

# INTERNATIONAL COPYRIGHT REGULATION

(No. 193, of April 14, 1994), as amended up to July 1, 1995

The Government prescribes the following.

**Article 1.** This Regulation contains provisions on the application of the Act (1960:729) on Copyright in Literary and Artistic Works (Copyright Act) in relation to other countries and intergovernmental organizations.

## The Berne Convention for the Protection of Literary and Artistic Works

**Article 2.** The provisions on copyright in the Copyright Act shall apply to

1. works of authors who are nationals of, or have their habitual residence in, a country other than Sweden which is a member of the International Union for the Protection of Literary and Artistic Works (Berne Union),
2. works which have been first published in a country of the Union other than Sweden,
3. works which have been first published in a country outside the Union and thereafter within thirty days in a country of the Union,
4. cinematographic works the producer of which has his headquarters or his habitual residence in a country of the Union other than Sweden,
5. works of architecture erected in a country of the Union other than Sweden,
6. works of graphic or plastic art incorporated in a building erected in a country of the Union other than Sweden or which are otherwise permanently fixed to the ground in such a country.

For the purposes of the application of the first paragraph, [item 4.](#), the person whose name appears in the usual manner on copies of the cinematographic work shall, in the absence of proof to the contrary, be presumed to be the producer of the work.

**Article 3.** The protection under Swedish law shall not apply when the term of protection in the country of origin has elapsed.

If the work has been first published in a country of the Union, that country is the country of origin. If the work, within a period of thirty days, has been published in several countries of the Union, the country of origin is the country having the shortest term of protection. If the work within a period of thirty days has been published in a country outside the Union and in a country of the Union, the country of the Union is the country of origin.

If a work does not, under the second paragraph, have its country of origin within the Union, the country of origin is the country of the Union of which the author is a national or where he has his habitual residence. In respect of cinematographic works the producer of which has his headquarters or his habitual residence in a country of the Union, that country is, however, the country of origin. In respect of works of architecture erected in a country of the Union, in respect of artistic works incorporated in a building erected in a country of the Union and in respect of artistic works which are otherwise permanently fixed to the ground in such a country, that country is the country of origin.

**Article 4.** As regards undertakings to bring contributions to the creation of cinematographic works referred to in [Article 2, items 1 to 4](#), the provisions of [Article 39 of the Copyright Act](#) apply, unless otherwise provided in the undertaking. The law of the country where the producer of the cinematographic work has his headquarters or his habitual residence determines whether the undertaking shall be in writing in order to have the effect referred to in the first sentence.

The first paragraph applies also to undertakings to bring contributions to cinematographic works referred to in [Article 60 of the Copyright Act](#) if the work, according to [Article 3](#),

1. has its country of origin in a country of the Union other than Sweden,
2. has its country of origin in Sweden but Swedish law does not apply to the undertaking.

**Article 5.** The provisions of [Articles 2 to 4](#) shall apply also in relation to rights in photographic pictures under the Copyright Act.

**Article 6.** The following countries other than Sweden were members of the Berne Union on April 1, 1994: (list not included here).

## The Universal Copyright Convention

**Article 7.** The provisions on copyright in the Copyright Act shall apply to

1. works of authors who are nationals of a country, other than Sweden, which is party to the Universal Copyright Convention in its original version or as revised at Paris on July 24, 1971,
2. works of persons who have their domicile in a country referred to in [item 1.](#), if the country under its law assimilates them to their own nationals for the purposes of the application of the Universal Copyright Convention,
3. works of stateless persons or refugees who have their habitual residence in a country party to Protocol 1. to the Convention in its original version or revised version.
4. works which have been first published in a country party to the Convention in its original or revised version.

**Article 8.** The protection under Swedish law shall not apply when the period of protection in the country of origin of the work has elapsed.

If the work has been first published in a country party to the Universal Copyright Convention, that country is the country of origin. If the work within thirty days has been published in several such countries, the country of origin is the country having the shortest period of protection. If the work has been first published in a country not party to the Convention or if the work has not been published, the country of origin is the country party to the Convention where the author is a national or, under the conditions referred to in [Article 7, items 2.](#) and [3.](#) has his domicile or habitual residence.

**Article 9.** The provisions of [Articles 7](#) and [8](#) do not apply to works the country of origin under [Article 3](#) is

1. a country member of the Berne Union, or
2. a country which has withdrawn from the Union after January 1, 1951.

The provisions apply, however, if the country

- is a developing country according to paragraph (b) of the Appendix Declaration relating to Article XVII of the Convention as revised, and

- at the time of its withdrawal from the Berne Union deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) a notification to the effect that it regards itself as a developing country.

**Article 10.** The provisions of [Articles 7 to 9](#) apply also to the rights in photographic pictures under the Copyright Act.

**Article 11.** The following countries other than Sweden were, on April 1, 1994, party to

1. the Universal Copyright Convention in its original version: (list not included here);
2. the Universal Copyright Convention as revised at Paris on July 24, 1971: (list not included here)
3. Protocol 1 to the Universal Copyright Convention in its original version: (list not included here);
4. Protocol 1 to the Universal Copyright Convention as revised at Paris on July 24, 1971.

Works by the United Nations, etc.

**Article 12.** The provisions on copyright and rights in photographic pictures shall apply to

1. works and photographic pictures which have been first published by the United Nations, any of the Specialized Agencies in the United Nations system of organizations, or the Organization of American States, and
2. works and photographic pictures which have not been published but which may be published by any of those Organizations.

The Rome Convention

**Article 13.** The provisions of [Articles 45 and 48 of the Copyright Act](#) and other provisions in the Act referring to those Articles shall apply to performances and to sound radio and television broadcasts which take place in a country other than Sweden which is party to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, of October 26, 1961 (Rome Convention). Furthermore, the provisions of [Article 48](#) shall apply to broadcasts by sound radio and television organizations having their headquarters in a country party to the Convention.

The provisions of the first paragraph do not apply to the provisions on the making available to the public contained in [Article 45](#), second paragraph, and on distribution to the public contained in [Article 48, second paragraph, of the Copyright Act](#).

The provisions of [Article 47](#) and other provisions in the Act referring to that Article shall apply to sound recordings fixed in a country other than Sweden which is party to the Rome Convention. This does not, however, apply to sound recordings fixed in Australia, Congo, Fiji, Luxemburg, Monaco and Niger.

**Article 14.** The protection under [Article 13](#) shall not apply when the term of protection has elapsed in the country where the performance, sound recording or broadcast took place. As regards broadcasts protected under [Article 13](#), first paragraph, second sentence, the protection shall not apply when the term of protection has elapsed in the country where the organization has its headquarters.

**Article 15.** The following countries other than Sweden were, on April 1, 1994, party to the Rome Convention: (list not included here).

The European Television Agreement

**Article 16.** The provisions of [Article 48 of the Copyright Act](#) and other provisions in the Act referring to that Article shall apply to television broadcasts taking place in a country other than Sweden which is party to the European Agreement on the Protection of Television Broadcasts, of June 22, 1960, and the Additional Protocols of January 22, 1965 and March 21, 1983. Furthermore, the provisions shall apply to broadcasts by television organizations having their headquarters in such a country.

The provisions in the first paragraph do not apply to the provisions on distribution to the public contained in [Article 48, second paragraph, of the Copyright Act](#).

The protection under the first paragraph shall not apply when the term or protection has elapsed in the country where the broadcast took place or the television organization has its headquarters.

As regards television broadcasts from the United Kingdom the protection against the recording of a broadcast on a material support from which it can be reproduced and the protection against unauthorized transfer from one such support to another, shall not apply to the recording of still pictures through photography and the reproduction of such pictures.

**Article 17.** The following foreign countries are presently party to the Agreement: (list not included here).

Application in time of the international protection

**Article 18.** The provisions in [Articles 2 to 11](#) apply also to works which have been created before the day on which the country became member of the Berne Union or party to the Universal Copyright Convention.

Copies of works which have been produced before the day referred to in the first paragraph may be freely distributed and exhibited. The provisions on rental and lending in [Article 19 of the Copyright Act](#) shall, however, apply also to such copies.

Type matter, printing blocks, forms and other devices which, for the reproduction of a certain work, have been produced before the day referred to in the first paragraph, may be used for their purpose during two years and six months from that day. As regards copies produced on the basis of this provision, the provisions of the second paragraph shall apply.

**Article 19.** The provisions of [Article 18](#) shall apply also to rights protected on the basis of [Articles 5, 10 and 13 to 17](#).

This Regulation enters into force on July 1, 1994, on which day the Regulation (No 1973:529) on the Application of the Act (No 1960:729) on Copyright in Literary and Artistic Works and the Act (No 1960:730) on Rights In Photographic Pictures With Respect to Other Countries and Territories, etc. shall no longer apply.

The present wording of [Articles 13 and 16](#) entered into force on June 1, 1995