

COPYRIGHT ACT

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Law No. 404 of July 8, 1961, as last amended by Law No. 365 of April 25, 1997.

Chapter 1. Subject matter and scope ➔

Art. 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 or industrial art or a work expressed in some other manner. (446/1995)

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

Art. 2. Subject to the limitations stated hereinafter, copyright includes the exclusive right to dispose of the work by making copies of it and by making it available to the public, in either the original or an altered form, in translation or adaptation, in another literary or artistic form or by other technical means.

The recording of a work on a device by which it can be reproduced shall also be considered the making of copies.

A work is made available to the public when it is performed in public or when copies of it are offered for sale, rental or lending, or are otherwise distributed to the public or publicly exhibited. A performance that takes place within the framework of commercial activities for a comparatively large, closed group of persons shall also be considered a public performance.

Art. 3. When copies of a work are made or when the work is made available to the public in its entirety or in part, the name of the author shall be stated in the manner required by proper usage.

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

The author may waive his rights under this Article with binding effect only in relation to use that is limited in character and extent.

Art. 4. 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 that new form, but his right to dispose of it shall be subject to the copyright in the original work.

If a person has drawn freely on a work to create a new and independent work, his copyright shall not be subject to the right in the original work.

Art. 5. A person who, by combining works or parts of works, creates a literary or an artistic compilation shall have copyright therein, but his rights shall not restrict the rights in the individual works.

Art. 6. If a work has two or more authors whose contributions do not constitute independent works, the copyright shall belong to the authors jointly. However, each one of them is entitled to bring an action for infringement.

Art. 7. The person whose name or generally known pseudonym or signature is shown in the usual manner on the copies of a work or when the work is made available to the public shall be deemed to be the author in the absence of proof to the contrary.

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

Art. 8. A work shall be considered disseminated when it is lawfully made available to the public.

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

Art. 9. There shall be no copyright in laws and decrees, or in decisions and declarations of public authorities and other public bodies.

Art. 10. (669/1971) Notwithstanding the registration of a work as a design in accordance with special provisions, the author may have copyright in it by virtue of this Act.

Additional provisions regarding rights in photographs are laid down in Article 49a. Separate provisions shall be issued on the legal protection of rights in layout-designs of integrated circuits. (446/1995)

Chapter 2 . Limitations on copyright General provisions regarding limitations →

(446/1995)

Art. 11. (446/1995) The provisions of this Chapter shall not limit the author's rights under Article 3 more extensively than as provided in Article 25e.

When a work is used publicly on the basis of the provisions of this Chapter, the source shall be stated to the extent and in the manner required by proper usage. The work shall not be altered more than is necessary for the permitted use without the author's consent.

Reproduction for private use

Art. 12. (446/1995) Any person may make single copies of a disseminated work for his private use. Such copies may not be used for other purposes.

It is also permitted to engage an outsider to make copies that are intended for the private use of the party ordering them.

The provisions of the second paragraph above do not apply to the reproduction of musical works, cinematographic works, utilitarian articles or sculptures, or to the copying of any other work of art by artistic reproduction.

The provisions of this Article do not apply to a machine-readable computer program or to the construction of a work of architecture.

Photocopying

Art. 13. (446/1995) Any person who has received authorization, from an organization representing a large number of Finnish authors in a certain field, to make copies of published works by photocopying or analogous methods of reproduction also has the right to use the same methods to make copies of published works in the same field by an author not represented by the organization. The terms of the said authorization shall be observed in the case of such reproduction.

Reproduction in educational activities

Art. 14. (446/1995) Where an organization representing a large number of Finnish authors in a certain field has authorized the copying, by audio or video recording, on agreed terms, of a disseminated work included in a radio or television broadcast for use in educational activities or in scientific research, the recipient of the authorization may on corresponding terms make copies of another work in the same field, included in a broadcast, by an author not represented by the organization.

It is permitted, in connection with educational activities, to make copies by direct audio or video recording of a disseminated work performed by a teacher or a student for temporary use in those activities. A copy so made may not be used for any other purpose.

Parts of a disseminated literary work or, when the work is not extensive, the whole work may be incorporated in a test constituting part of the matriculation examination or in any other comparable test. A disseminated work of art may be reproduced in pictorial form for the same purpose.

Reproduction in certain institutions

Art. 15. (446/1995) Copies of disseminated works included in radio and television transmissions may be made by audio and video recording in hospitals, senior citizens'

homes, prisons, and other similar institutions for temporary use in the institution within a short period following the time of the recording.

Reproduction in archives, libraries and museums

Art. 16. (446/1995) Archives, libraries and museums, as defined by decree, shall have the right to make copies of a work, on conditions specified in the decree, for the purpose of their activities.

The provisions of the Act Concerning the Delivery and Deposit of Films in Archives (576/1984) shall govern the right of the Finnish Film Archive to make copies of a work included in a publicly shown Finnish film or in the advertising or other promotional material for such a film.

Reproduction for disabled persons

Art. 17. (446/1995) Copies of a published literary or musical work may be produced for the purpose of making the text thereof perceptible to visually impaired persons.

Institutions defined by decree shall have the right, on conditions specified in the decree, to make copies of a published literary work by sound recording for the purpose of lending to visually impaired persons and to persons who, because of some other physical disability or illness, are unable to use books in the conventional manner.

Compilation works for use in education

Art. 18. (446/1995) Minor parts of a literary or musical work or, if it is not extensive, the whole work, may be incorporated in a compilation consisting of works by several authors and intended for use in education, provided that five years have passed since the year in which the work was published. A disseminated work of art may be reproduced in pictorial form in connection with the text. The provisions of this Article do not apply to a work created for use in education.

The author is entitled to remuneration for use under the preceding paragraph.

Distribution of copies of a work

Art. 19. (446/1995) When a copy of a work has been sold or otherwise permanently transferred with the consent of the author, further copies may be distributed.

The provisions of the first paragraph above do not apply to the making available to the public of a copy of the work by rental or a comparable legal act. However, a product of architecture, artistic handicraft or industrial art may be rented to the public.

The provisions of the first paragraph above do not apply to the making available to the public by lending of a copy of a cinematographic work or of a machine-readable computer program.

The author has the right to remuneration for the lending of copies of a work to the public, with the exception of products of architecture, artistic handicraft or industrial art. Remuneration may be claimed only for lending that has taken place within the past three calendar years. There shall be no right to remuneration, however, if the lending is done by a public library or a library serving research or educational activities.

Display of works

Art. 20. (446/1995) When a copy of a work has been sold or otherwise permanently transferred with the consent of the author, or when the work has been published, it may be displayed to the public.

Public performance

Art. 21. (446/1995) A published work may be publicly performed in connection with religious services and education.

A published work may also be publicly performed in events where the performance of such works is not the main feature, provided that no admission fee is charged and the event is not arranged for profit. It may also be publicly performed in connection with public education activities and for charitable or other non-profit purposes, provided that the performers, whether they are one or several, receive no payment for their performance.

The provisions of the first and second paragraphs above do not apply, however, to dramatic or cinematographic works.

Quotation

Art. 22. (446/1995) A disseminated work may be quoted, in accordance with proper usage, to the extent necessary for the purpose.

Articles on current topics

Art. 23. (446/1995) Articles in newspapers and periodicals on current religious, political or economic topics may be included in other newspapers and periodicals unless reproduction has been expressly prohibited.

Concert programs

Art. 24. (446/1995) If a musical work is performed with text, the text may be incorporated in concert programs, etc., for the use of the audience.

Use of works of art and buildings

Art. 25. (446/1995) Disseminated works of art may be reproduced in pictorial form in connection with text matter:

- (1) in a critical or scientific presentation;
- (2) in a newspaper or magazine report on a current event, provided that the work has not been created for reproduction in a newspaper or magazine.

When a copy of a work of art has been sold or otherwise permanently transferred with the consent of the author, or when a work of art has been published, the work of art may be incorporated in a photograph, a film or a television program, provided its use is of secondary importance to the photograph, film or program.

Art. 25a. (446/1995) A work of art included in a collection, displayed at an exhibition or

placed on sale may be reproduced in pictorial form in catalogs and notices concerning the exhibition or sale.

A work of art may also be reproduced in pictorial form when it is permanently located in or in the immediate vicinity of a public place. If the work of art is the main feature of the picture, the picture may not be used for the purpose of gain. A picture connected with a text may, however, be included in a newspaper or periodical.

A building may be freely reproduced in pictorial form.

Presentation of a current event

Art. 25b. (446/1995) When a current event is presented in a radio or television transmission or as a film, a work visible or audible in the course of the said event may be included in the presentation to the extent required by the informatory purpose.

Use of public statements

Art. 25c. (446/1995) Oral or written statements made at a public event, or before an authority or at public meetings concerning matters of public interest may be used without the author's consent. However, statements and also writings or similar works cited as evidence may be used only in connection with an account of the case or the matter in which they were used, and only to the extent required by the purpose of that account. The author has the exclusive right to publish a compilation of his statements.

Publicity of documents and judicial procedures

Art. 25d. (446/1995) Copyright does not limit the right, prescribed by law, to obtain information from a public document.

A work may be used when judicial procedure or public safety dictates such use.

A work used by virtue of the first or second paragraph above may be quoted in accordance with Article 22.

Alteration of buildings and utilitarian articles

Art. 25e. (446/1995) Buildings and utilitarian articles may be altered by the owner without the consent of the creator if considerations of a technical nature or reasons connected with the use so dictate.

Special provisions concerning radio and television broadcasts

Art. 25f. (446/1995) A broadcasting organization that has the right to broadcast works by virtue of an agreement concluded with an organization representing a large number of Finnish authors in a certain field may also broadcast a work in the same field by an author not represented by the organization. The provisions of this paragraph do not however apply to dramatic works, cinematographic works or even other works if the author has prohibited the broadcasting thereof.

The provisions of the first paragraph above do not apply to the retransmission of a work included in a radio or television broadcast where the retransmission takes place at the same time as the original broadcast and without any change in content.

The provisions of the first paragraph above shall apply to radio or television broadcasts transmitted by satellite only if the satellite transmission takes place at the same time as the terrestrial transmission by the same broadcasting organization.

Art. 25g. (446/1995) If a broadcasting organization has the right to broadcast a work, it may also record the work for use in its own broadcasts on a device by which it can be reproduced, subject to conditions prescribed by decree. The right to make the work available to the public by means of such a recording shall be governed by rules laid down elsewhere regarding the dissemination of a work.

A broadcasting organization may, when fulfilling its legal obligations with respect to recording, make or arrange for a third party to make a copy of a work included in a broadcast program.

Single copies may be made of a work included in a current events or news program broadcast by radio or television for the internal communication purposes of a public authority, enterprise or other organization.

Art. 25h. (446/1995) Where an organization representing a large number of Finnish authors and approved by the Ministry of Education has issued an authorization whereby a work included in a radio or television broadcast may be retransmitted on agreed terms for reception by the public at the same time as the original broadcast and without any change, the recipient of the authorization may use the terms of the authorization to retransmit another work included in the broadcast by an author not represented by the organization.

The provisions of the first paragraph above do not apply to the cable retransmission of a work included in a broadcast originating in another State belonging to the European Economic Area, provided that its author has transferred the right of cable retransmission to the broadcasting organization with which the the broadcast to be retransmitted originated.

Authorizations for the cable retransmission of works included in a broadcast referred to in the second paragraph above shall be granted simultaneously.

The provisions of the first paragraph shall be applicable to radio or television transmission by wire only if the broadcast originates in another State belonging to the European Economic Area.

Art. 25i. (446/1995) A cable operator or other body retransmitting a radio or television broadcast may retransmit at the same time as the original broadcast, without any change and for reception by the public, a work forming part of a radio or television broadcast referred to in Article 16 (1213/92) of the Cable Act.

The author shall be entitled to remuneration for the retransmission. The remuneration may be paid only through an organization as referred to in Article 25h. Where the remuneration is not verifiably claimed within three years from the end of the year in which the right to remuneration came into being, the said right shall lapse.

More detailed provisions regarding the application of this Article shall be issued by decree where necessary.

Special provisions concerning computer programs

Art. 25j. (446/1995) Any person who has legally acquired a computer program shall be

entitled to make such copies of the program and such alterations to it as may be necessary for its use for the intended purpose. This applies also to the correction of errors.

Any person who has the right to use a computer program shall be entitled to make a back-up copy of the program where necessary for its use.

Any person who has the right to use a computer program is entitled to observe, study or test the operation of the computer program in order to determine the ideas and principles underlying any element of it if he does so while engaged in the act of loading, displaying, running, transmitting or storing the program.

Any contractual provision limiting the use of a computer program in accordance with the second and third paragraphs shall be void.

Art. 25k. (446/1995) The reproduction of the code of a program and the translation of its form are permissible, provided that these acts are an indispensable means of obtaining the information whereby an independently created computer program may be made interoperable with other programs and provided also that the following conditions are met:

(1) the acts must be performed by the licensee or by another person who has the right to use a copy of the program, or on their behalf by a person authorized to do so;

(2) the information necessary to achieve interoperability must not previously have been readily available to the persons referred to in subparagraph (1);

(3) the acts must be confined to the parts of the original program that are necessary to achieve interoperability.

The information obtained under the provisions of the first paragraph above must not, by virtue of these provisions:

(1) be used for purposes other than making the independently created computer program;

be passed on to others, except when necessary for the interoperability of the independently created computer program;

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

Any contractual provision limiting the use of a computer program under this Article shall be void.

Contractual license

Art. 26. (446/1995) Any provision that the organization referred to in Article 13 or in the first paragraph of each of Articles 14, 25f or 25h may have made regarding the apportionment of remuneration for the reproduction or broadcasting of a work among authors represented by the organization, or regarding the use of the remuneration for the joint purposes of those authors, shall apply accordingly to authors who are not represented by the organization.

If the provision made by the organization and referred to in the first paragraph above does not include the right to individual remuneration for the authors represented by the organization an author not represented by the organization does however have the right to

claim individual remuneration. The remuneration shall be paid by the organization referred to in the first paragraph. The right to individual remuneration shall have lapsed, however, where no claim concerning it has been verifiably submitted within three years from the end of the calendar year in which the reproduction or broadcasting of the work took place.

Chapter 2a. Compensation for the copying of a work for private use ➔

(442/1984)

Art. 26a. (442/1984) Where an audio or video tape, or any other device on which a sound or image can be recorded and which is suitable for the copying for private use of a work broadcast by radio or television or a work on an audio or video recording, is produced or imported into the country for distribution to the public, the manufacturer or the importer shall pay a levy proportional to the playing time of the device which shall be used to compensate the authors of the said works and for the collective benefit of authors. The compensation shall be paid out to the entitled authors through an organization representing a large number of Finnish authors in a certain field.

Any person who offers for resale a device as defined in the foregoing paragraph sold to him by a manufacturer or importer shall, at the request of the organization referred to in Article 26b, show that the levy has been paid on the device. If it has not, it shall be payable by the reseller, who shall however be entitled to seek repayment from the manufacturer or the importer.

The Ministry of Education shall set the amount of the levy every year after negotiating with the organizations representing manufacturers and importers, and with the authors' organizations, referred to in the first paragraph above. The levy shall be set at an amount that can be regarded as representing fair compensation for the making of copies of works for private use.

Art. 26b. (442/1984) The levy shall be collected by an organization representing a large number of Finnish authors and having the approval of the Ministry of Education for this task for a fixed period of time not exceeding five years. It shall be a prerequisite of such approval that the organization undertakes to use a proportion of the proceeds of the levy, annually agreed between the Ministry of Education and the organization, for the collective benefit of the authors under a plan approved by the Ministry of Education.

Art. 26c. (442/1984) The Ministry of Education may issue more detailed regulations to the organization regarding the collection of the levy and the management of the funds levied. The Ministry shall verify that the levy is collected in accordance with its instructions and that the plan for the use of the funds is adhered to. The Ministry has the right to obtain from the organization any information necessary for such verification.

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

Art. 26d. (442/1984) The organization shall have the right, notwithstanding the secrecy provisions of the Customs Act (573/1978), to obtain any information from a customs authority regarding individual import consignments that may be necessary for collection purposes.

The manufacturer or importer of a device and, when separately so requested by the

organization, the seller referred to in the second paragraph of Article 26a, shall provide the organization with such information on the devices manufactured, imported or offered for sale by him as may be necessary for collection purposes. (1254/1994)

Any person who, by virtue of the first, second, fifth or sixth paragraph of this Article, has received information on another's business activities shall not use it illegally or reveal it to others. (1254/1994)

A customs authority may not hand over a contrivance to the importer unless the importer proves that he has paid the levy to the organization or has posted security for the making of the payment to the organization, which the latter has accepted. The organization may give its consent, for a predetermined period or indefinitely, to the handing over of a device before payment is made or security posted if there are sound reasons for presuming that the importer will make good the payment. The organization may cancel such consent if the importer fails to make the payment or provide the information referred to in the second paragraph above. (34/1991)

A county government may, at the request of the organization, compel the manufacturer, importer or seller as defined in the second paragraph of Article 26a to fulfill his obligation under the said second paragraph, on pain of a fine. The provisions of the Act regarding the Conditional Imposition of a Fine (1113/90) shall be complied with when a conditional fine is imposed and the payment thereof ordered. (1254/1994)

The county government has the right to conduct an inspection for the purpose of verifying compliance with the obligation to make the payment defined in the first paragraph of Article 26. The manufacturer, importer or seller of a device as defined in the second paragraph of Article 26a shall admit the person conducting the inspection to any business and storage premises, land areas and vehicles in his possession and, when so requested, shall present his accounts, business correspondence, data processing records and any other documents that might have a bearing on the verification. The person conducting the inspection shall have the right to make copies of the documents to be inspected, and also to use a person appointed by the organization as an expert. The county government has the right to hand over to the organization any information necessary for the purposes of collection. (1254/1994)

The police are obliged when necessary, to provide the county government with official assistance in the performance of the functions incumbent on the said government under the sixth paragraph above. (1254/1994)

Art. 26e. (442/1984) Any person who uses or exports a device has the right to receive from the organization repayment of the levy paid on devices:

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

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

Art. 26f. (442/1984) If it can be proved that the user or exporter would, under the first paragraph of Article 26e, have the right to repayment for all or a considerable proportion of the devices in a certain batch manufactured or consignment imported, the levy on it may be left uncollected.

Art. 26g. (442/1984) No appeal shall be allowed against a Ministry of Education decision setting the amount of the levy under the second paragraph of Article 26a, approving an organization under Article 26b or exempting a device from the levy under the fourth subparagraph of the first paragraph of Article 26e.

Art. 26h. (442/1984) More detailed provisions on the application of Articles 26a to 26g shall be issued by decree.

Chapter 2b. Resale remuneration ➔

(446/1995)

Art. 26i. (446/1995) Where works of fine art are professionally and publicly resold the author has the right to receive as resale remuneration five per cent of the sale price, not including value added tax, of the work sold.

There shall be no right to resale remuneration for the resale of works of architecture or photographic works, or for the resale of products of artistic handicraft or industrial art that have been produced in a multiplicity of identical copies.

The right to remuneration shall remain valid for the duration of the copyright protection. It shall be personal and non-transferable, provided that the first paragraph of Article 41 shall apply to it. If there are no owners of rights surviving the author, the remuneration shall be used for the collective benefit of authors.

Art. 26j. (446/1995) Resale remuneration shall be collected by an organization representing authors and having the approval of the Ministry of Education for this function for a predetermined period not exceeding five years. No appeal may be made against the decision of the Ministry of Education regarding the approval of the organization.

The Ministry of Education may issue more specific regulations to the organization regarding the collection of the remuneration and the use of the proceeds therefrom. The Ministry of Education has the right to obtain from the organization any information necessary for the purposes of verification.

Art. 26k. (446/1995) The right to remuneration shall come into existence when a work of fine art is sold, and shall lapse if no claim concerning it has been verifiably presented to the organization within three years from the end of the calendar year in which the resale of the work occurred.

Payment of the remuneration shall be the responsibility of the person who engages, or acts as an intermediary, in the sale of works of fine art as defined in Article 26i. The seller is obliged to submit to the organization defined in Article 26j, every year, an account of sales of works. The seller is further obliged, when so requested by the organization, to submit to it any information necessary for the verification of the correctness of the payments during a period not exceeding three calendar years following the year in which they were made.

Art. 26l. (446/1995) A county government may, at the request of the organization, compel the seller to fulfill his obligation under the second paragraph of Article 26k on pain of a fine. The provisions of the Act regarding the Conditional Imposition of a Fine (1113/90) shall be complied with when a conditional fine is imposed and the payment thereof ordered.

The county government has the right to conduct an inspection for verification of compliance with the obligation to provide information and accounts, as provided in the second paragraph of Article 26k. The seller shall admit, for the purpose of the inspection, the person conducting it to any business premises in his possession and, when so requested, shall present his accounts, business correspondence and any documents concerning the sales subject to mandatory remuneration, and also any other documents that might have a bearing on the verification. The person conducting the inspection shall have the right to make copies of the documents inspected, and also to use a person appointed by the collecting organization as an expert. The county government has the right to hand over to the organization any information necessary for the purposes of collection.

The police are obliged, when necessary, to provide the county government with official assistance in the performance of the functions incumbent on the said government under the second paragraph above.

Any person who under the second paragraph of Article 26k or this Article, has received information on another's business activities shall not use the information or pass it on to others without authorization.

Art. 26m. (446/1995) More specific provisions on the application of Articles 26i to 26l may be issued by decree.

Chapter 3. Transfer of copyright ➡

General provisions

Art. 27. Copyright may be transferred in its entirety or in part, subject to the limitations provided for in Article 3.

The transfer of a copy shall not constitute a transfer of the copyright. In the case of a portrait executed on commission, however, the author may not exercise his right without the permission of the person who commissioned it or, if that person is deceased, that of the surviving spouse and heirs.

Provisions on the transfer of copyright in certain cases are contained in Articles 30 to 40 and 40b. The said provisions shall be applied, however, only in the absence of agreement to the contrary. (418/1993)

Art. 28. In the absence of agreement to the contrary, the person to whom copyright has been transferred may not alter the work or transfer the copyright to others. If the copyright belongs to a business, it may be transferred together with the business or part thereof; provided that the transferor shall remain liable for the fulfillment of the transfer agreement.

Art. 29. (960/1982) The provisions of the Contracts Act (228/29) shall apply to the amendment of an unfair clause in an agreement on the transfer of copyright.

Public performance contracts

Art. 30. If the right to perform a work publicly has been transferred, the transfer shall be valid for a period of three years and shall not confer exclusive rights. If a term longer than three years has been agreed upon and exclusive rights have been conferred, the author may nevertheless perform the work himself or transfer the right of performance to others if those rights are not exercised for a period of three years.

The foregoing paragraph does not apply to cinematographic works.

Publishing contracts

Art. 31. A publishing contract is a contract whereby the author transfers to the publisher the right to reproduce a literary or artistic work by printing or a similar process and the right to publish it.

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

Art. 32. The publisher shall have the right to publish one 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.

Edition means the number of copies that the publisher produces at one time.

Art. 33. The publisher shall publish the work within a reasonable time, take care of its distribution in the usual manner and follow up the publishing to the extent dictated by market conditions and other circumstances. In the event of default, the author may rescind the contract and retain any remuneration received. If the author has suffered damage not covered by the remuneration, that damage shall also be compensated for.

Art. 34. If the work is not published within two years or, if it is a musical work, within four years of the author having submitted a complete manuscript or other copy for reproduction, the author may rescind the contract and retain any remuneration received, even if there is no fault on the part of the publisher. The same rule shall apply when the work is out of print and the publisher has the right to publish a new edition but fails, within one year of being requested by the author to publish a new edition, to exercise that right.

Art. 35. The publisher shall provide the author with a certificate from the printer, or from whoever else reproduces the work, attesting the number of copies produced.

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

Art. 36. If the production of a new edition is initiated later than one year after publication of the previous edition, the author shall be given the opportunity, before production, to make such alterations in the work as can be made without unreasonable cost and without changing the character of the work.

Art. 37. The author shall not have the right to republish the work again in the form or manner contemplated in the contract until the edition or editions that the publisher has the

right to publish have been exhausted.

A literary work may however be included by the author in an edition of his collected or selected works when 15 years have elapsed from the year in which publication of the work commenced.

Art. 38. The provisions on publishing contracts do not apply to contributions to newspapers and periodicals. Articles 33 and 34 do not apply to contributions to other compilations.

Film contracts

Art. 39. The transfer of the right to make a film of a literary or an artistic work shall include the right to make the work available to the public by showing the film in cinemas, on television or in any other medium, and also the right to subtitle and dub the film in another language. (648/1974)

The foregoing paragraph does not apply to musical works, however.

Art. 40. If the right to use a literary or musical work for a film intended for public showing is transferred, the transferee shall produce the film and make it available to the public within a reasonable time. If this is not done, the author may rescind the contract and retain any remuneration received. If the author has suffered damage not covered by the remuneration, that damage shall also be compensated for.

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

Computer programs (34/1991)

Art. 40a. (Article 40a was repealed by Act 418/1993, which was brought into force on January 1, 1994, by Decree 1395/1993.)

Art. 40b. (34/1991) If a computer program and a work directly associated therewith have been created in the course of duties in employment relations, the copyright in the computer program and the work shall accrue to the employer. The same shall apply by analogy to a computer program and a work directly associated therewith created within the framework of a civil service post.

The provisions of the foregoing paragraph shall not apply to a computer program, or to a work directly associated therewith, created by an author independently engaged in teaching or research work in a higher education establishment, with the exception of institutes of military education. (418/1993)

Portraits made by photographic means (446/1995)

Art. 40c. (446/1995) The party commissioning a portrait to be made by photographic means has the right, even if the photographer has reserved the right to the work for himself, to authorize the inclusion of the portrait in a newspaper, periodical or a biographical work, except where the photographer has separately reserved the right to prohibit such inclusion.

Transfer of copyright on the author's death and the legal seizure of copyright

Art. 41. On the author's death, the rules governing marital entitlement to property, inheritance and wills shall apply to copyright.

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

Art. 42. Copyright shall not be subject to legal seizure as long as the copyright remains vested in the author or in any other person who has acquired the copyright by virtue of marital entitlement to property, inheritance or testamentary provision. The same rule applies to manuscripts and works of art that have not been exhibited, placed on sale or otherwise authorized for dissemination.

Chapter 4. Term of copyright ➡

Art. 43. (1654/1995) Copyright shall subsist until the end of the seventieth year following that in which the author died or, in the case of a work referred to in Article 6, following that in which the last surviving author died. Copyright in a cinematographic work shall subsist until the end of the seventieth year following that in which the last of the following persons to survive died: the principal director, the author of the screenplay, the author of the dialogue and the composer of music specifically created for use in the cinematographic work.

Art. 44. (1654/1995) In the case of a work disseminated without any mention of the author's name or generally known pseudonym or signature, the copyright shall subsist until the end of the seventieth year following that in which it was disseminated. If the work is published in parts, the term of protection shall run for each part separately.

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

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

Art. 44a. (1654/1995) Any person who for the first time publishes or disseminates a previously unpublished or non-disseminated work that has been protected under Finnish law and whose term of protection has expired shall have rights in the work as provided in Article 2 of this Act. Those rights shall subsist until the end of the twenty-fifth year following that in which the work was published or disseminated.

Chapter 5. Certain rights neighboring on copyright ➡

Art. 45. (446/1995) A performance of a literary or artistic work shall not, without the consent of the performing artist:

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

A performance recorded on a device referred to in the first subparagraph above shall not,

without the consent of the performer, be copied or distributed to the public until 50 years have elapsed from the year in which the performance took place. If a recording of the performance is published or disseminated within that period, the protection thereof shall subsist until the end of the fiftieth year following that in which the recorded performance was first published or disseminated. (1654/1995)

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

The provisions of Article 3, Articles 6 to 8, Article 11, the first to third paragraphs of Article 12, the first paragraph of Article 14, Articles 15 and 16, the second paragraph of Article 17, the first and second paragraphs of Article 19, Articles 21, 22, 25b, 25d, 25g to 25i, 26a to 26h, the first and second paragraphs of Article 27 and Articles 28, 29, 41 and 42 shall apply as appropriate to the recording of a performance and the copying, making available to the public and distribution of the recording as provided in this Article. The first paragraph of Article 19 shall not apply, however, unless the recorded performance has, with the consent of the performer, been sold or otherwise permanently transferred within the European Economic Area.

Art. 46. (446/1995) A phonograph record or other device on which sound has been recorded shall not, without the consent of the producer, be copied or distributed to the public until 50 years have elapsed from the year during which the recording was made. If the recording is published or disseminated within that period, the protection thereof shall subsist until the end of the fiftieth year following that in which the recording was first published or disseminated. (1654/1995)

The provisions of Articles 6 to 8, the first to third paragraphs of Article 12, the first paragraph of Article 14, Articles 15 and 16, the first and second paragraphs of Article 19, Articles 22, 25b, 25d, 25g, 26a to 26h, the first and second paragraphs of Article 27 and Article 29 shall apply as appropriate to any procedure for which the consent of the producer is required under the foregoing paragraph. The first paragraph of Article 19 shall not apply, however, unless the device referred to in the first paragraph has, with the consent of the producer, been sold or otherwise permanently transferred within the European Economic Area.

Art. 46a. (446/1995) A film or any other device on which moving images have been recorded shall not, without the consent of the producer, be copied or distributed to the public until 50 years have elapsed from the year during which the recording was made. If the recording is published or disseminated within that period, the protection thereof shall subsist until the end of the fiftieth year following that in which the recording was first published or disseminated. (1654/1995)

The provisions of Articles 6 to 8, the first to third paragraphs of Article 12, the first paragraph of Article 14, Articles 15 and 16, the first and second paragraphs of Article 19, Articles 22, 25b, 25d, 25g, 26a to 26h, the first and second paragraphs of Article 27 and Article 29 shall apply as appropriate to a procedure for which the consent of the producer is required under the foregoing paragraph. The first paragraph of Article 19 shall not apply, however, unless the device referred to in the first paragraph has, with the consent of the producer, been sold or otherwise permanently transferred within the European Economic Area.

Art. 47. (446/1995) If a device as referred to in Article 46 is directly or indirectly used in a radio or television transmission or in any other public performance within the period provided for in that Article, remuneration shall be payable to the producer and to the performer whose performance has been recorded on the device. If two or more performers

have participated in the performance, they may assert their rights only jointly. The performer and the producer may assert their rights only by presenting their claims simultaneously. Where the right is asserted through an organization representing a large number of Finnish performers or producers, however, the right of a performer or producer to remuneration shall be considered lapsed, if no claim concerning it has been verifiably presented to the organization within three years from the end of the calendar year in which the use occurred. (365/1997)

In cases provided for in the foregoing paragraph, the provisions of Articles 21, 22, 25b, the first and second paragraphs of Article 27 and Article 29, and also as regards the rights of the performer, the provisions of the second paragraph of Article 11 and Articles 28, 41 and 42 shall apply as appropriate.

If the user of the device does not pay the remuneration referred to in the first paragraph above, the amount of which has been agreed upon between him and the performers and producers or settled in a procedure under Article 54, a court of justice may, at the request of a party concerned, decide that the use may continue only with the consent of the performers and producers until the remuneration is paid.

The provisions of this Article do not apply to a device as referred to in Article 46a.

Art. 47a. (446/1995) Where a device as referred to in Article 46 has been used in a radio or television broadcast that is retransmitted simultaneously and unaltered for reception by the public, the performer and the producer of the device shall be entitled to remuneration for the retransmission. The remuneration may be paid only through an organization as referred to in Article 25h. Unless remuneration is verifiably claimed within three years from the end of the year during which the right to it came into being, the said right shall lapse.

The provisions of this Article shall not apply to a device as referred to in Article 46a.

Art. 48. (446/1995) A radio or television broadcast shall not, without the consent of the broadcasting organization, be retransmitted or recorded on a device by means of which it can be reproduced. A television broadcast shall moreover not, without such consent, be made available to the public on premises to which the public has access against payment.

A recorded broadcast shall not be copied, retransmitted or distributed to the public without the consent of the broadcasting organization until 50 years have elapsed from the year in which the first transmission took place. (1654/1995)

The provisions of Articles 6 to 8, the first and second paragraphs of Article 12, Article 15, the first paragraph of Article 19, Articles 21, 22, 25b, 25d and 25g, the first and second paragraphs of Article 27 and Article 29 shall apply as appropriate in the cases referred to in the first and second paragraphs above. Furthermore, the provisions of the first paragraph of Article 25h and Article 25i shall apply as appropriate to the cable retransmission of a broadcast except where the broadcast originates in another State belonging to the European Economic Area, in which case the provisions of the third paragraph of Article 25h shall apply as appropriate instead of these provisions. The first paragraph of Article 19 shall not apply, however, unless the recorded transmission has, with the consent of the broadcasting organization, been sold or otherwise permanently transferred within the European Economic Area.

Art. 49. (34/1991) A catalog, table or program, or any other production in which a large quantity of data are compiled, shall not be reproduced without the consent of the producer until 10 years have elapsed from the year in which the production was published. The term of protection shall expire at the latest, however, when 15 years have elapsed from the year

in which the work was completed.

The provisions of Article 9, the first and second paragraphs of Article 12, Article 13, the first and third paragraphs of Article 14 and Articles 16, 22, 25c, 25d and 40b shall apply as appropriate to a production as referred to in the first paragraph above. If such a production or a part thereof is subject to copyright, the corresponding rights may be claimed. (446/1995)

Art. 49a. (446/1995) A photographer shall have the exclusive right to exploit his photographic work, unaltered or altered:

(1) by making copies thereof;

(2) by exhibiting it publicly.

The rights in a photographic work shall apply until 50 years have elapsed from the end of the year in which the photographic work was created.

The provisions of the second paragraph of Article 2, the first and second paragraphs of Article 3, Articles 7 to 9 and 11, the first and second paragraphs of Article 12, Article 13, the first and third paragraphs of Article 14, Articles 15, 16, 18, 20, 22 and 25, the first and second paragraphs of Article 25a, Articles 25b, 25d, 25f to 25i, 26, 26a to 26h, 27 to 29, 39, 40 and 40c, and also Articles 41 and 42, shall apply as appropriate to the photographic work referred to in this Article. If a photographic work is subject to copyright, the corresponding rights may be claimed.

Art. 50. A press report supplied by a foreign press agency or by a foreign correspondent under a contract may not be made available to the public by newspaper or radio, without the consent of its recipient, until 12 hours have elapsed from its dissemination in Finland.

Chapter 6. Special provisions ➔

Art. 51. A literary or artistic work shall not be made available to the public under a title, pseudonym or signature that makes the work or its author liable to confusion with a previously disseminated work or its author.

Art. 52. The entering by a third party of the name or signature of the author on a copy of a work of art is permissible only upon the instructions of the author.

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

Any person who makes or distributes to the public a copy of a work of art shall mark the copy in such a manner that it cannot be confused with the original. (446/1995)

Art. 52a. (446/1995) The author of a work of fine art shall have the right of access to the work that he has transferred, except where the owner or holder of the work would be unreasonably inconvenienced thereby, and provided that such access is necessary:

(1) for the author's artistic activity;

(2) for the exercise of his economic rights under Article 2.

The provisions of Article 41 apply to the right referred to in the second subparagraph of the foregoing paragraph.

Art. 53. If, after the death of the author, a literary or artistic work is exposed to public action in a manner that violates cultural interests, the authority designated by decree has the right to prohibit the action, regardless of whether or not the copyright is still in force, and even where no copyright has ever existed.

The person against whom such measures are ordered may, if he objects to them, refer the matter to a court of law for settlement.

Art. 54. (446/1995) Any dispute that relates to the following shall be settled by arbitration according to the procedure prescribed by decree:

(1) remuneration under the second paragraph of Article 18, the fourth paragraph of Article 19, Article 25i, the first paragraph of Article 47 or Article 47a;

(2) grant of authorization under Article 13, and the terms thereof, where the matter relates to the making of copies for use in educational activities;

(3) grant of authorization under the first paragraph of Article 14, and the terms thereof, where the matter relates to the making of copies of a work included in a program that has been produced and transmitted for educational purposes;

(4) grant of authorization under the first paragraph of Article 25h, and the terms thereof;

(5) grant of authorization under the second paragraph of Article 25h or the first paragraph of Article 48 for the simultaneous and unaltered cable retransmission of a radio or television broadcast, and the terms of that authorization, provided that the broadcast originates in another State belonging to the European Economic Area. Authorization may be granted if the broadcasting organization, without good reason, prohibits cable retransmission or sets unreasonable terms therefor.

The parties concerned may also agree to refer the matter to arbitration for settlement in accordance with the Arbitration Act. (967/1992)

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

If a party concerned refuses the settlement by arbitration of a matter provided for in the first paragraph above, the matter may, at the request of a party concerned, be referred to a court of law for settlement. The court of law having jurisdiction over matters referred to in the first paragraph above is the District Court of Helsinki. If the said Court has granted authorization in a matter provided for in the second to fourth subparagraphs of the first paragraph above, and an appeal is made from the decision, the authorization and its terms shall remain in force temporarily until the matter has been finally settled or until a higher court rules otherwise on the appeal.

Art. 54a. (897/1980) The provisions of this Act on educational activities do not apply to educational activities conducted for profit-making purposes.

Art. 54b. (446/1995) If there is a risk that remuneration under Article 47 cannot be paid to the person entitled to it, a court of law may, at the request of that person, prohibit the user of the devices referred to in Article 46 from using the said devices until he has posted acceptable security for the payment of remuneration or until a court of law orders otherwise on a claim by a party concerned. The relevant parts of the provisions of Articles 4, 5, 7, 8, 11 and 14 of Chapter 7 of the Code of Procedure shall apply in the matter.

Art. 55. (442/1984) The Council of State shall appoint a Copyright Council, the function of which shall be to assist the Ministry of Education in the handling of matters pertaining to copyright and to issue statements regarding the application of this Act.

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

Chapter 7. Criminal sanctions and liability ➔

Art. 56. (715/1995) Punishment for a copyright offense is prescribed in Article 1 of Chapter 49 of the Criminal Code.

Art. 56a. A person who

(1) wilfully or through gross negligence violates a provision laid down in this Act for the protection of copyright or acts in breach of a direction issued under the second paragraph of Article 41, of a provision of Article 51 or 52 or of a prohibition referred to in the first paragraph of Article 53 or Article 54b;

(2) imports into the country a copy of a work for distribution to the public, which copy he knows to have, or has good reason to suspect of having, been produced outside the country under circumstances that in Finland would have incurred liability to punishment under this Act;

shall, unless the act is punishable as a copyright offense under Article 1 of Chapter 49 of the Criminal Code, be sentenced to a fine for copyright violation. (1024/1995)

The making of single copies for private use of a machine-readable computer program that has been published or copies of which have, with the consent of the author, been sold or otherwise permanently transferred shall not be held to be a copyright violation, however. (418/1993)

Art. 56b. (1024/1995) Violation of the provisions on confidentiality of the third paragraph of Article 26d or the fourth paragraph of Article 26l shall be punishable under Articles 1 or 2 of Chapter 38 of the Criminal Code, except where the act is punishable under Article 5 of Chapter 40 of the Criminal Code or incurs liability to a more severe punishment provided for elsewhere by law.

Art. 56c. (418/1993) Any person who for the purpose of gain distributes to the public, or keeps in his possession to that end, any means whose sole purpose is the unauthorized removal or circumvention of a technical device that protects a computer program shall be sentenced to a fine for unauthorized distribution of a means of removing protection.

Art. 56d. (446/1995) Any person who wilfully or through gross negligence violates the provisions of the second paragraph of Article 26d, or the obligation to provide information or to submit accounts provided for in the second paragraph of Article 26k, shall be sentenced

to pay a fine for violation of the obligation to provide information, prescribed in the Copyright Act, except where the act incurs liability to a more severe punishment provided for elsewhere by law.

Art. 57. (442/1984) Any person who uses a work in violation of the present Act or a direction given under the second paragraph of Article 41, shall be obliged to pay the author fair compensation for such use.

If the use is made wilfully or through negligence, the infringer shall, also in addition to compensation, pay damages for any other loss, as well as for mental suffering and other injury.

Any person who, otherwise than by using a work, is guilty of an act punishable under Article 1 of Chapter 49 of the Criminal Code, or Article 56a of this Act, shall be obliged to pay the author damages for any loss, mental suffering or other injury caused by the offense. (715/1995)

The provisions of the Damages and Tort Liability Act (412/1974) are also applicable to the damages referred to in the second and third paragraphs above.

Art. 58. Where a copy of a work has been produced, imported, made available to the public or altered in a manner contrary to this Act, to a direction given under the second paragraph of Article 41, to the provisions of Article 51 or 52, or to a prohibition pronounced under Article 53, first paragraph, the court may, at the request of the injured party, prescribe, according to what it deems reasonable, that the copy, as well as any typographical material, printing blocks, molds and other devices intended for the making of copies is to be destroyed, or altered in specific ways, or conveyed to the injured party against compensation corresponding to the cost of manufacture, or rendered incapable of unauthorized use.

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

Art. 59. Notwithstanding the provisions of the first paragraph of Article 58, the court may on being requested to do so, and if this is considered warranted by the artistic or economic value of the copies referred to in the said paragraph or by other circumstances, permit copies to be made available to the public or otherwise used according to their purpose in return for specific compensation to the injured party.

Art. 60. (715/1995) The provisions of Articles 56a, 57, 58 and 59 shall apply as appropriate to the rights protected under Chapter 5.

Art. 61. The District Court of Helsinki shall have jurisdiction in cases involving radio or television transmissions that violate this Act.

Art. 62. Violation of the provisions of Article 51 or 52 shall lead to public prosecution. In other cases criminal action for copyright violation may not be brought by the Public Prosecutor unless the injured party has reported it for the purpose of prosecution. (715/1995)

Action for violation of Article 3 or of a direction given under the second paragraph of Article 41 may be brought by the surviving spouse, by heirs in the ascending or descending line or brothers and sisters or by a person who, by virtue of adoption, is related to the author in the

same manner. Violation of a prohibition pronounced under the first paragraph of Article 53 shall be reported by the authority specified therein.

(Third paragraph repealed by Act 442/1984.)

Chapter 8. Applicability of the Act ➔

Art. 63. (648/1974) The copyright provisions of this Act apply:

- (1) to works whose author is a Finnish national or a person ordinarily resident in Finland;
- (2) to works first published in Finland or published in Finland within 30 days of having been first published in another country;
- (3) to cinematographic works whose producer has his headquarters or is ordinarily resident 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 Finnish soil.

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

The provisions of Chapter 2b of this Act shall apply if the author of the work is a national of a State belonging to the European Economic Area or if he is ordinarily resident in such a State. (446/1995)

The provisions in Articles 51 to 53 above shall apply regardless of the identity of the work's creator and the place in which it was published. (446/1995)

Art. 63a. (1654/1995) The provisions of Article 44a shall apply to a person who is a national of a State belonging to the European Economic Area or who is ordinarily resident in such a State, or to a body corporate domiciled in such a State.

Art. 64. (446/1995) The provisions of Article 45 of this Act shall be applied if:

- (1) the performance takes place in Finland;
- (2) the performance has been recorded on a device as referred to in the second paragraph below;
- (3) the performance, without having been recorded on a phonogram, is included in a broadcast as referred to in the sixth paragraph below.

The provisions of Article 46 of this Act shall apply to a device the sound on which has been recorded on it in Finland.

The provisions of Article 46a of this Act shall apply to a device the moving images on which have been recorded on it in Finland.

The provisions of Article 47 of this Act shall apply to radio and television broadcasts that take place in Finland and to any other public performance that takes place in Finland if a device as defined in the second paragraph above is used in the broadcast or performance.

The provisions in Article 47a of this Act shall apply to all radio and television broadcasts and to any retransmission that takes place in Finland if a device as defined in the second paragraph above is used in the broadcast or retransmission.

The provisions of Article 48 of this Act shall apply:

(1) to radio and television broadcasts that take place in Finland;

(2) to radio and television broadcasts that take place elsewhere if the headquarters of the broadcasting organization is in Finland.

The provisions of Article 49 of this Act shall apply to a production that was first published in Finland.

The provisions concerning a work in the first, second and fifth subparagraphs of the first paragraph of Article 63 shall be applied as appropriate to a photographic work as referred to in Article 49a.

The provisions of Article 50 of this Act shall apply to a press report that has been received in Finland.

Art. 64a. (446/1995) In Finland, when program-carrying signals intended for reception by the public that carry a work protected under this Act are introduced into an uninterrupted chain of communication leading to a satellite and back down towards the earth under the control and responsibility of a broadcasting organization, the provisions of Article 2 on making available to the public and other provisions of the present Act on radio and television broadcasts shall apply to such communication to the public by satellite.

If a satellite communication to the public as defined in the foregoing paragraph takes place in a State outside the European Economic Area whose legislation affords a level of protection that does not correspond to the level provided for in Chapter 2 of 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 to the satellite from a transmitting station located in Finland, or

(2) where a transmitting station located in Finland is not used, a broadcasting organization established in Finland has commissioned others to carry out the act of communication,

then the communication to the public by satellite shall be deemed to take place in Finland. The provisions of Article 2 on making available to the public and other provisions of this Act on radio and television broadcasts shall apply to it.

Art. 65. Subject to reciprocity, the President of the Republic may provide for the application

of this Act to other countries and similarly for its application to works first published by an international organization and to unpublished works that such organization has a right to publish.

Art. 66. Subject to the provisions of Articles 67 to 71, this Act shall apply also to literary or artistic works completed before it enters into force.

Art. 67. Copies of a work produced under the previous legislation may be freely distributed and exhibited. However, the provisions of Article 23 shall apply to the hiring of sheet music and to the right to set a payment by decree.

Art. 68. Typographical material, printing blocks, molds and other devices produced under the previous legislation for the reproduction of a particular work may be used according to their purpose until the end of 1962, notwithstanding the provisions of this Act. The provisions of Article 67 shall apply as appropriate to copies produced in the course of such use.

Art. 69. The copyright in newspapers, periodicals and other works consisting of independent contributions by several contributors that are published before this Act comes into force shall belong to the editor in accordance with Article 5, and the term of protection shall be calculated according to Article 44.

Art. 70. The previous legislation shall apply to copyright transfer contracts concluded before the entry into force of this Act, provided that Article 29 shall always be complied with.

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

Art. 71. If, before the entry into force of this Act, an author has transferred a work of art or executed a drawing on commission, his right to transfer a duplicate of the same work of art to a third party or to make a work based on the same drawing for a third party shall be governed by the provisions of the previous legislation, which shall also apply to a portrait executed before the entry into force of this Act with respect to the rights of the author in the said portrait.

Art. 72. The provisions of Articles 66 to 68 shall apply as appropriate to the rights protected under Chapter 5. (1654/1995)

If an agreement on recording under Article 45 has been made before this Act enters into force, the provisions of the first paragraph of Article 70 shall apply as appropriate.

Art. 73. This Act shall enter into force on September 1, 1961. It repeals the Act of June 3, 1927 (No. 174/27) on Copyright in Products of Intellectual Activity, as well as Article 28 of the Decree of March 15, 1880 (No. 8/80) Relating to the Rights of Writers and Artists in Respect of the Products of Their Labour.

Implementing provisions of Copyright Act amendments ➡

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

August 23, 1971 / 669 (Published September 6, 1971)

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

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

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

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

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

This Act shall enter into force on January 1, 1983. It will also be applied to any agreements on the transfer of copyright made before the entry into force of the Act.

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

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

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

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

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

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

March 13, 1987 / 309 (Published March 20, 1987):

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

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

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

The second paragraph of Article 23 of this Act shall not apply to a computer program created before the entry into force of this Act with respect to the lending of the computer program to the public. In other respects, the provisions on the application of this Act to computer programs created before its entry into force of this Act shall be issued separately. (419/1993) (According to Implementing Decree 1395/1993, issued on December 22, 1993, the amendment will enter into force on January 1, 1994).

Performances of literary or artistic works by performers, devices on which sound has been recorded and radio or television broadcasts that have been recorded or transmitted after September 1, 1961, shall be protected under this Act.

Any person who has taken steps to use, as provided in Articles 45, 46 or 48 of the Copyright Act, a performance, phonogram or radio or television broadcast, the protection of which has expired before the entry into force of this Act shall, notwithstanding the provisions of the third paragraph above, be permitted to use the said performance, phonogram or broadcast for two years after the end of the calendar year during which this Act entered into force.

If 15 years have elapsed from the end of the year in which a production within the meaning of Article 49 of the Copyright Act that enjoys protection on the entry into force of this Act was completed, that protection shall lapse on the said entry into force.

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

This Act shall enter into force at a time to be prescribed by decree. The third paragraph of Article 23 of the Act shall enter into force on June 1, 1993, how-ever.

This Act shall also apply to computer programs created before its entry into force. However, provisions in force on the entry into force of this Act shall apply to any acts done or any rights acquired before the said entry into force.

The provisions of the second paragraph above shall, after the entry into force of this Act, apply also to the application of provisions on computer programs in the Act (34/91) amending the Copyright Act issued on January 11, 1991, with the exception of the provisions on the lending of computer programs to the public.

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

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

Act (418/93), issued on May 7, 1993, amending the Copyright Act;

Act (419/93), issued on May 7, 1993, amending the implementing provisions of the Act amending the Copyright Act.

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

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

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

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

This Act shall also apply to any works and any protected items, within the meaning of Articles 45, 46, 48 and 49a, that were created, recorded or produced before the entry into force of this Act and continue to be protected. However, the provisions in force on the entry into force of this Act shall apply to any acts done or rights acquired before the said entry into force.

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

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

The provisions of Articles 25f and 64a of this Act shall apply as from January 1, 2000, to any agreements on the satellite broadcasting of works and performances that were made before the entry into force thereof.

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

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

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

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

This Act repeals the first paragraph of Article 56a and Article 56b of the Act (715/95) amending the Copyright Act issued on April 21, 1995.

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

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

This Act shall also apply to works created before the entry into force thereof.

The provisions in force on the entry into force of this Act shall apply to any contracts concluded or rights acquired before the entry into force thereof.

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

Notwithstanding the provisions of this Act, any person who, before the entry into force of this Act, has commenced use of a work whose term of protection expires prior to the said entry into force, namely by making copies of the work or making it available to the public in a manner that has required substantial measures, may proceed to complete the use so commenced to the extent normally necessary for the said use by January 1, 2003. The above provisions on the completion of commenced use shall apply also to any person who, under similar circumstances, has taken substantial measures with a view to making copies of a work or making a work available to the public. Copies made by virtue of the provisions of this paragraph may further be distributed to the public and publicly exhibited subject to the provisions of the second to fourth paragraphs of Article 19 and Chapter 2b of this Act.

Notwithstanding the provisions of this Act, if a work is incorporated in a recording made by a broadcasting organization after the expiry of the protection and prior to the entry into force of this Act specifically with a view to use in radio or television broadcasts, the work may be used in transmissions until January 1, 2003. This paragraph shall apply also to the public performance of a work that has been recorded for incorporation in a film.

The provisions of the second to sixth paragraphs above shall apply as appropriate to subject matter protected under Articles 45, 46, 46a and 48 of this Act.

The provisions of the second to sixth paragraphs above shall apply

(1) to works originating in a State belonging to the European Economic Area;

(2) to subject matter referred to in the seventh paragraph above that originated in a State belonging to the European Economic Area, for the protection of which special provisions have been enacted in Finland;

(3) to rights in phonograms referred to in paragraphs 1, 2 and 4 of Article 14 of the Agreement on Trade-Related Aspects of Intellectual Property Rights annexed to the Agreement Establishing the World Trade Organization, as provided in paragraph 6 of the

said Article.

This Act shall apply to works and subject matter other than those referred to in the eighth paragraph above only in so far as they are protected on the entry into force of this Act.

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

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

(This text replaces the one previously published under the same code number.)