or the maker of which habitually resides in such a State. The provisions of paragraph 2 of section 49(1) above shall also apply to a product the maker of which is a company or a firm set up in accordance with the law of a State belonging to the European Economic Area and having its statutory domicile, central administration or principal place of business in a State belonging to the European Economic Area. If such a company or firm only has its statutory domicile in a State belonging to the European Economic Area, the provisions of section 49(1)(2) above shall apply only if its operations have actual and continuous links with the economy of a State belonging to the European Economic Area.
(250/1998)

(8) The provisions in section 63(1)(1, 2 and 5) regarding a work shall correspondingly apply to a photographic picture referred to in section 49a.

(9) The provisions of section 50 above shall apply to a press report which has been received in Finland.

Section 64a (446/1995)

Transmission via satellite (607/2015)

(1) When programme-carrying signals intended for reception by the public and carrying a work protected under this Act are introduced in Finland into an uninterrupted chain of communication

leading to a satellite and back down towards the earth under the control and responsibility of a broadcasting organisation, this satellite communication to the public shall be governed by the provisions of section 2 on making available to the public and other provisions of this Act on radio and television transmissions.

(2) If the communication to the public by satellite referred to in subsection 1 takes place in a State not belonging to the European Economic Area where the level of legal protection does not correspond to the level of protection provided by 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 Retransmission, 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 organisation established in Finland has commissioned others to carry out the act of communication,

the communication to the public by satellite shall be deemed to take place in Finland. The satellite communication shall be governed by the provisions of section 2 on making available to the public and other provisions of this Act on radio and television transmissions.

Section 64b (821/2005)

Application of the provisions on technical measures and electronic rights management information (607/2015)

(1) The injunctions provided for in sections 50a, 50b and 50d shall apply to a procedure referred to in said sections which takes place in Finland.

(2) The provisions of section 50c shall apply to the use of works in Finland.

Section 65

Reciprocity (607/2015)

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

Section 66

Application of the Act to a work completed before the coming into force of the Act (607/2015)

Subject to the provisions of sections 67–71, this Act shall also apply to literary or artistic works completed before the Act comes into force.

Section 67

Copies of works made before the coming into force of the Act (607/2015)

Copies of a work made under a previous Act may be freely distributed and displayed. The rental of sheet music and the right to provide for a payment by decree shall, however, be governed by the provisions of section 23.

Section 68

Use of auxiliary devices produced before the coming into force of the Act (607/2015)

Type matter, printing blocks, moulds and other devices produced under the previous 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 section 67 shall correspondingly apply to copies produced in the course of such use.

Section 69

Copyright in works published before the coming into force of the Act (607/2015)

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 section 5, and the term of protection shall be calculated according to section 44.

Section 70

Contract on the transfer of copyright concluded before the coming into force of the Act (607/2015)

(1) A contract on the transfer of copyright concluded before the coming into force of the present Act shall come under the previous Act, but even such contracts shall be governed by the provisions of section 29.

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

Section 71

Transferring of works of art before the coming into force of the Act (607/2015)

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 make for a third party a work based upon the same drawing, shall be governed by the provisions of the previous law. The previous law shall also apply to the author's right in a portrait executed before the coming into force of this Act.

Section 72

Application of certain provisions on the entry into force to rights related to copyright (607/2015)

(1) The provisions of sections 66–68 shall correspondingly apply to the rights protected under Chapter 5. (1654/1995)

(2) An agreement referred to in section 45 concerning recording on a device which has been concluded before this Act comes into force shall correspondingly come under the provision of section 70(1).

Section 73

Entry into force (607/2015)

This Act enters into force on 1 September 1961. It abrogates the Act on Copyright in Products of Intellectual Activity (174/1927), as well as section 28 of the Decree Relating to the Rights of Writers and Artists in Respect of the Products of Their Labour (8/1880).

Implementing provisions of Copyright Act amendments:

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

August 23, 1971 / 669 (Published September 6, 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 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 13, 1987 / 309 (Published March 20, 1987):

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

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

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

(2) Section 23(2) of this Act shall not be applied to a computer program created before the coming into force of this Act insofar as the lending of the computer program to the public is concerned. 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. (419/1993) (According to the Implementing Decree 1395/1993, issued on December 22, 1993, the amendment shall come into force on January 1, 1994).

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

(4) Whoever has taken steps to use, in the manner defined in sections 45, 46 or 48 of the Copyright Act, a performance, phonogram, or radio or television transmission the protection of which has expired before the coming into force of this Act shall, notwithstanding the provisions of subsection 3, be permitted to use the said performance, phonogram or transmission for two years after the end of the calendar year during which this Act came into force.

(5) If 15 years have elapsed from the end of the year during which a production, defined in section 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):

(1) This Act shall come into force at a time to be prescribed by decree. section 23(3) of the Act shall, however, come into force on June 1, 1993.

(2) 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.

(3) Whatever is provided in subsection 2 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 lending of computer programs to the public.

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

Section 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):

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

(2) This Act shall also be applied to any works and any protected items, defined in sections 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.

(3) 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.

(4) 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.

(5) The provisions of sections 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.

April 21, 1995 / 715 (Published April 28, 1995):

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

August 21, 1995 / 1024 (Published August 22, 1995):

(1) This Act shall come into force on September 1, 1995.

(2) This Act repeals section 56a(1) and section 56b in the Act (715/95), amending the Copyright Act, issued on April 21, 1995.

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

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

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

(3) 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.

(4) Copies of a work which have been produced before 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 section 19(2–4) and Chapter 2b of this Act shall, however, be applied also to copies produced before the coming into force of this Act.

(5) 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 before the coming into force of this Act, by making copies thereof or making the work available to the public in a manner which has required 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 make copies of a work or to make a work available to the public. Copies made by virtue of the provisions in this subsection may further be distributed to the public and publicly exhibited, subject to the provisions of section 19(2–4) and Chapter 2b of this Act.

(6) Notwithstanding the provisions of this Act, if a work is incorporated in a recording made by a transmitting organisation after the expiry of the protection and before the coming into force of this Act, with a particular view to use in radio or television transmissions, the work may further be used in transmissions until January 1, 2003. This subsection shall also apply to the public performance of a work which has been incorporated in a recording containing film.

(7) The provisions of subsections 2–6 above shall apply correspondingly to subject matter protected pursuant to sections 45, 46, 46a and 48 of this Act.

(8) The provisions of subsections 2–6 above shall apply

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

2. to subject matter referred to in subsection 7 above originating in a State belonging to the European Economic Area, in regard to the protection of which special provisions have been enacted in Finland, 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.

(9) This Act shall apply to works and subject matter other than those referred to in subsection 8 above only in so far as they are protected at the time of the coming into force of this Act.

April 25, 1997 / 365 (Published April 30, 1997):

This Act shall come into force on May 15, 1997.

October 31, 1997 / 967 (Published November 5, 1997):

- (1) This Act shall come into force on November 10, 1997.
- (2) This Act shall also be applied to works created before the coming into force of this Act and which continue to be protected.
- (3) The provisions in force at the time of the coming into force of this Act shall be applied to any acts done before the coming into force of this Act.
- (4) The provision of section 29a shall be applied to agreements made at earliest on November 19, 1992. However, the right to remuneration based on the agreements made before July 1, 1994, shall stand only, if the author has presented a claim concerning it before January 1, 1997.
- (5) The provisions of subsections 2–4 shall apply correspondingly to performing artists and subject matter protected pursuant to section 45 of this Act.

April 3, 1998 / 250 (Published April 9, 1998):

- (1) This Act shall come into force on April 15, 1998.
- (2) This Act shall also be applied to works created before the coming into force of this Act, and to subject matter protected pursuant to section 49, which has been made before the coming into force of this Act.
- (3) The subject matter protected pursuant to section 49, which has been made after December 31, 1982, shall be protected until January 1, 2013.
- (4) The provisions in force at the time of the coming into force of this Act shall be applied to any acts done, any rights acquired and any agreements made before the coming into force of this Act.
- (5) Copies of the subject matter protected pursuant to section 49, which have been made before the coming into force of this Act under provisions in force at the time of the coming into force of this Act, may further be distributed to the public and publicly exhibited. However, the provisions of section 19(2) of the Copyright Act shall also be applied in accordance with section 49(3) of this Act to the copies of the protected subject matter, which have been made before the coming into force of this Act.
- (6) Notwithstanding the provisions of this Act, any person who, before the coming into force of this Act, has commenced to use the subject matter protected pursuant to section 49 not protected before the coming into force of this Act, by making copies thereof or by making it available to the public in a manner which has required substantial measures, may proceed to complete the commenced use to a normal extent necessary for the said use by the end of the year 1999. Provisions of the completion of commenced use above shall also apply to any person who, under similar circumstances, has taken substantial measures to make copies of the protected subject matter or to make it available to the public. Copies made by virtue of the provisions in this subsection may further be distributed to the public and publicly exhibited, subject to the provisions of section 19(2) of this Act in accordance with section 49(3) of this Act.

October 9, 1998 / 748 (Published October 15, 1998):

- (1) This Act shall come into force on January 1, 1999.
- (2) Measures to enforce this Act can be taken before the coming into force of it.

May 23, 2003 / 398

- (1) This Act shall come into force on July 25, 2003.
 - (2) Measures to enforce this Act can be taken before the coming into force of it.
- October 14, 2005 / 821 (Published October 20, 2005)

(1) This Act shall come into force on January 1, 2006. Sections 13 and 13a, section 14(1), section 16d, section 25a(2), section 25f(3), sections 25g, 25h, 26, 26a, 26b, 26e and 26h shall come into force on January 1, 2007. Paragraph 2 of section 16b(1), paragraphs 2 and 3 of section 16c(1), and section 16c(3) shall come into force on a date specified by a Government Decree.

(2) This Act shall also be applied to any works and any protected items defined in sections 45, 46, 46a, 48, 49 and 49a which were created, recorded or produced before the coming into force of this Act and which continue to be protected.

(3) Provisions in force at the time of the coming into force of this Act shall be applied to any measures carried out, any rights acquired and any contracts concluded before the coming into force of this Act.

(4) Section 19(1) of this Act shall be applied to any copies of works and any copies of protected items defined in sections 49 or 49a which have been sold or otherwise permanently transferred with the consent of the author or the rightholder referred to in sections 49 or 49a within the European Economic Area after the coming into force of this Act.

(5) Copies of the subject matter protected pursuant to section 49a of this Act, which have been made before the coming into force of this Act and which are protected under provisions in force at the time of the coming into force of this Act may further be distributed under provisions in force at the time of the coming into force of this Act.

May 5, 2006 / 345 (Published May 12, 2006)

(1) This Act shall come into force on June 1, 2006.

(2) This Act shall also be applied to the resale of works which have been produced before the coming into force of this Act and which continue to be protected.

(3) Provisions in force at the time of the coming into force of this Act shall be applied to any acts done, any rights acquired and any contracts concluded before the coming into force of this Act.

July 21, 2006 / 679 (Published August 4, 2006)

(1) This Act shall come into force on September 1, 2006.

(2) Provisions in force at the time of the coming into force of this Act shall be applied to civil matters pending before the coming into force of this Act instead of sections 56g and 59a of this Act.

(3) Sections 60 and 60c shall also be applied to civil matters pending before the coming into force of this Act. To the extent that section 60 concerns the application of 56g and 59a, it shall, however, be applied according to what is enacted in subsection 2 on the application of sections 56g and 59a.

December 22, 2006 / 1228 (Published December 27, 2006)

(1) This Act shall come into force on January 1, 2007.

(2) Remuneration for lending in a public library may be exacted only for lending which takes place after the coming into force of the Act.

December 28, 2007 / 1436 (Published December 31, 2007)

This Act shall come into force on January 1, 2008.

October 31, 2008 / 663 (Published November 4, 2008)

(1) This Act shall come into force on January 1, 2009.

(2) Measures to enforce this Act can be taken before the coming into force of it.

December 22, 2009 / 1442 (Published December 31, 2009)

(1) This Act shall come into force on January 1, 2010.

(2) Measures to enforce this Act can be taken before the coming into force of it.

April 30, 2010 / 307 (Published April 30, 2010)

(1) This Act shall come into force on May 1, 2010.

(2) Measures to enforce this Act can be taken before the coming into force of it.

August 27, 2010/776:

The entry into force of this Act shall be enacted by a separate Act.

January 31, 2013/118:

This Act enters into force on 1 September 2013.

Provisions in force at the time this Act enters into force shall be applied to civil, non-contentious and criminal matters pending in district courts before this Act enters into force.

Measures to enforce this Act may be taken before it enters into force.

September 13, 2013/674:

This Act enters into force on 1 January 2014.

November 8, 2013/763:

This Act enters into force on 15 November 2013 with the exception of Section 16 f, which enters into force on 29 October 2014.

Section 43(2) shall also apply to musical works with lyrics that have been created before this Act enters into force, if their musical composition or the lyrics are still subject to protection at the time this Act enters into force.

This Act also applies to performances on sound recordings and audio recordings that have been recorded before this Act enters into force and which are still subject to protection at the time this Act enters into force.

Provisions in force prior to the entry into force of this Act shall be applied to any measures carried out, any rights acquired and any contracts concluded before this Act enters into force.

In addition, provisions 46b–46d shall be applied to any rights and any contracts related to them acquired from a performing artist by a producer of a sound recording before this Act enters into force.

However, Section 19(4) of the Act shall also apply to transfers of the right to remuneration concluded before this Act enters into force. Remuneration paid to parties other than the author or author's heirs based on the transfer of the right to remuneration concluded before the entry into force of this Act need not be returned.

Copies of musical works with lyrics that have been produced according to existing provisions in force before this Act enters into force may still be distributed.

Unless otherwise agreed in the transfer of rights agreement between the performing artist and the producer of a sound recording, any agreement that was contracted before this Act enters into force shall be deemed to be valid for the entire term for which the performing artist is afforded protection by this Act.

December 19, 2014/1171:

This Act shall enter into force on 1 January 2015.

The results of the study referred to in Section 26a(2) shall be taken into account for the first time when formulating the 2017 State budget proposal.

However, provisions 26c – 26f and 26h, repealed by this Act, shall apply to remuneration collected in 2014 and to the payment thereof as compensation to authors.

The reimbursement of a disbursed payment referred to in repealed Section 26e may be sought from an organization referred to in repealed section 26b until 31 March 2015.

May 22, 2015/607:

This Act enters into force on 1 June 2015.

A non-contentious matter referred to in Section 60c and 60d that has been pending in the Market Court before this Act enters into force shall be deliberated according to the provisions in force at the time this Act enters into force.

May 22, 2015/608:

This Act enters into force on 1 June 1 2015.

Provisions in force at the time this Act enters into force shall apply to any rebroadcasting that takes place before this Act enters into force.