

**Act on Copyright in Literary and Artistic Works**  
**(Act 1960: 729, of December 30, 1960, as amended up to April 1, 2000)**

TABLE OF CONTENTS

		<i>Articles</i>
Chapter 1:	Subject Matter and Scope.....	1 — 10
Chapter 2:	Limitations on Copyright	
	General Provisions on Limitations.....	11
	Reproduction for Private Purposes.....	12
	Reproduction in the Course of Educational Activities ..	13 — 14
	Reproduction within Hospitals, etc. ....	15
	Reproduction within, Certain Archives and Libraries ...	16
	Reproduction for Visually Handicapped Persons, etc. ...	17
	Composite Works for Use in Educational Activities.....	18
	Distribution of Copies.....	19
	Exhibition of Copies .....	20
	Public Performances .....	21
	Quotations.....	22
	Use of Works of Fine Arts and of Buildings .....	23 — 24
	Information on Current Events.....	25
	Public Debates, Public Documents, etc.....	26 — 26 <i>b</i>
	Alterations of Buildings and of Useful Articles .....	26 <i>c</i>
	Special Provisions concerning Sound Radio and Television.....	26 <i>d</i> — 26 <i>f</i>
	Special Provisions on Computer Programs. etc.....	26 <i>g</i> — 26 <i>h</i>
	Common Provisions Concerning Extended Collective Licenses .....	26 <i>i</i>
Chapter 2 <i>a</i> :	Right to Special Remuneration	
	Remuneration for Resale of Copies of Works of Art ....	26 <i>j</i>
	Remuneration Relating to the Manufacture and Importation of Material Supports for the Recording of Sounds or Images.....	26 <i>k</i>
Chapter 3:	Transfer of Copyright	
	General Provisions on Assignments.....	27 — 29
	Public Performance Contracts.....	30
	Publishing Contracts .....	31 — 38
	Film Contracts.....	39 — 40
	Computer Programs Created in Employment Relations	40 <i>a</i>
	Transfer of Copyright at the Death of the Author, etc...	41 — 42
Chapter 4:	Duration of Copyright.....	43 — 44 <i>a</i>
Chapter 5:	Certain Rights Neighbouring to Copyright	
	Performing Artists.....	45
	Producers of Recordings of Sounds and of Images.....	46
	Use of Sound Recordings for Public Performances .....	47
	Sound Radio and Television Organisations .....	48
	Producers of Catalogues, etc. ....	49
	Photographers .....	49 <i>a</i>
Chapter 6:	Special Provisions.....	50 — 52 <i>a</i>
Chapter 7:	Penal and Civil Liability .....	53 — 59
Chapter 8:	Applicability of the Act.....	60 — 62
Chapter 9:	Provisions Governing the Entry Into Force and Transitional Provisions .....	63

The Ministry of Justice  
 Stockholm  
 April 2000

## **Chapter 1**

### **Subject Matter and Scope**

**1.** Anyone who has created a literary or artistic work shall have copyright in that work, regardless of whether it is

1. a fictional or descriptive representation in writing or speech,
2. a computer program,
3. a musical or dramatic work,
4. a cinematographic work,
5. a photographic work or another work of fine arts,
6. a work of architecture or applied art,
7. a work expressed in some other manner.

Maps and other works of a descriptive nature executed as drawings, engravings, or in a three-dimensional form, shall be considered as literary works.

What is prescribed in this Act concerning computer programs shall *mutatis mutandis* apply also to preparatory design material for computer programs.

**2.** With the limitations stated hereinafter, copyright shall include the exclusive right to control the work by reproducing it and by making it available to the public, be it in the original or an altered form, in translation or adaptation, in another literary or artistic form, or by other technical means.

As a production of copies shall also be considered the recording of a work on a material support by means of which it can be reproduced.

A work is made available to the public by public performance, or by having copies of it placed on sale, leased, lent, or otherwise distributed to the public or publicly exhibited. As a public performance shall also be deemed a performance which takes place within the framework of commercial activities for a comparatively large closed group of persons.

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

A work may not be changed in a manner which is prejudicial to the author's literary or artistic reputation or to his individuality, nor may it be made available to the public in the manner stated.

The author may, with binding effect, waive his right under this Article only in relation to uses which are limited as to their character and scope.

**4.** A person who has made a translation or an adaptation of a work or converted it into another literary or artistic form, shall have copyright in the work in the new form, but his right to control it shall be subject to the copyright in the original work.

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

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

**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.

**7.** A person whose name or generally known pseudonym or signature appears in the usual manner on copies of the work or when it is made available to the public, shall, in the absence of proof to the contrary, be deemed to be its author.

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

**8.** A work is deemed to have been made public when it has lawfully been made available to the public.

As work is deemed to have been published when copies thereof have, with the consent of the author, been placed on sale or otherwise been distributed to the public.

**9.** Copyright does not subsist in

1. laws and other regulations,
2. decisions by public authorities,
3. reports by Swedish public authorities,
4. official translations of texts mentioned under items 1.—3.

However, copyright subsists in works of the following kinds when they form part of a document mentioned in the first paragraph:

1. maps,
2. works of drawing, painting or engraving,
3. musical works, or
4. works of poetry.

Copyright also subsists in a work which forms part of an annex to a decision by a public authority, if the decision concerns the right of access to the public document where the work forms part.

**10.** Copyright subsists in a work even if it has been registered as a design.

Copyright does not subsist in layout designs in semiconductor products. Special provisions apply to the rights in such designs.

## **Chapter 2** **Limitations on Copyright**

### *General Provisions on Limitations*

**11.** The provisions of this Chapter do not limit the author's right under Article 3, except as provided in Article 26c.

When a work is used publicly on the basis of the provisions in this Chapter, the source shall be stated to the extent and in the manner required by proper usage, and the work may not be altered more than necessary for the permitted use.

### *Reproduction for Private Purposes*

**12.** Anyone is entitled to make, for private purposes, single copies of works which have been made public. Such copies may not be used for other purposes.

The provisions in the first paragraph do not confer a right to

1. construct works of architecture,
2. make copies of computer programs, or
3. make copies in digital form of compilations in digital form.

The provisions in the first paragraph do not confer a right to engage, for private purposes, another person to

1. make copies of musical works or cinematographic works,
2. make utility goods articles or sculptures,
3. copy another person's artistic work by means of artistic reproduction.

### *Reproduction in the Course of Educational Activities*

**13.** Where an extended collective license applies under Article 26*i*, copies of published works may, for the purpose of educational activities, be prepared by means of reprographic reproduction and recordings be made of works broadcast by sound radio or television. The copies and recordings thus made may be used only in such educational activities which are covered by the agreement forming the basis for the extended collective license.

The first paragraph does not apply if the author has filed a prohibition against such reproduction with any of the contracting parties.

**14.** Teachers and pupils may for educational purposes make recordings of their own performances of works. Such recordings may not be used for other purposes.

### *Reproduction within Hospitals, etc.*

**15.** Hospitals and establishments for special service or care of elderly or disabled persons may make recordings of sound radio or television broadcasts. The recordings may be used only within the establishment and within a short time from the making of the recording.

### *Reproduction within, Certain Archives and Libraries*

**16.** Those archives and libraries which are mentioned in the third and fourth paragraphs may make copies of works, with the exception of computer programs,

1. for purposes of preservation, completion or research,
2. of single articles or short extracts of works or of material which for reasons of security must not be given away in original, for delivery to users, or
3. for use in reading devices.

Reproduction as mentioned in the first paragraph items 2. and 3. may be carried out only by means of reprography.

Right to make copies according to this Article have

1. governmental and municipal archival authorities,

2. the National Archive for Recorded Sound and Moving Images,
3. such scientific and research libraries which are run by public authorities, and
4. public libraries.

The Government may in specific cases grant also certain archives and libraries other than those mentioned in the third paragraph a right to make copies under this Article.

#### *Reproduction for Visually Handicapped Persons, etc.*

**17.** Anyone is entitled to make copies printed in braille of published literary and musical works.

The Government may in specific cases grant libraries and organisations a right to make copies of published literary works by means of recording of a recitation of the work or by means of a transfer from another recording, for lending to visually handicapped persons and other disabled persons who are not able to acquaint themselves with the works in written form. Such copying must, however, not take place in respect of works of which recordings have been put on the market.

#### *Composite Works for Use in Educational Activities*

**18.** Anyone who, for use in educational activities, prepares a composite work consisting of works by a comparatively large number of authors may, in that work, use minor portions of literary and musical works or short works of any of those categories, provided that five years have elapsed from the publication of those works. Artistic works may be used in connection with the text, provided that five years have elapsed from their being made available to the public. The authors are entitled to remuneration.

The provisions of the first paragraph do not apply to works which have been created for use in educational activities.

#### *Distribution of Copies*

**19.** When a copy of a literary or musical work or a work of fine arts has been transferred with the consent of the author, that copy may be further distributed.

The provisions in the first paragraph do not confer a right to make available to the public

1. copies of works, with the exception of buildings and works of applied art, through rental or similar legal acts, or
2. copies of computer programs in machine-readable form, through lending.

#### *Exhibition of Copies*

**20.** When a work has been published, those copies which are included in the publication may be publicly exhibited. The same applies when the author has transferred copies of a work of fine arts.

The provisions of the first paragraph do not confer a right to exhibit copies of works of fine arts through a film or a television broadcast. Copies of works of art referred to in the first paragraph may, however, be included in a film or a television broadcast provided that such inclusion is of minor importance to the contents of the film or the television program.

### *Public Performances*

**21.** Anyone may publicly perform published works

1. on occasions when the performance of such works is not the main feature of the event, provided that no admission fee is charged and the event is not for profit, and
2. in the course of educational activities and for divine services.

The provisions of the first paragraph do not apply to dramatic works or cinematographic works and do not confer a right to use works in sound radio or television.

The provisions of the first paragraph, item 1. do not confer a right to perform, for commercial purposes, compilations in the course of educational activities.

### *Quotations*

**22.** Anyone may, in accordance with proper usage and to the extent necessary for the purpose, quote from works which have been made available to the public.

### *Use of Works of Fine Arts and of Buildings*

**23.** Works of fine arts which have been made available to the public may be used

1. in connection with the text in critical or scientific presentations,
2. in newspapers or periodicals in connection with reports on current news events, except if the work has been created specifically for reproduction in such a publication.

The provisions of the first paragraph apply only if the use is carried out in conformity with proper usage and to the extent called for by the informatory purpose.

**24.** Works of fine arts may be reproduced in pictorial form and then made available to the public

1. when they are permanently situated outdoors on or at a public place, or
2. if they are exhibited, placed on sale or form part of a collection, but in such cases only in notices concerning the exhibition or sale and in catalogues.

Buildings may be freely reproduced in pictorial form and then made available to the public.

### *Information on Current Events*

**25.** Works which are seen or heard in the course of an event may be used in connection with information concerning the event through sound radio, television, direct transmission or film. The works may, however, be used only to the extent justified by the informatory purpose.

### *Public Debates, Public Documents, etc.*

**26.** Anyone is entitled to use oral or written statements

1. before public authorities,
2. in government or municipal representative bodies,
3. in public debates on public matters,

4. at public questionings on such matters.

The provisions of the first paragraph, items 1. and 2. do, however, not apply as regards information for which secrecy applies under the provisions of Chapter 8, Article 27, of the Secrecy Act.

In the application of the provisions in the first paragraph it shall, however, be observed,

1. that writings cited as evidence, reports and similar works may be used only in connection with a report concerning the legal proceedings or case in which they have appeared and only to the extent necessary for the purpose of such a report,

2. that the author has an exclusive right to publish compilations of his statements, and

3. that what is stated during questionings as mentioned in the first paragraph, item 4. must not be used, on the basis of that provision, in sound radio or television broadcasts.

**26a.** Anyone is entitled to use works which form part of the documents mentioned in Article 9, first paragraph, and which are of the kind mentioned in Article 9, second paragraph, items 2.—4. This does not, however, apply to such works as mentioned in Article 9, third paragraph. The author is entitled to remuneration, except when the use occurs in connection with

1. the activities of a public authority,

2. a report of the legal proceeding or case in which the work appears and the work is used only to the extent necessary for the informatory purpose. Anyone is entitled to use documents which are prepared by Swedish public authorities but which are not such as are mentioned in Article 9, first paragraph.

The second paragraph does not apply to

1. maps,

2. technical models,

3. computer programs,

4. works created for educational purposes,

5. works which are the result of scientific research,

6. works of drawing, painting or engraving,

7. musical works,

8. works of poetry, or

9. works copies of which are made available to the public through public authorities in connection with commercial activities.

**26b.** Notwithstanding copyright therein, official documents shall, be made available to the public as prescribed in Chapter 2 of the Freedom of the Press Act.

Copyright does not prevent the use of a work in the interest of the administration of justice or of public security.

#### *Alterations of Buildings and of Useful Articles*

**26c.** The owner of a building or a useful article is entitled to alter the property without the consent of the author.

### *Special Provisions concerning Sound Radio and Television*

**26d.** Sound radio and television organisations as specified in particular cases by the Government are entitled to broadcast such published literary and musical works and works of fine arts which have been made available to the public, provided that an extended collective license applies under Article 26i.

The provisions in the first paragraph do not apply to dramatic works, nor to other works if the author has prohibited such broadcasting or there are special reasons to assume that he would oppose the broadcast. The provisions in the first paragraph do not apply to retransmissions referred to in Article 26f.

As regards transmissions via satellite the extended collective license applies only if the emitting organisation simultaneously carries out an emission through a terrestrial transmitter.

**26e.** A sound radio or television organisation which has acquired the right to broadcast a work is also entitled to record the work on a material support from which it can be perceived, if this act is made

1. for use in its own broadcasts a few times during a limited time,
2. to ensure evidence concerning the content of the broadcast, or
3. in order to make it possible for a governmental authority to exercise supervision over the broadcasting activities.

Recordings made in accordance with the provisions of the first paragraph, items 2 and 3., may be used only for the purposes indicated there. Such recordings which have a documentary value may, however, be preserved in the Archive for Recorded Sound and Moving Images.

A Government authority which has as its task to supervise advertising in sound radio and television broadcasts is entitled to use broadcasts to the extent necessary for the purpose.

**26f.** Anyone is entitled to distribute to the public, simultaneously and in an unaltered form, by wireless means or by cable (retransmission), such works which form part of a wireless sound radio or television broadcast, if an extended collective license applies under Article 26i.

The provisions of the first paragraph do not apply to works where the retransmission rights belong to the sound radio or television organisation which carries out the original emission.

### *Special Provisions on Computer Programs. etc.*

**26g.** Anyone who has acquired the right to use a computer program is entitled to make such copies of the program and to make such adaptations which are necessary in order for him to use the program for its intended purpose. This also applies to corrections of errors.

Anyone who has the right to use a computer program is entitled to make back-up copies of the program, if this is necessary for the intended use of the program.

Copies which have been made on the basis of the provisions of the first and second paragraphs may not be used for other purposes and may, furthermore, not be used when the right to use the program has expired.

Anyone who has the right to use a computer program is entitled to observe, study or test the function of the program in order to ascertain the ideas and principles which lie behind the various details of the program. This applies provided that the act is performed in connection

with such loading, display on a screen, processing, transmission or storing of the program that he is entitled to make.

Anyone who has a right to use a compilation is entitled to dispose of it in any way that is necessary in order for him to be able to use the compilation for its intended purpose.

Contractual stipulations which limit the right of the user under the second, fourth or fifth paragraphs are null and void.

**26h.** The reproduction of the code of a computer program or translation of its code is permitted if those acts are required in order to obtain interoperability between the program and another program, provided, however, that the following conditions are met

1. the acts are performed by a person who has the right to use the program or, on his behalf, by a person who is authorised to perform those acts,
2. the information necessary to achieve interoperability has not previously been readily available to the persons referred to in item 1.,
3. the acts are confined to those parts of the original program which are necessary to achieve interoperability.

The provisions of the first paragraph do not permit that the information is

1. used for goals other than to achieve the intended interoperability,
2. given to other persons except when necessary for obtaining the intended interoperability,
3. used for the development, production or marketing of a computer program substantially similar in its expression to the protected program, or
4. used for other acts which imply an infringement of the copyright.

Contractual stipulations restricting the rights of the user according to this paragraph are null and void.

#### *Common Provisions Concerning Extended Collective Licenses*

**26i.** An extended collective license referred to in Articles 13, 26d and 26f applies to the use of works in a specific manner, when an agreement has been concluded concerning such a use with an organisation which represents a substantial number of Swedish authors in the field concerned. The extended collective license gives the user the right to use works of the type referred to in the agreement despite the fact that the authors of those works are not represented by the organisation.

In order for a work to be used on the basis of Article 13, the agreement must have been concluded with someone who pursues educational activities in organised forms.

The author has a right to remuneration when a work is used on the basis of Article 26d.

When a work is used on the basis of Articles 13 or 26f, the following applies. The conditions concerning the use of the works which follow from the agreement apply. As regards remuneration deriving from the agreement and as regards other benefits from the organisation which are essentially paid for out of the remuneration, the author shall be treated in the same way as those authors who are members of the organisation. Without prejudice to what has now been stated such authors have, however, always a right to remuneration in respect of the utilisation provided that they claim such a remuneration within three years from

the year in which the use took place. Claims for remuneration may be directed only towards the organisation.

Only the contracting organisations are entitled to put forward claims for remuneration towards the user of a work on the basis of Article 26f. All such claims shall be forwarded at the same time.

## **Chapter 2a** **Right to Special Remuneration**

### *Remuneration for Resale of Copies of Works of Art*

**26j.** When a copy of a work of fine arts, which has been transferred, is resold in the course of the duration of the copyright by a trader in the exercise of his business activity, the author has a right to remuneration from the seller. The author has a right to remuneration also in other cases, where the sale is brought about by a trader in the exercise of his business activity. In such a case the remuneration shall be paid by the trader. The remuneration shall be five per cent of the sales price with the exclusion of the value added tax.

The author has, however, no right to remuneration

1. where the resale price, with the exclusion of the value added tax, does not exceed one twentieth of the basic amount under the Act (1962: 381) on General Insurance,
2. where the copy of the work of fine arts is a copy of a work of architecture, or
3. where the copy of the work of fine arts is a work of applied art which has been produced in a number of identical copies.

The right to remuneration is personal and can not be transferred. However, notwithstanding the provisions of Chapter 10, Article 3, of the Marriage Code, the provisions governing the division of property between spouses, inheritance and will shall apply to the right after the death of the author.

Only an organisation representing a substantial number of Swedish authors in the field concerned is entitled to claim the remuneration. The organisation shall claim the remuneration in respect of, and pay the amount to, the person entitled to it after deduction of a reasonable compensation to the organisation for its administrative costs. If the organisation does not claim the remuneration from the person liable for the payment within three years from the expiry of the calendar year when the sale took place, the claim is statute-barred.

The person who is liable for the remuneration shall, at the request of the organisation, provide details of the sales for which remuneration is due and which have taken place during the preceding three years.

### *Remuneration Relating to the Manufacture and Importation of Material Supports for the Recording of Sounds or Images.*

**26k.** When a businessman, in the course of his professional activities, manufactures or imports into this country material supports on which sounds or moving images may be recorded and which are especially suitable for the making of copies of works for private purposes, the authors of protected works which have thereafter been broadcast by sound radio or television or which have been published on material supports by means of which they may be reproduced, have a right to remuneration from the businessman.

The authors have, however, no right to remuneration if the manufactured or imported material supports are intended

1. to be used for purposes other than the making of copies of works for private purposes,
2. to be exported from the country, or
3. to be used for the making of copies of works for persons who are visually or aurally handicapped.

The remuneration shall be two “Ores” for each possible recording minute, but not more than six Crowns for each material support. Only an organisation representing a substantial number of Swedish authors and holders of neighbouring rights in the field concerned who have a right to remuneration is entitled to claim the remuneration. The organisation shall claim the remuneration and distribute it between those entitled to it after deduction of a reasonable compensation to the organisation for its costs. Right-owners who are not represented by the organisation shall, in the course of the distribution, be treated in the same way as those right-owners who are represented by the organisation.

The businessman shall give notice of himself to an organisation as referred to in the third paragraph. The businessman shall upon request by the organisation give an account of the number of material supports which are covered by the right to remuneration, the recording time of the supports and when the supports were manufactured or imported. The account shall indicate the number of material supports referred to in the second paragraph.

### **Chapter 3** **Transfer of Copyright**

#### *General Provisions on Assignments*

**27.** Subject to the limitation which follows from Article 3, copyright may be transferred entirely or partially.

The transfer of a copy does not include a transfer of the copyright. In the case of a portrait executed on commission, the author may, however, not exercise his right without the consent of the person who commissioned it or, after the death of such a person, the surviving spouse and heirs.

Provisions governing the transfer of copyright in certain specific cases are included in Articles 30-40 a §. Those provisions apply, however, only in the absence of an agreement to the contrary.

**28.** In the absence of an agreement to the contrary, the person to whom a copyright has been transferred may not alter the work or transfer the copyright to others. If the copyright forms part of a business, it may be transferred together with the business or of part thereof; the transferor remains liable for the fulfilment of the agreement.

**29.** Where an author transfers to a producer of sound recordings or recordings of moving images his right to make a work available to the public through rental of such recordings, the author shall have a right to an equitable remuneration.

Contractual stipulations limiting this right are null and void.

#### *Public Performance Contracts*

**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 include exclusivity. If a longer term than three years has been agreed to and an exclusive right has been transferred, the author may

nevertheless perform the work himself or transfer the right in this respect to others if the right has not been exercised for a period of three years.

This Article does not apply to cinematographic works.

### *Publishing Contracts*

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

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

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

An edition shall be understood as what the publisher produces at one and the same time.

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

**34.** If the work has not been published within two years or, if it is a musical work, four years, from the time when the author has delivered the manuscript or other copy for reproduction, the author may, even if there is no fault on the part of the publisher, rescind the contract and keep the remuneration received. The same applies when the copies of the work are exhausted and the publisher has the right to publish a new edition and he fails to do so within one year from the time of the request by the author to do so.

**35.** The publisher shall provide the author with a certification from the printer or whoever else reproduces the work concerning the number of copies produced.

If during the fiscal year sales have taken place for which the author is entitled to remuneration, the publisher shall render account to him within nine months from the end of the year, stating the number of copies sold during the year and the number in stock at the end of the year. At his request, the author is also otherwise entitled to obtain a statement of the number in stock by the end of the year.

**36.** If the production of a new edition is initiated more than a year from the publication of the previous edition, the author shall be entitled to make, before the production starts, such changes in the work which can be made without unreasonable costs and without altering the character of the work.

**37.** The author is not entitled to publish the work again in the form or manner covered by the contract, before the edition or editions which the publisher is entitled to publish have been exhausted.

When fifteen years have elapsed from the commencement of the publication, the author is, however, entitled to include a literary work in an edition of his collected or selected works.

**38.** The provisions concerning publishing contracts shall not apply to contributions to newspapers or periodicals. Articles 33 and 34 shall not apply to contributions to other composite works.

## *Film Contracts*

**39.** A transfer of the right to record a literary or artistic work on a film shall include the right to make the work available to the public, through the film, in cinemas, on television or otherwise and to make spoken parts of the film available in textual form or to translate them into another language. This provision does not apply to musical works.

**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 keep the remuneration received. If the author has suffered damage which is not covered by the remuneration, also such damage shall be compensated.

If the cinematographic work has not been produced within five years from the time when the author fulfilled his obligations, the author may rescind the contract and keep the remuneration received, even if there is no fault on the part of the transferee.

### *Computer Programs Created in Employment Relations*

**40a.** The copyright in a computer program created by an employee as a part of his tasks or following instructions by the employer is transferred to the employer unless otherwise agreed in contract.

### *Transfer of Copyright at the Death of the Author, etc.*

**41.** Notwithstanding the provisions in Chapter 10, Article 3, first paragraph, of the Marriage Code the provisions governing the division of property between spouses, inheritance and will shall, after the death of the author, apply to copyright. An administrator of the estate may not, without the consent of the heirs, exploit the work in a manner other than that in which it has been previously exploited.

The author may, with binding effect for the surviving spouse and heirs of his body, give directions in his will concerning the exercise of copyright or authorise somebody else to give such directions.

**42.** Copyright shall not be subject to legal seizure as long as it remains with the author or with any other person who has acquired the copyright by virtue of division of property between spouses, inheritance or will. The same shall apply to manuscripts and to such works of art which have not been exhibited, placed on sale or otherwise authorised to be made available to the public.

## **Chapter 4 Duration of Copyright**

**43.** Copyright in a work shall subsist until the end of the seventieth year after the year in which the author deceased or, in the case of a work referred to in Article 6, after the year in which the last surviving author deceased. However, copyright in a cinematographic work subsists, instead, to the end of the seventieth year after the death of the last deceased of one of the following persons, namely the principal director, the author of the screenplay, the author of the dialogue and the composer of the music specifically created for the work.

**44.** In the case of a work which has been made public without mention of the author's name or generally known signature, the copyright shall subsist until the end of the seventieth year after the year in which the work was made public. If the work consists of two or more interconnected parts, the term shall be calculated separately for each part.

If the author reveals his identity within the term mentioned in the first paragraph, the provisions of Article 43 shall apply.

For works which have not been made public and whose author is not known, the copyright subsists until the end of the seventieth year after the year in which the work was created.

**44a.** Where a work has not been published within the term referred to in Articles 43 or 44, the person who thereafter for the first time publishes or makes public the work shall benefit from such a right in the work which corresponds to the economic rights of the copyright. The right subsists until the end of the twenty-fifth year after the year in which the work was published or made public.

## **Chapter 5** **Certain Rights Neighbouring to Copyright**

### *Performing Artists*

**45.** A performing artist's performance of a literary or artistic work may not without his authorisation

1. be recorded on a phonographic record, a film or another material support from which it can be reproduced, or

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

A performance which has been recorded on a material support as mentioned in the first paragraph, item 1. may not without the authorisation of the artist be transferred from one such support to another one, or be made available to the public, until fifty years have elapsed from the year in which the performance took place or, where the recording was published or made public within fifty years from the performance, after the year when the recording was first published or made public.

The provisions of Articles 3, 6-9, 11-13, 15, 16, 21, 22, 25-26b, 26e, 26f, 26k, 27-29, 39, first sentence, 41 and 42 shall apply to performances mentioned in this Article.

When a copy of a recording under this Article has, with the authorisation of the performing artist, been transferred within the European Economic Area, the copy may be distributed further.

The provisions of the fourth paragraph do not confer a right to make available to the public

1. copies of recordings, through rental or other similar legal acts, or

2. copies of a film or other material support on which moving images have been recorded, through lending.

### *Producers of Recordings of Sounds and of Images*

**46.** A phonographic record, a film or another material support on which sounds or moving images have been recorded may not without the authorisation of the producer be reproduced or made available to the public until fifty years have elapsed from the year in which the recording was made, or, if the recording was published or made public within fifty years from the recording, after the year in which the recording was first published or made

public. As a reproduction shall also be considered the transfer of the recording from one such support to another one.

The provisions of Articles 6-9, 11, second paragraph, 12, 13, 15, 16, 21, 22, 25-26b, 26e and 26k shall apply to recordings mentioned in this Article. In addition, Article 26f shall apply as regards recordings other than such mentioned in Article 47.

When a copy of a recording under this Article has, with the consent of the producer, been transferred within the European Economic Area, the copy may be distributed further.

The provisions of the third paragraph do not confer a right to make available to the public

1. copies of recordings, through rental or other similar legal acts, or
2. copies of a film or other material support on which moving images have been recorded, through lending.

#### *Use of Sound Recordings for Public Performances*

**47.** Notwithstanding the provisions of Articles 45, second paragraph, and 46, first paragraph, sound recordings may be used in a sound radio or television broadcast or in another public performance. In such a case the producer and the performers whose performances are recorded have a right to remuneration. If two or more performers have participated in a performance, their right may only be claimed jointly. As against the person who has used the recording the claims of the performers and those of the producers shall be put forward at the same time.

The provisions on sound radio or television broadcasts in the first paragraph apply also when such a wireless broadcast is redistributed to the public, simultaneously and without alteration, by wireless means or by cable (retransmission). As against the person who carries out the retransmission, the claim for remuneration may be put forward only through organisations representing a substantial number of Swedish performing artists or producers. The organisations shall put forward their claims at the same time as the claims referred to in Article 26i, fifth paragraph.

The provisions of Articles 8 and 9, 11, second paragraph, 21, 22 and 25-26a shall apply in the cases mentioned in this paragraph. As regards the rights of performing artists also the provisions of Articles 27, 28, 41 and 42 shall apply.

This Article does not apply to sound films.

#### *Sound Radio and Television Organisations*

**48.** A sound radio or television broadcast may not without the consent of the radio or television organisation

1. be recorded on a material support from which it can be reproduced, or
2. be rebroadcast or made available to the public in places where the public has access against an entrance fee.

A broadcast which has been recorded on a material support as mentioned in the first paragraph, item 1. may not without the consent of the broadcasting organisation be transferred on another such material support until fifty years have elapsed from the year in which the broadcast took place. Furthermore, the material supports may not without the authorisation of the organisation be made available to the public before the same time has elapsed.

The provisions of Articles 6-9, 11, second paragraph, 12, 15, 16, 21, 22, 25-26*b* and 26*e* shall apply in respect of sound radio and television broadcasts referred to in this Article.

When a copy of a recording under this Article has, with the consent of the organisation, been transferred within the European Economic Area, that copy may be distributed further.

If a sound radio or television organisation has a claim for remuneration for such a retransmission as referred to in Article 26*f* which has taken place with the authorisation of the organisation, the claim shall be put forward at the same time as the claims referred to in Article 26*i*, fifth paragraph.

#### *Producers of Catalogues, etc.*

**49.** Anyone who has produced a catalogue, a table or another similar product in which a large number of information items have been compiled, or which is the result of a substantial investment, has an exclusive right to make copies of the product and to make it available to the public.

The right under the first paragraph lasts until fifteen years have elapsed from the year in which the production was completed. Where the product has been made available to the public within fifteen years from the completion of the production, the right shall, however, last until fifteen years have elapsed from the year in which the production was first made available to the public.

The provisions of Articles 2, second and third paragraphs, 6-9, 11, second paragraph, 12, first and second paragraphs, 13-22, 25, 26-26*b*, 26*d*-26*f*, 26*g*, fifth and sixth paragraphs, and 26*i* shall apply also to product referred to in this Article. If a product of this kind, or a part thereof, is subject to copyright, also copyright protection may be claimed.

Contractual stipulations extending the producer's rights under the first paragraph in respect of a product which has been made public are null and void.

#### *Photographers*

**49a.** Anyone who has produced a photographic picture has an exclusive right to reproduce the picture and to make it available to the public. This right applies regardless of whether the picture is used in its original form or an altered form and regardless of which technique has been used.

As a photographic picture is considered also a picture which has been produced by a process analogous to photography.

The right under the first paragraph subsists until fifty years have elapsed from the year in which the picture was produced.

The provisions of Articles 2, second and third paragraphs, 3, 7-9, 11, 12, first paragraph, 13, 15, 16, 18 to 20, 23, 24, first paragraph, 25-26*b*, 26*d*-26*f*, 26*i*-28, 31 to 38, 41, 42 and 50-52 shall apply to pictures referred to in this Article. If such a picture is subject to copyright, also copyright protection may be claimed.

### **Chapter 6 Special Provisions**

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

**51.** If a literary or artistic work is performed or reproduced in a manner which violates cultural interests, a Court may, upon action by an authority appointed by the Government, issue an injunction prohibiting such use, under penalty of a fine. This provision shall not apply during the lifetime of the author,

**52.** In connection with the adjudication of a fine, the Court may prescribe reasonable measures in order to prevent misuse of copies which are the subject of a prohibition under Article 51 and devices which can be used only for the production of such copies. Such a measure may prescribe that the property shall be destroyed or altered in a specific manner.

The provisions of this Article do not apply in relation to a person who has acquired the property, or a right therein, in good faith.

The property referred to in the first paragraph may be taken into custody awaiting the measures mentioned in that Article; the general provisions on custody in criminal actions shall apply.

**52a §.** Anyone wanting to carry out a retransmission by wire of works forming part of a wireless sound radio or television broadcast and who requests an agreement with an organisation representing Swedish rightowners or with a sound radio or television organisation carrying out emissions within the European Economic Area but is denied such an agreement on the terms requested, is, upon request, entitled to negotiations with the organisation or the sound radio or television organisation, respectively.

A party which has a duty to participate in such negotiations shall personally or through a representative attend a meeting for such negotiations and, if so is deemed necessary, put forward a reasoned proposal for the solution of the question which the negotiation concerns. The parties may agree on another form for negotiations than a meeting.

Anyone not complying with the provisions of the second paragraph shall pay a compensation for the damage incurred. In the considerations concerning if and to what extent a damage has been caused to someone, also his interest in that the provision is applied and to circumstances other than such of a purely economic character shall be taken into account.

## **Chapter 7**

### **Penal and Civil Liability**

**53.** Anyone who, in relation to a literary or artistic work, commits an act which infringes the copyright enjoyed in the work under the provisions of Chapters 1 and 2 or which violates directions given under Article 41, second paragraph, or Article 50, shall be punished by fines or imprisonment for not more than two years, if the act is committed wilfully or with gross negligence.

Anyone who for his private use reproduces a computer program which is published or of which a copy has been transferred with the authorisation of the author shall not be subject to criminal liability, if the master copy is not used in commercial or public activities and he does not use the copies produced of the computer program for any purposes other than his private use. Anyone who for his private use has made a copy in digital form of a compilation in digital form which has been made available to the public shall, under the same conditions, not bear criminal liability for the act.

The provisions of the first paragraph apply also if a person imports into Sweden copies of a work for distribution to the public, if such copies have been produced abroad under such circumstances that a similar production here would have been punishable under that paragraph.

Anyone who has violated an injunction issued under penalty of a fine under Article 53a, may not be held liable under criminal law for the infringement covered by the injunction.

Attempts to commit acts mentioned in the first or third paragraphs as well as the planning of such acts shall be punishable according to the provisions of Chapter 23 of the Criminal Code.

**53a.** At the request of the author or his successor in title or of a person who, on the basis of a license, has the right to use the work, the Court may issue an injunction prohibiting, under penalty of a fine, a person who commits an act implying an infringement of, or a violation referred to, in Article 53 to continue that act.

If the plaintiff shows a probable cause that an act implying an infringement or a violation as referred to in Article 53 takes place and if it can reasonably be expected that the defendant, through the continuation of the act, diminishes the value that the copyright confers, the Court may issue an injunction, for the time until the case has been finally adjudicated or otherwise is decided. No injunction may be issued before the defendant has been given an opportunity to respond, unless a delay would entail a risk for damage.

An injunction as mentioned in the second paragraph may be issued only if the plaintiff deposits a security with the Court for the damage which may be caused to the defendant. If the plaintiff is not capable of depositing such a security, the Court may liberate him from making such a deposit. As regards the type of security, the provisions of Chapter 2, Article 25, of the Enforcement Code shall apply. The security shall be examined by the Court unless the defendant has accepted it.

When the case is adjudicated, the Court shall decide whether a prohibition issued under the second paragraph shall continue to apply,

The provisions on appeal against decisions in Chapter 15 of the Code of Judicial Procedure shall apply as regards appeals against decisions under the second and third paragraphs and as regards the proceedings in higher Courts.

A request for the imposition of a fine may be made by the person who has requested the injunction. In connection with such an imposition, a request may be made for a new injunction to be issued under penalty of a fine.

**54.** Anyone who exploits a work in violation of this Act or of directions given under Article 41, second paragraph, shall pay such a compensation to the author or copyright owner as will constitute a reasonable remuneration for the exploitation.

In the case of an exploitation carried out wilfully or with gross negligence, a compensation shall be paid also for losses other than lost remuneration as well as for mental suffering and for other injury.

Anyone who otherwise wilfully or negligently commits an act involving an infringement or a violation according to Article 53, shall pay to the author or his successor in title a compensation for losses, mental suffering or other injury caused by the act.

**55.** Anyone who commits an act involving an infringement or a violation under Article 53 shall, if so is considered reasonable, surrender to the author or his successor in title, for a compensation, the property involved in the infringement or the violation. The same shall apply to type matter, printing blocks, moulds or other similar devices which can be used only for the production of property of the kind now mentioned.

Instead of issuing an order for surrender as prescribed in the first paragraph, the Court may, at the request of the author or his successor in title, in accordance with what is considered reasonable, order that such property shall be destroyed or altered in specific ways

or that other measures shall be taken to prevent unauthorised use. Such a request may be made also by a public prosecutor, if so is considered desirable from the point of view of public interest. Orders as mentioned in this paragraph shall not be issued, if surrender or measures for the prevention of unauthorised use are to be decided under the Criminal Code.

The provisions of the first and the third paragraphs shall not apply in respect of persons who have in good faith acquired the property or a right in it, nor in cases involving the construction of a work of architecture.

If property other than such mentioned in the first paragraph has been used for such manufacturing of copies of works which is a criminal violation under this Act, the property or its value may be ordered to be surrendered if such a measure is considered necessary to prevent criminal violations or there are otherwise special reasons for such an order. This shall apply also in relation to property which has been used in connection with attempts to commit violations as mentioned here or which form part of the planning of such violations.

**56.** Notwithstanding the provisions of Article 55, the Court may, if it so considers reasonable in view of the artistic or economic value of the copies of a work or of other circumstances, upon a request to that effect, decide that the copies, against the payment of a specific remuneration to the author or his successor in title, be made available to the public or otherwise used for their intended purpose.

**56a.** Where it can reasonably be assumed that someone has committed an infringement or a violation as referred to in Article 53, the Court may, for the purpose of preserving evidence relating to the infringement or the violation, order that an investigation may be undertaken with respect to that person in order to search for objects or documents which can be assumed to be of importance for the inquiry of the infringement or the violation (infringement investigation).

An order for an infringement investigation may be granted only where the reasons speaking in favour of the measure outweigh the disadvantages or other harm caused to the person against whom it is directed or for any other opposite interest.

The provisions in the first and second paragraphs apply also to attempts and to preparatory acts as referred to in Article 53, fifth paragraph.

**56b.** An order for an infringement investigation is issued by the Court where proceedings relating to the infringement are conducted. Where legal proceedings have not yet been initiated, the provisions relating to the competence of Courts in civil infringement cases apply. The provisions in the Code of Judicial Procedure concerning limitation of the competence of Courts in disputes which are to be initiated otherwise than in a Court shall, however, not apply.

Issues relating to infringement investigations may be taken up for consideration only upon a motion by the author or his successor in title or by anyone who has, on the basis of a license, a right to exploit the work. Where legal proceedings have not yet been initiated, the motion shall be submitted in writing.

The opposite party shall be given an opportunity to submit a statement before an order for an investigation is issued. Where a delay would entail a risk that objects or documents of importance for the inquiry of the infringement would be removed, destroyed or distorted, the Court may, however, immediately issue an order to be enforceable until otherwise decided.

In other respects, any issue relating to an infringement investigation which arises before legal proceedings have been initiated shall be treated in the same way as if the issue had arisen in the course of legal proceedings.

**56c.** An order for an infringement investigation may be issued only where the applicant posts a bond at the Court for the injury which may be caused to the opposite party. Where the applicant is not able to post a bond, the Court may liberate him from it. As regards the type of security, the provisions of Chapter 2, Article 25, of the Enforcement Code shall apply. The security shall be examined by the Court, unless the opposite party has accepted it.

As regards appeals against the decision by the Court relating to an infringement investigation and as regards the proceedings in higher Courts the provisions concerning appeal against decisions prescribed in Chapter 15 of the Code of Judicial Procedure apply.

**56d.** Any order for an infringement investigation shall contain information about

1. the purpose of the investigation,
2. the objects and document which may be searched for, and
3. which venues may be searched.

Where necessary, the Court shall set also other conditions for the execution of the order.

**56e.** An order for an infringement investigation is immediately enforceable. If an application for its execution has not been filed within one month from the order, the order becomes invalid.

Where the applicant does not, within a month from the conclusion of the execution, file an action or initiate in some other manner a proceeding relating to the issue, any measure which has been undertaken in the context of the execution of the infringement investigation shall be invalidated to the extent possible. The same applies where an order for an infringement investigation is invalidated after the execution has been concluded.

**56f.** An order for an infringement investigation is executed through the local Enforcement Authority in accordance with the conditions prescribed by the Court and in applying Chapters 1 to 3, Chapter 16, Article 10, Chapter 17, Articles 1 to 5, and Chapter 18 of the Enforcement Code. The applicant's opposite party shall be informed about the execution only if the order for an infringement investigation has been issued after hearing the opposite party. The Authority has the right to make photographs and video and sound recordings of such objects for which it is authorised to search. The Authority may also make copies of, and extracts from, such documents for which it is authorised to search.

An infringement investigation must not concern written documents referred to in Chapter 27, Article 2, of the Code of Judicial Procedure.

**56g.** The opposite party has the right to summon an attorney when an order for an infringement investigation is to be executed. The execution must not begin before the attorney has arrived. This does, however, not apply if

1. the investigation is thereby unnecessarily delayed, or
2. there is otherwise a risk that the purpose of the measure will not be achieved.

In the course of the execution the Enforcement Authority is authorised to engage, as necessary, the services of experts.

The Authority may permit the applicant or a representative of the applicant to attend the investigation in order to provide information. If such a permission is granted, the Authority shall see to it that the applicant or the representative is not being informed about the findings at the investigation more than can be justified by the execution.

**56h.** Photographs and video and sound recordings of objects as well as copies of, and extracts from, documents shall be listed and shall be held available for the applicant and the opposite party.

**57.** The provisions of Articles 53-56h shall apply also to rights protected by the provisions in Chapter 5.

**57a.** Anyone who, in cases other than those referred to in Article 53, sells, leases or offers for sale or possesses for sale, lease or other commercial purposes a device intended solely for facilitating unauthorised removal or circumvention of a device placed in order to protect a computer program against unauthorised reproduction, shall be punished by fines or imprisonment for not more than six months.

**58.** The District Court of Stockholm shall have jurisdiction in cases involving sound radio or television broadcasts in violation of this Act. The same shall apply in cases involving claims for remuneration under Articles 18, 26a, first paragraph, 26i, third paragraph, or 47, and in cases where a corresponding remuneration is claimed on the basis of a reference in Articles 45, 46, 48, 49 or 49a, and in cases concerning remuneration for retransmission under Article 26f.

**59.** A criminal action for violation of this Act may be instituted by a public prosecutor only if there is a complaint from the injured party or if such an action is called for in the public interest.

An action relating to a violation of the provisions in Article 3 or of directions given under Article 41, second paragraph, may be instituted by the surviving spouse of the author, by his heirs in the ascending or descending line or by his brothers or sisters.

If there are reasons to believe that a criminal violation under this Act has occurred, the property mentioned in Article 55 may be taken into custody; the general rules governing custody in criminal cases shall apply.

## **Chapter 8** **Applicability of the Act**

**60.** The provisions concerning copyright apply to:

1. works of Swedish citizens or persons who have their habitual residence in Sweden,
2. works first published in Sweden or simultaneously in Sweden and outside the Realm,
3. cinematographic works the producer of which has his headquarters or habitual residence in Sweden,
4. works of architecture constructed here,
5. works of fine arts incorporated in a building here or in some other way permanently fixed to the ground.

For the purposes of the application of the first paragraph, item 2, a simultaneous publication shall be considered to have taken place if the work has been published in Sweden within thirty days from its publication abroad. For the purposes of the application of the first paragraph, item 3, the person whose name appears on a cinematographic work in the usual manner shall, in the absence of a proof to the contrary, be deemed to be the producer of the said work.

The provisions of Articles 26j and 26k apply to works of persons who are Swedish citizens or who have their habitual residence in Sweden.

The provisions of Article 44a apply to acts of publication or of making public by persons who are Swedish citizens or who have their habitual residence in Sweden. The provisions apply also to acts of publication or of making public by legal entities having their headquarters in Sweden.

The provisions of Articles 50 and 51 apply to all literary or artistic works regardless of their origin.

**61.** The provisions of Articles 45, 47 and 48 apply to performances, sound recordings and sound radio and television broadcasts which take place in Sweden. In addition, the provisions of Article 45 apply to performances of persons who are Swedish citizens or have their habitual residence in Sweden, the provisions of Article 47 to sound recordings the producer of which is a Swedish citizen or a Swedish legal entity or a person who has his habitual residence here, and the provisions in Article 48 to broadcasts by sound radio and television organisations which have their headquarters in this country. The provisions of Article 46 apply to sound recordings and to recordings of moving images the producer of which is a Swedish citizen or a Swedish legal entity or has his habitual residence in Sweden as well as to such recordings of moving images which take place in Sweden. However, the provision of Article 46 applies, as regards reproduction, to all sound recordings.

The provisions of Article 49 apply to productions of which the producer is a Swedish citizen or has his habitual residence in Sweden. The provisions apply also to productions of which the producer is a Swedish legal entity and has its registered office, its main headquarters or its principal place of business in Sweden. Where the legal entity has its registered office in Sweden but does not have its main headquarters or its principal place of business here, the provisions apply, however, only where the production forms part of an economic activity established in Sweden.

Of the provisions in Article 49a, the reference to Articles 50 and 51 apply to all photographic pictures and the other provisions to photographic pictures,

1. the producer of which is a Swedish citizen or has his habitual residence in Sweden,
2. which have been first published in Sweden or simultaneously in Sweden and abroad,
3. which have been incorporated in a building or another construction which is permanently fixed to the ground, if the building or the construction is located in Sweden.

For the purposes of the application of the third paragraph, item 2, the publication shall be considered to have taken place simultaneously if the work has been published in Sweden within thirty days from its publication abroad.

Of the provisions in Article 45, the reference to Article 26k applies only to performances by someone who is a Swedish citizen or has his habitual residence in Sweden. Of the provisions in Article 46, the reference to Article 26k applies only to recordings the producer of which is a Swedish citizen or a Swedish legal entity or has his habitual residence in Sweden. Of the provisions in Article 49a, the references to Articles 26j and 26k apply only to photographic pictures the producer of which is a Swedish citizen or has his habitual residence in Sweden.

**61a §.** When a work or another subject matter protected under this Act is communicated to the public via satellite, the act which is relevant from the point of view of copyright and neighbouring rights shall be deemed to take place in the country where, the broadcasting organisation, under its control and its responsibility introduces the subject matter into an uninterrupted chain of communication to the satellite and from there down towards the earth.

What has been said now does not apply if the introduction has taken place in a country which is not part of the European Economic Area and which does not apply the level of protection provided for in Chapter 2 of the Directive of the European Communities No. 93/83/EEG of September 27, 1993.

If, in cases referred to in the second paragraph, the transmission to the satellite takes place in a country member of the European Economic Area, the act which is relevant from the point of view of copyright and neighbouring rights shall be deemed to take place in the country from where the transmission takes place. If the transmission to the satellite does not take place in a country member of the European Economic Area but the sound radio or television organisation which has decided the transmission has its headquarters in a country member of that Area, the act relevant from the point of view of copyright and neighbouring rights shall be deemed to take place in that country.

**62.** On condition of reciprocity, or where this follows from such an agreement with a foreign State or with an intergovernmental organisation which has been approved by the Parliament, the Government may provide for the application of this Act in relation to other countries. The Government may also provide for the application of the Act to works and photographic pictures first published by an intergovernmental organisation and to unpublished works and photographic pictures which such an organisation may publish.

## **Chapter 9**

### **Provisions Governing the Entry Into Force and Transitional Provisions**

**63.** This Act enters into force on July 1, 1961.

(Other provisions on the entry into force of this Act and of subsequent amendments to the Act are not included).

---