

# Regulation (1995:1275) Amending the International Copyright Regulation (1994:193).

The Government prescribes, as regards the International Copyright Regulation (1994:193)

that [Articles 1, 2, 7, 12, 18](#) and [19](#) shall read as follows,

that six new Articles, numbered [20](#) to [25](#) shall be inserted, reading as follows,

that the heading immediately before [Article 18](#) shall be placed immediately before [Article 24](#), and

that in the Regulation, immediately before [Article 18](#), shall be inserted a new heading, reading as follows.

**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.

For the purposes of the application of the Copyright Act, any person who is a national of a country party to the European Economic Area (an EEA country) shall always be treated as if he were a national of Sweden. For the purposes of the application of the Act a legal entity from an EEA country shall always be treated as a Swedish legal entity and a legal entity having its seat in an EEA country shall be treated as a legal entity having its seat in Sweden.

**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.

The provisions of [Article 26 j of the Copyright Act](#) shall apply to works of persons who are nationals of, or have their habitual residence in, a country of the Union other than Sweden, where the other Union country has introduced such a remuneration system as provided for in [Article 14ter of the Berne Convention for the Protection of Literary and Artistic Works](#).

The provisions of the first paragraph do not apply to the provisions of [Article 44 a of the Copyright Act](#).

**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.

The provisions of the first paragraph do not apply to the provisions of [Articles 26j](#) and [44a of the Copyright Act](#).

**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 provisions of the first paragraph do not apply to the provisions of [Articles 26j](#) and [44 a of the Copyright Act](#).

The Agreement on Trade-Related Aspects of Intellectual Property Rights.

**Article 18.** The provisions on copyright in the Copyright Act shall apply also to works of persons who are nationals of, or have their

habitual residence in, a country other than Sweden which is a member of the World Trade Organization and which thereby has adhered to the Agreement of Trade-Related Aspects of Intellectual Property Rights (a WTO Country).

The provisions of [Article 26 j of the Copyright Act](#) shall apply to works of persons who are nationals of, or have their habitual residence in, a WTO Country, where the other country has introduced such a remuneration system as provided for in [Article 14ter of the Berne Convention for the Protection of Literary and Artistic Works](#).

The provisions of the first paragraph does not apply to the provisions of [Article 44 a of the Copyright Act](#).

**Article 19.** The provisions of [Article 3](#) shall apply also to works of persons who are nationals of, or have their habitual residence in, a WTO Country.

The provisions of [Article 4](#) shall apply also in relation to any agreement on the contribution to a cinematographic work by a person who is a national of, or has his habitual residence in, a WTO Country.

**Article 20.** The provisions of [Article 45 of the Copyright Act](#) and other provisions in the Act referring hereto shall apply to performances of persons who are nationals of a WTO Country, however only as regards

1. fixation of the performance on a sound recording by means of which it can be perceived,
2. wireless transmission of the performance in a sound radio or television broadcast or a communication to the public through direct transmission,
3. transfer of the performance from one sound recording by means of which it can be perceived to another such recording, and
4. the making available to the public of the performance through rental of sound recordings.

**Article 21.** The provisions of [Article 46 of the Copyright Act](#) and other provisions in the Act referring thereto shall apply to sound recordings the producer of which is a national of a WTO Country or a legal entity of a WTO Country, as regards the making available to the public through rental.

**Article 22.** The provisions of [Article 48 of the Copyright Act](#) and other provisions in the Act referring thereto shall apply to transmissions by sound radio or television organizations having their headquarters in a WTO Country, however only as regards

1. fixation of transmissions on material supports by means of which they can be perceived,
2. wireless retransmission of transmissions,
3. making available to the public of television broadcasts in places where the public has access against the payment of a fee,
4. transfer of such transmissions from material supports by means of which they can be perceived to other such material supports, and
5. distribution to the public of sound recordings through rental.

**Article 23.** The following countries other than Sweden were party to the World Trade Organization on January 1, 1996 (list not included here).

**Article 24.** The provisions of [Articles 2](#) to [11](#), [18](#) and [19](#) apply also to works which have been created before the date on which the country became a member of the Berne Union, party to the Universal Copyright Convention or adhered to the World Trade Organization.

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

**Article 25.** The provisions of [Article 24](#) shall apply also to rights protected on the basis of [Articles 5](#), [10](#), [13](#) to [17](#) and [19](#) to [23](#).

This Regulation enters into force on January 1, 1996.