

THE MINISTRY OF JUSTICE
Stockholm

ACT
ON MEDIATION IN CERTAIN COPYRIGHT DISPUTES
(Act 1980:612, as amended up to July 1, (1995))

Article 1. This Act applies to disputes concerning the conclusion of an agreement which is a condition for an extended collective license under Article 13 or, as regards retransmission by wire. Article 26 f of the Act (1960:729) on Copyright in Literary and Artistic Works. The Act also applies to corresponding disputes which may arise on the basis of the references to Article 13 in Articles 45, 46, 49 and 49 a and to Article 26 f in Articles 45, 46 and 49 a of the Act on Copyright in Literary and Artistic Works and also in case an agreement on reproduction is to be concluded with a Swedish sound radio or television organization or an agreement on retransmission by wire is to be concluded with a sound radio or television organization which carries out broadcasts within the European Economic Area.

Article 2. If a negotiation for the conclusion of an agreement as mentioned in Article 1 does not lead to a result, any of the parties may request mediation.

A mediation procedure may also be requested by anyone who may be a party to an agreement as mentioned in Article 1, if a request for negotiations for the conclusion of such an agreement has been rejected.

Mediation shall be requested through a petition to the Government.

Article 3. Mediation shall be requested within two weeks from the day when the negotiations have been declared to have failed or a request for negotiations has been rejected. If such a declaration has been made in writing, the time shall be calculated from the time when the declaration was received by the receiving party.

Article 4. Mediation takes place before a mediator appointed by the Government.

Article 5. If there is a proposal for a solution from any of the parties, the mediation procedures shall be based on that proposal.

If the parties can not agree in the course of the proceeding before the mediator, he may propose the matter to be brought before arbitrators. He may also take part in the appointment of arbitrators.

Article 5 a. In the case of a dispute concerning retransmission by wire, a proposal by the mediator for a solution shall be considered as accepted if none of the parties files an objection against it within three months from the day when he received the proposal.

Article 6. If a final proposal for mediation is rejected or if the mediator considers that he is not able to make a mediation proposal due to lack of co-operation from any of the parties, the mediator shall, if the parties do not agree on bringing the matter for decision by arbitrators, immediately notify the Government about the situation.

Article 7. If there already exists an agreement within a certain area, and a proposal for negotiations has been made before the expiry of the term of the agreement, that agreement shall, in case the parties do not agree otherwise, be deemed to apply also after the expiry of the term of the agreement but no longer than to the points in time provided for in the second and third paragraphs.

If mediation is requested, the agreement shall apply no longer than two weeks from the time when a final mediation proposal or a proposal under Article 5, second paragraph, has been rejected or the mediator has notified, under Article 6, the Government that he has not been able to make a mediation proposal due to lack of co-operation from a party.

If mediation has not been requested, the agreement shall apply until the expiry of the time period provided for in Article 3.

Article 8. A person who is or has been a mediator must not in an unwarranted way disclose or use any matter brought to his knowledge in the course of his duties.

Article 9. The provisions of this Act shall not apply if the parties have agreed in writing that mediation shall not take place.

Article 10. The mediator shall be entitled to an equitable remuneration for his work and his costs. Unless otherwise agreed, the remuneration shall be paid by the party which has requested the mediation or, if it has been requested by several parties, be shared equally between those parties.

The Act entered into force on January 1, 1981. Articles 1 as amended, and new Articles 5 a and 10 entered into force on June 1, 1995.