

# Copyright protects creative work



Copyright protects creative work. Creative works include pieces of writing or music (lyrics, compositions and arrangements), works of art, photographs, plays, films, software and maps. Neighbouring rights protect for example the performance and recordings of creative work..

In Finland, copyright takes effect immediately after a work has been created; no registration, notification or other measure is required. A work is eligible for copyright protection if it meets the threshold of originality. Copyright does not protect topics, ideas, methods, principles, information contents or plots.

## **KEY COPYRIGHT DUTIES OF THE MINISTRY OF EDUCATION AND CULTURE**

The Ministry of Education and Culture is responsible for copyright matters in Finland. It prepares and develops copyright legislation and produces information about copyright. The Ministry also performs duties relating to copyright administration, negotiates international copyright agreements, participates in the drafting of EU legislation as well as represents Finland in copyright matters in Nordic interagency cooperation and

international organisations (WTO, OECD, Unesco, Council of Europe, WIPO etc.).

## **LEGISLATION**

The Finnish Copyright Act was adopted in 1961 (404/1961), and it has been amended several times since the 1980s. Provisions on penalties for copyright offences are laid down in the Criminal Code (39/1889).

The Copyright Decree entered into force in 1995 (574/1995), the same year as the Decree on the Application of the Copyright Act in Certain Cases to Protected Items Originating in States Belonging to the European Economic Area (575/1995).

Provisions on copyright are also included in the Act on Orphan Works (764/2013). Provisions on collective management of copyrights shall be laid down in a respective Act in 2017.

Translations of Finnish acts and decrees into English are available at <http://www.finlex.fi/en/laki/>.

## **INTERNATIONAL AGREEMENTS AND EU DIRECTIVES**

The Finnish copyright legislation is based on international copyright agreements and EU directives.

Finland has acceded to or ratified the following agreements, among others:

- Berne Convention (Paris 1971);
- International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention, 1961);
- WIPO Copyright Treaty (WCT, 1996) and WIPO Performances and Phonograms Treaty (WPPT, 1996).
- In addition, Finland is bound by the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) of 1995, which is an Annex to the Agreement establishing the World Trade Organization (WTO).

Finland has also signed the Beijing Treaty on Audiovisual Performances (2012) and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (2013).

The term of copyright protection is 70 years from the death of the author, following EU practice.

### **EXTENDED COLLECTIVE LICENSING**

Finland and the other Nordic countries share a long and close history when it comes to the development of copyright legislation.

In the 1980s the Nordic countries developed a system of extended collective licensing which allows copyright agreements, made between a user and a representative collective management organisation, to apply to all copyright holders in a specific field, regardless of whether they are members of the collective management organisation or not.

The system of extended collective licencing was designed to streamline mass use of copyrighted works where negotiating directly with individual copyright holders is not possible or would be too expensive due to transaction costs.

The system improves the market position of copyright holders and at the same time promotes the users'

opportunities to acquire extensive user rights for different purposes. Extended collective licensing is by law available for example in the following cases:

- photocopying;
- radio and TV transmission;
- retransmission;
- use for internal communication;
- use for educational and research purposes; and
- use of works in archives, libraries and museums when it exceeds the limitation provisions.

Extended collective licencing also gives newspapers and magazines and radio and TV broadcasting companies the opportunity to agree on the reuse of publications and programmes stored in their archives. The latest amendment to the extended collective licensing rules from 2015 allows agreements on the use of works in online recording service of TV programmes.

Finland, unlike the other Nordic countries, does not have a system for general extended collective licensing.

### **COPYRIGHT IN THE 2010S**

The development of the Finnish copyright system mainly draws on EU policies and harmonisation. Finland participates actively and ambitiously in the development of the Digital Single Market

in the European Union.

In recent years more and more attention has been given to the efficiency of the copyright system in Finland.

A set of guidelines for the assessment of the operation of national copyright systems, applicable for international use, was published in 2016. The guidelines aim at supporting the establishment of a reliable knowledge base for decision making and the development of the copyright system.

Read more about the guidelines and the methodology framework on the website of Cupore at: [www.cupore.fi/copyright\\_methodology](http://www.cupore.fi/copyright_methodology). ●