

## **PENAL CODE 1889/39**

**(amendments up to 12 June 2015, 766/2015 included)**

### **Chapter 49 - Violation of certain incorporeal rights (578/1995)**

#### **Section 1 - *Copyright offence* (822/2005)**

(1) A person who for profit and in violation of the Copyright Act (404/1961) and in a manner conducive to causing considerable detriment or damage to the person holding a right, violates the right of another to

- (1) a literary or artistic work,
- (2) the performance of a literary or artistic work or of national heritage,
- (3) a record or other device on which sound has been recorded,
- (4) a film or other device on which moving images have been recorded,
- (5) a television or radio broadcast,
- (6) a register, table, program or another similar work referred to in the Copyright Act and containing the compilation of a considerable amount of information, or a database the compilation, verification or presentation of which has required considerable effort, or
- (7) a photograph

shall be sentenced for a *copyright offence* to a fine or to imprisonment for at most two years.

(2) Also a person who for profit and in a manner conducive to causing considerable detriment or damage to the person holding a right, imports for the purpose of dissemination among the public or for transport through Finland to a third state a sample or a copy produced abroad of a work or photograph, a record, film or other device on which sound or moving pictures have been recorded or a register, table, program or another similar work containing the compilation of a considerable amount of information, or a database the compilation, verification or presentation of which has required considerable effort, as referred to in subsection 1, while knowing that it has been produced or copied in circumstances under which said production or copying would in Finland be punishable under subsection 1 or under section 56(a) of the Copyright Act, shall be sentenced for a copyright offence.

(3) Also a person who uses a computer network or information system to violate the right of another to the objects of protection referred to in subsection 1 so that the act is conducive to causing considerable detriment or damage to the holder of the right that has been violated, shall be sentenced for a copyright offence.

#### **Section 2 - *Intellectual property offence* (1281/2009)**

A person who in violation of the Trademark Act (7/1964), the Patents Act (550/1967), the Registered Designs Act (221/1971), the Act on the Protection of Semiconductor Topographies (32/1991), the Utility Models Act (800/1991) or the Plant Variety Rights Act (1279/2009) and in a manner conducive to causing considerable financial loss to a person holding a right, breaches

- (1) the right to a trademark,
- (2) the exclusive right conferred by a patent,
- (3) the right to a registered design,
- (4) the right to a semiconductor topography,
- (5) the right to a utility model, or

(6) a plant variety right

shall be sentenced for an *intellectual property offence* to a fine or to imprisonment for at most two years.

**Section 3 – Circumvention of technical protection (822/2005)**

A person who in violation of the prohibition in section 50a of the Copyright Act and so that the act is conducive to causing considerable detriment or damage circumvents an effective technical measure protecting a work, shall be sentenced for *circumvention of technical protection* to a fine or to imprisonment for at most one year.

**Section 4 – Circumvention of technical protection offence (822/2005)**

A person who in violation of the prohibition in section 50b of the Copyright Act and so that the act is conducive to causing considerable detriment or damage, produces or imports for dissemination among the public, sells, rents, advertises for sale or rent or keeps in his or her possession for commercial use devices, products or parts that render it possible or make it easier to circumvent an effective technical measure protecting a work, or offers services making circumvention possible or easier, shall be sentenced for a *circumvention of technical protection offence* to a fine or to imprisonment for at most one year.

**Section 5 – Offence violating electronic docket information on rights (822/2005)**

A person who in violation of the prohibition in section 50 c of the Copyright Act and so that the act is conducive to causing considerable detriment or damage,  
(1) deleted or alters electronic docket information on rights which identify a work, author or other holder of rights or which are consist of data on the terms of use of the work, or  
(2) disseminates among the public or imports for dissemination among the public copies of a work or conveys to the public a work so that the data referred to in paragraph (1) have been deleted or altered without permission, and the offender knows that his or her act causes, makes possible, conceals or facilitates the violation shall be sentenced for an *offence violating electronic docket information on rights* to a fine or to imprisonment for at most one year.

**Section 6- Right to bring charges (441/2011)**

The public prosecutor may not bring charges for offences referred to in sections 1 – 3 or 5 of this Chapter, unless the complainant reports it for the bringing of charges or unless a very important public interest requires that charges be brought.

**Section 7 - Corporate criminal liability (540/2007)**

The provisions on corporate criminal liability apply to a copyright offence.