

INTERNATIONAL COPYRIGHT REGULATION
(Act 1994:193, as amended up to January 1, 1998).

The Government prescribes the following.

Section 1. This Regulation contains provisions on the application of the Act (1960:729) on Copyright in Literary and Artistic Works (Copyright Act) in relation to other countries and intergovernmental organizations.

For the purposes of the application of the Copyright Act, any person who is a national of a country member of the European Economic Area (an EEA country) shall always be treated as if he were a national of Sweden. For the purposes of the application of the Act, a legal entity from an EEA country shall always be treated as a Swedish legal entity and a legal entity having its headquarters in an EEA country shall be treated as a legal entity having its headquarters in Sweden.

The Berne Convention for the Protection of Literary and Artistic Works

Section 2. The provisions on copyright in the Copyright Act shall apply to

1. works of authors who are nationals of, or have their habitual residence in, a country other than Sweden which is a member of the International Union for the Protection of Literary and Artistic Works (Berne Union),
2. works which have been first published in a country of the Union other than Sweden,
3. works which have been first published in a country outside the Union and thereafter within thirty days in a country of the Union,
4. cinematographic works the producer of which has his headquarters or his habitual residence in a country of the Union other than Sweden,
5. works of architecture constructed in a country of the Union other than Sweden,
6. works of graphic or plastic art incorporated in a building constructed in a country of the Union other than Sweden or which are otherwise permanently fixed to the ground in such a country.

For the purposes of the application of the first paragraph, item 4., the person whose name appears in the usual manner on copies of the cinematographic work shall, in the absence of proof to the contrary, be presumed to be the producer of the work.

The provisions of Article 26 j of the Copyright Act shall apply to works of persons who are nationals of, or have their habitual residence in, a country of the Union other than Sweden, where the other Union country has introduced such a remuneration system as provided for in Article

14ter of the Berne Convention for the Protection of Literary and Artistic Works.

The provisions of the first paragraph do not apply to the provisions of Article 44 a of the Copyright Act.

Section 3. The protection under Swedish law shall not apply when the term of protection in the country of origin has expired.

If the work has been first published in a country of the Union, that country is the country of origin. If the work, within a period of thirty days, has been published in several countries of the Union, the country of origin is the country having the shortest term of protection. If the work, within a period of thirty days, has been published in a country outside the Union and in a country of the Union, the country of the Union is the country of origin.

If a work does not, under the second paragraph, have its country of origin within the Union, the country of origin is the country of the Union of which the author is a national or where he has his habitual residence. In respect of cinematographic works the producer of which has his headquarters or his habitual residence in a country of the Union, that country is, however, the country of origin. In respect of works of architecture constructed in a country of the Union, in respect of artistic works incorporated in a building constructed in a country of the Union and in respect of artistic works which are otherwise permanently fixed to the ground in such a country, that country is the country of origin.

Section 4. As regards undertakings to bring contributions to the creation of cinematographic works referred to in Section 2, items 1 to 4, the provisions of Article 39 of the Copyright Act apply, unless otherwise provided in the undertaking. The law of the country where the producer of the cinematographic work has his headquarters or his habitual residence determines whether the undertaking shall be in writing in order to have the effect referred to in the first sentence.

The first paragraph applies also to undertakings to bring contributions to cinematographic works referred to in Article 60 of the Copyright Act if the work, according to Section 3,

1. has its country of origin in a country of the Union other than Sweden,
2. has its country of origin in Sweden but Swedish law does not apply to the undertaking.

Section 5. The provisions of Sections 2 to 4 shall apply also in relation to rights in photographic pictures under the Copyright Act.

Section 6. The following countries other than Sweden were members of the Berne Union on April 1, 1994: (list not included here).

The Universal Copyright Convention

Section 7. The provisions on copyright in the Copyright Act shall apply to

1. works of authors who are nationals of a country other than Sweden, which is party to the Universal Copyright Convention in its original version or as revised at Paris on July 24, 1971,
2. works of persons who have their domicile in a country referred to in item 1., if the country under its law assimilates them to their own nationals for the purposes of the application of the Universal Copyright Convention,
3. works of stateless persons or refugees who have their habitual residence in a country party to Protocol 1. to the Convention in its original version or revised version.
4. works which have been first published in a country party to the Convention in its original or revised version.

The provisions of the first paragraph do not apply to the provisions of Articles 26 j and 44 a of the Copyright Act.

Section 8. The protection under Swedish law shall not apply when the period of protection in the country of origin of the work has expired.

If the work has been first published in a country party to the Universal Copyright Convention, that country is the country of origin. If the work within thirty days has been published in several such countries, the country of origin is the country having the shortest period of protection. If the work has been first published in a country not party to the Convention or if the work has not been published, the country of origin is the country party to the Convention where the author is a national or, under the conditions referred to in Section 7, items 2. and 3., has his domicile or habitual residence.

Section 9. The provisions of Section 7 and 8 do not apply to works the country of origin under Article 3 is

1. a country member of the Berne Union, or
 2. a country which has withdrawn from the Union after January 1, 1951.
- The provisions apply, however, if the country
- is a developing country according to paragraph (b) of the Appendix Declaration relating to Article XVII of the Convention as revised, and
 - at the time of its withdrawal from the Berne Union deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) a notification to the effect that it regards itself as a developing country.

Section 10. The provisions of Sections 7 to 9 apply also to the rights in photographic pictures under the Copyright Act.

Section 11. The following countries other than Sweden were, on April 1, 1994, party to

1. the Universal Copyright Convention in its original version: (list not included here);
2. the Universal Copyright Convention as revised at Paris on July 24, 1971: (list not included here)
3. Protocol 1 to the Universal Copyright Convention in its original version: (list not included here);
4. Protocol 1 to the Universal Copyright Convention as revised at Paris on July 24, 1971.

Works by the United Nations, etc.

Section 12. The provisions on copyright and rights in photographic pictures shall apply to

1. works and photographic pictures which have been first published by the United Nations, any of the Specialized Agencies in the United Nations system of organizations, or the Organization of American States, and
2. works and photographic pictures which have not been published but which may be published by any of those Organizations.

The provisions of the first paragraph do not apply to the provisions of Articles 26 j and 44 a of the Copyright Act.

The Rome Convention

Section 13. The provisions of Articles 45 and 48 of the Copyright Act and other provisions in the Act referring to those Articles shall apply to performances and to sound radio and television broadcasts which take place in a country other than Sweden which is party to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, of October 26, 1961 (Rome Convention). Furthermore, the provisions of Article 48 shall apply to broadcasts by sound radio and television organizations having their headquarters in a country party to the Convention.

The provisions of the first paragraph do not apply to the provisions on the making available to the public contained in Article 45, second paragraph, and on distribution to the public contained in Article 48, second paragraph, of the Copyright Act.

The provisions of Article 47 and other provisions in the Act referring to that Article shall apply to sound recordings fixed in a country other than Sweden, which is party to the Rome Convention. This does not, however, apply to sound recordings fixed in Australia, Congo, Fiji, Luxemburg, Monaco and Niger.

Section 14. The protection under Section 13 shall not apply when the term of protection has expired in the country where the performance, sound recording or broadcast took place. As regards broadcasts protected under Section 13, first paragraph, second sentence, the protection shall

not apply when the term of protection has expired in the country where the organization has its headquarters.

Section 15. The following countries other than Sweden were, on April 1, 1994, party to the Rome Convention: (list not included here).

The European Television Agreement

Section 16. The provisions of Article 48 of the Copyright Act and other provisions in the Act referring to that Article shall apply to television broadcasts carried out in a country other than Sweden, which is party to the European Agreement on the Protection of Television Broadcasts, of June 22, 1960, and the Additional Protocols of January 22, 1965 and March 21, 1983. Furthermore, the provisions shall apply to broadcasts by television organizations having their headquarters in such a country.

The provisions in the first paragraph do not apply to the provisions on distribution to the public contained in Article 48, second paragraph, of the Copyright Act.

The protection under the first paragraph shall not apply when the term or protection has expired in the country where the broadcast was carried out or the television organization has its headquarters.

As regards television broadcasts from the United Kingdom, the protection against the recording of a broadcast on a material support from which it can be reproduced and the protection against unauthorized transfer from one such support to another one, shall not apply to the recording of still pictures through photography and the reproduction of such pictures.

Section 17. The following foreign countries are presently party to the Agreement: (list not included here).

The Agreement on Trade-Related Aspects of Intellectual Property Rights.

Section 18. The provisions on copyright in the Copyright Act shall apply also to works of persons who are nationals of, or have their habitual residence in, a country other than Sweden, which is a member of the World Trade Organization and which thereby has adhered to the Agreement of Trade-Related Aspects of Intellectual Property Rights (a WTO Country).

The provisions of Article 26 j of the Copyright Act shall apply to works of persons who are nationals of, or have their habitual residence in, a WTO Country, where the other country has introduced such a remuneration system as provided for in Article 14ter of the Berne Convention for the Protection of Literary and Artistic Works.

The provisions of the first paragraph do not apply to the provisions of

Article 44 a of the Copyright Act.

Section 19. The provisions of Section 3 shall apply also to works of persons who are nationals of, or have their habitual residence in, a WTO Country.

The provisions of Section 4 shall apply also in relation to any agreement on the contribution to a cinematographic work by a person who is a national of, or has his habitual residence in, a WTO Country.

Section 20. The provisions of Article 45 of the Copyright Act and other provisions in the Act referring hereto shall apply to performances of persons who are nationals of a WTO Country, however only as regards

1. fixation of the performance on a sound recording by means of which it can be perceived,
2. wireless transmission of the performance in a sound radio or television broadcast or a communication to the public through direct transmission,
3. transfer of the performance from one sound recording by means of which it can be perceived to another such recording, and
4. the making available to the public of the performance through rental of sound recordings.

Section 21. The provisions of Article 46 of the Copyright Act and other provisions in the Act referring thereto shall apply to sound recordings the producer of which is a national of a WTO Country or a legal entity of a WTO Country, as regards the making available to the public through rental.

Section 22. The provisions of Article 48 of the Copyright Act and other provisions in the Act referring thereto shall apply to transmissions by sound radio or television organizations having their headquarters in a WTO Country, however only as regards

1. fixation of transmissions on material supports by means of which they can be perceived,
2. wireless retransmission of transmissions,
3. making available to the public of television broadcasts in places where the public has access against the payment of a fee,
4. transfer of such transmissions from material supports by means of which they can be perceived to other such material supports, and
5. distribution to the public of sound recordings through rental.

Section 23. The following countries other than Sweden were party to the World Trade Organization on January 1, 1996 (list not included here).

Application in time of the international protection

Section 24. The provisions of Sections 2 to 11, 18 and 19 apply also to works which have been created before the date on which the country became a member of the Berne Union, party to the Universal Copyright

Convention or adhered to the World Trade Organization.

Copies of works which have been produced before the day referred to in the first paragraph may be freely distributed and exhibited. The provisions on rental and lending in Article 19 of the Copyright Act shall, however, apply also to such copies.

Type matter, printing blocks, forms and other devices which, for the purpose of reproduction of a certain work, have been produced before the date referred to in the first paragraph, may be used for their purpose during two years and six months from that date. As regards copies produced on the basis of this provision, the provisions of the second paragraph shall apply.

Section 25. The provisions of Section 24 shall apply also to rights protected on the basis of Section 5, 10, 13 to 17 and 19 to 23.

Producers of catalogues, etc.

Section 26. The provisions in Article 49 of the Copyright Act and other provisions in the Act relating to that Article shall, in addition to what follows from the provisions of Section 1, second paragraph, apply to productions of which the producer has his habitual residence in a EEA country. The provisions shall apply also to productions of which the producer is a legal entity from an EEA country and has its registered office, its main headquarters or its principal place of business in an EEA country. Where the legal entity has its registered office in an EEA country but not its main headquarters or its principal place of business there, the provisions shall, however, apply only where the production forms part of an economic activity which has been established in an EEA country.

 This Regulation enters into force on July 1, 1994, on which day the Regulation (No 1973:529) on the Application of the Act (No 1960:729) on Copyright in Literary and Artistic Works and the Act (No 1960:730) on Rights In Photographic Pictures With Respect to Other Countries and Territories, etc. shall no longer apply.

The present wording of Sections 13 and 16 entered into force on June 1, 1995.

The present wording of Sections 1, 2, 7, 12 and 18 to 25 entered into force on January 1, 1996.

The present wording of Section 26 entered into force on January 1, 1998.
