

**Copyright Decree**<sup>\*</sup>  
**(No. 574 of April 21, 1995)**

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**Copying in archives, libraries and museums**

*Art. 1.* The following institutions shall have the right, provided for in the first paragraph of [Article 16](#) of the Copyright Act, to make copies of a work for the purpose of their activities, subject to the conditions laid down in [Articles 3](#) to [6](#) below:

- (1) collectors of archives as defined in [subparagraphs 1](#) to [3](#) and [5 of Article 1 of the Archives Act \(831/94\)](#), the Archives of the President of the Republic, the Archives of the Evangelical Lutheran Church and the archives of public authorities in the Province of Aaland;
- (2) the Library of Parliament, the libraries of universities and other scientific libraries maintained by the State, the Repository Library, the Central Library of Public Libraries, and the province libraries; and
- (3) State-owned museums.

*Art. 2.* The Ministry of Education may grant the right referred to in [Article 1](#) also to an archive, library or museum other than those specified in the said Article.

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*Entry into force:* May 1, 1995.

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<sup>\*\*</sup> Added by the International Bureau of WIPO.

*Art. 3.* An archive, library or museum may, to the extent necessary for reasons of security, make, by means of microphotography or other analogous process, copies of material in their collections.

Material forming part of the above collections which, owing to its fragile character or rarity, cannot be lent to users in its original form may be reproduced by photocopying for the purpose of loans; nevertheless, except where justified by special reasons, not more than two copies may be made.

A protected work belonging to such a collection that has not been disseminated may not be reproduced without the consent of the author.

*Art. 4.* It is permitted to use photocopying to make copies of isolated articles contained in compilations and in newspapers and magazines, and of brief portions of other published works, with a view to supplying them, when this is considered expedient, to persons asking to borrow them for purposes of research or study, instead of lending the volume or booklets containing them. Each person seeking a loan shall receive one copy only of each article or each portion of a work.

*Art. 5.* Where a copy of a work is incomplete, the missing portions may be reproduced by means of photocopying, provided that they constitute only a minor portion of the whole work.

It is not permitted, however, to produce a missing volume of a work published in several volumes, or to produce missing books or parts of magazines or similar works, unless the volume, book or part is out of stock with booksellers, the printing house and the publisher.

*Art. 6.* Every library that is entitled, by virtue of provisions in force, to receive a free copy of a printed work may, when special reasons so require, make a photocopy of a published work the acquisition of which is considered necessary for the collections of the library, but which is out of stock with booksellers, the printing house and the publisher. Only one copy may be made of each such work.

## **Production of talking books for disabled persons**

*Art. 7.* The library for the visually impaired, as defined in the Act regarding a Library for the Visually Impaired (11/78), the Finnish Federation of the Visually Impaired [*Näkövammaisten Keskusliitto ry*] and the Finnish Deaf-Blind Association [*Suomen Kuurosokeat ry*] shall have the right provided for in the second paragraph of [Article 17](#) of the Copyright Act.

The Cultural Services for the Visually Impaired Association [*Näkövammaisten Kulttuuripalvelu ry*], the Jyväskylä School for the Visually Impaired [*Jyväskylän näkövammaisten koulu*], the Swedish School for the Visually Impaired [*Svenska skolan för synskadade*] and the Arla Institute [*Arlainstituutti*] shall have the right to produce teaching materials provided for in the second paragraph of [Article 17](#) of the Copyright Act.

The names of the author of the work and the performer shall be mentioned on the talking books so produced.

## **Recording on devices for the purposes of radio or television broadcasts**

*Art. 8.* The recording of a work on a device as defined in the first paragraph of [Article 25g](#) of the Copyright Act shall be carried out using the broadcasting organization's own technical equipment.

A recording of the kind specified in the foregoing paragraph may only be passed on to a third party in the circumstances specified in [Article 10](#) below.

*Art. 9.* A recording of the kind specified in [Article 8](#) may not be retained for more than one year and may not be used for broadcasting more than four times. At the end of the said period, or after the recording has been used for the maximum permitted number of broadcasts, it must be destroyed or rendered unusable, unless otherwise agreed with the author or unless the arrangement comes within the scope of [Article 10](#) below.

*Art. 10.* If a recording that possesses documentary value has been consigned to the archives of the National Broadcasting Company [*Oy Yleisradio Ab*], it may be preserved there beyond the period or after the number of uses specified in [Article 9](#) above.

*Art. 11.* Where it is established that a recording within the meaning of [Article 8](#) above cannot conveniently be preserved in its original form, it may be transferred to another medium, in which case the original recording must be destroyed or rendered unusable.

Where a recording is to be used for a broadcast, but for technical reasons cannot conveniently be so used in its original form, or in the form of a copy made in accordance with the foregoing paragraph, a special copy of the recording may be made for that purpose. After use, the copy so made must be destroyed or be rendered unusable.

*Art. 12.* The provisions of [Articles 8](#) to [11](#) shall apply as appropriate to the recording on a device of protected items provided for in [Articles 45, 46, 46a, 48 and 49a of the Copyright Act](#).

## **Prohibition of action prejudicial to a work**

*Art. 13.* The prohibition specified in [Article 53 of the Copyright Act](#) shall be pronounced by the Ministry of Education.

## **Arbitration**

*Art. 14.* Any disputes referred to in [Article 54 of the Copyright Act](#) shall be settled by arbitration, for the purpose of which each party shall appoint one arbitrator, and the persons so appointed shall invite a third arbitrator to serve as chairman.

*Art. 15.* If one of the parties has proposed arbitration to the opposite party and appointed an arbitrator, but the opposite party, within a month of having been notified thereof, has not appointed an arbitrator, the said opposite party shall be deemed to have refused to settle the matter by arbitration.

*Art. 16.* ([Article 16](#) was repealed by Decree 160/1996, which entered into force on March 25, 1996.)

*Art. 17.* In other respects, the applicable parts of the Arbitration Act (967/92) shall be complied with.

## **Copyright Council**

*Art. 18.* On a proposal by the Ministry of Education, the Council of State shall appoint to the Copyright Council, for a period of three years at a time, a chairman, a vice-chairman, and a maximum of 15 ordinary members, with a personal alternate member for each of them.

*Art. 19.* The most important holders of the rights provided for in the Copyright Act, and also the most important users of the items protected, shall be represented in the Copyright Council.

The chairman, the vice-chairman and at least one ordinary member of the Copyright Council, and their alternates, shall be holders of masters' degrees in law and be well-versed in copyright law, and must not be regarded as representing the interests of the holders of rights or users of protected items referred to in the foregoing paragraph.

*Art. 20.* The decision-making power of the Copyright Council may, in matters specified by the Council, be exercised by a section appointed by it for the handling of a certain matter or matters relating to a certain field.

Such a section shall be composed of a chairman, whom the Council shall appoint from among the members referred to in the second paragraph of [Article 19](#), requisite number of ordinary members.

*Art. 21.* The Copyright Council shall be deemed to have a quorum when the chairman or vice-chairman of the Council and a minimum of five other members are present.

A section shall be deemed to have a quorum when the chairman of the section and at least one other member are present.

*Art. 22.* The chairman, members and secretaries of the Copyright Council and its sections, and any experts heard by the Council or its sections, shall be paid a fee and a daily allowance and also compensation for their travelling costs, as provided for committees of the State.

*Art. 23.* More detailed provisions on the activities of the Copyright Council may be issued in the Council's Rules of Procedure, which shall be confirmed by the Ministry of Education upon proposal by the said Council.

## **Compensation for making a copy of a work for private use**

*Art. 24.* Any audio or video tape or any other device whose technical properties and intended use make it suitable for copying a work for private use shall be regarded as a device within the meaning of [Article 26a](#) of the Copyright Act.

Any uncut tape suitable for recording sound or images shall likewise be regarded as a device within the meaning of Article 26a of the Copyright Act.

Any entirely or partly recorded audio or video tape or other device shall also be regarded as a device within the meaning of the first paragraph above, if it can be judged from its technical properties, from its outward appearance or packaging, from the relatively smaller proportion of recorded material on it to its playing time, from the quality of the recorded material, from the importation or selling price of the device, or from other circumstances, that the device was evidently intended for use in the same manner as an unrecorded device.

*Art. 25.* The Ministry of Education shall set the amount of the levy referred to in Article 26a of the Copyright Act on the basis of the playing time of the device, counting every fraction of a minute as a full minute.

*Art. 26.* Where the playing time of a device as referred to in [Article 26a](#) of the Copyright Act can be determined by the user in various other ways the levy shall be calculated on the basis the average playing time of the device.

In cases provided for in the third paragraph of [Article 24](#) above, the levy shall be calculated on the basis of the total playing time of the device.

*Art. 27.* Any device as referred to in [Article 26a](#) of the Copyright Act shall be regarded as having been manufactured when it has been transported away from the place of manufacture, but at the latest when it has been transferred away from the manufacturer's possession. The area in which the final manufacture of the product takes place, and also the manufacturer's storage premises in the immediate vicinity of that area, shall be regarded as the place of manufacture.

*Art. 28.* Any device as referred to in [Article 26a](#) of the Copyright Act shall be regarded as having been imported when it has been released by the customs authorities. If the device has been imported from a Member State of the European Union, it shall be regarded as having been imported when it has been transported across the border.

*Art. 29.* Any device as referred to in [Article 26a](#) of the Copyright Act shall be regarded as having been exported when the vehicle into which it has been loaded, having completed customs clearance, has finally left the country, and, in the case of export to a Member State of the European Union, at the time when the device has otherwise verifiably left the country. If the device is exported by mail, it shall be regarded as exported when it has been accepted for being transported by the mail service.

*Art. 30.* Any activity

- (1) that is constant and regular and carried on with gainful intent in which recordings are made in order to be further conveyed to the public;
- (2) for which recording is a prerequisite or to which recording is otherwise important and pertains to the business of the recorder;

shall be regarded as professional audio or video recording for the purposes of item (2) of the first paragraph of [Article 26e](#) of the Copyright Act.

Recording by schools and universities in the course of educational activity and scientific research shall also be regarded as professional recording.

*Art. 31.* The organization in charge of the collection of the levy shall submit an annual statement of account to the Ministry of Education showing the cost of the collection and administration of the levy and the use of the proceeds therefrom.

*Art. 32.* The work of collecting the levy shall include collection from those required to pay, monitoring of the fulfillment of the payment obligation, holding the proceeds from the levy prior to the accounting, attending to the repayment of the amount of the levy or to leaving it uncollected in compliance with the regulations, paying out the collected funds in accordance with the plan for use referred to in [Article 37](#) below and making the statement of account referred to in [Article 31](#) above.

*Art. 33.* The proceeds from the levy shall be kept in separate accounts and be invested in safe securities bearing appropriate interest in the proportion allowed by the cash availability indicated by the collection of the said proceeds and by the plan for their use.

*Art. 34.* Any relevant costs incurred in the course of the collection work referred to in [Article 32](#) above, supported by vouchers, shall be covered from the accumulated proceeds from the levy.

*Art. 35.* The organization shall give the Ministry of Education the opportunity to inspect the accounting, administration and use of the funds associated with its attending to the collection work referred to in [Article 32](#) above.

*Art. 36.* The matters referred to in [Articles 31](#) to [35](#) above shall be specified in the decision on the approval of the collecting organization under Article 26b of the Copyright Act.

*Art. 37.* The plan for the use of the proceeds from the levy, referred to in [Article 26b](#) of the Copyright Act, shall be approved by the Ministry of Education annually, after the expiration of the period for requesting the repayment under the second paragraph of [Article 26e](#) of the Act.

*Art. 38.* The plan for the use of the proceeds from the levy, referred to in [Article 26b](#) of the Copyright Act, shall specify

- (1) the proportion in which the funds shall be used for the compensations and collective benefits referred to in [Article 26a](#) of the Copyright Act;
- (2) the collection and administration costs;
- (3) the bodies to which funds shall be paid;
- (4) the share accruing to each body and the purposes for which the funds are to be used.

*Art. 39.* The promotion of music, film, television and video culture, including measures to further the employment of authors and the production of cultural services, and also training and research, shall be regarded as included among the collective benefits provided for in Article 26a of the Copyright Act.

*Art. 40.* This Decree shall enter into force on May 1, 1995.

This Decree repeals the Copyright Decree of August 25, 1961 (No. 441/61) and subsequent amendments.