

THE GOVERNMENT OFFICES
Ministry of Justice

**ACT (1997:790) of November 6, 1997,
AMENDING THE ACT (1960:729) ON COPYRIGHT IN
LITERARY AND ARTISTIC WORKS**

As decided by the Parliament it is hereby prescribed, as concerns the Act (1960:729) on Copyright in Literary and Artistic Works, that the heading immediately before Article 29 g shall read as follows, and that Articles 12, 19, 21, 26 b, 26 g, 49, 53 and 61 shall read as follows.

Article 12. Anyone is entitled to make, for private purposes, single copies of works which have been made public. Such copies may not be used for other purposes.

The provisions in the first paragraph do not confer a right to

1. construct works of architecture
2. make copies of computer programs, or
3. make copies in digital form of compilations in digital form.

The provisions in the first paragraph do not confer a right to engage, for private purposes, another person to

1. make copies of musical works or cinematographic works,
2. make useful articles or sculptures,
3. copy another person's artistic work by artistic reproduction.

Article 19. When a copy of a literary or musical work or a work of fine arts has been transferred with the consent of the author, that copy may be further distributed.

The provisions in the first paragraph do not confer a right to make available to the public

1. copies of works, with the exception of buildings and works of applied art, through rental or similar legal acts, or
2. copies of computer programs in machine-readable form, through lending.

Article 21. Anyone may publicly perform published works

1. on occasions when the performance of such works is not the main feature of the event, provided that no admission fee is charged and the event is not for profit, and
2. in the course of educational activities and for divine services.

The provisions of the first paragraph do not apply to dramatic works or cinematographic works and do not confer a right to use works in sound radio or television.

The provisions of the first paragraph, item 1. do not confer a right to perform, for commercial purposes, compilations in the course of educational activities.

Article 26 b. Notwithstanding copyright therein, official documents shall be made available to the public as prescribed in Chapter 2 of the Freedom of the Press Act.

Copyright does not prevent the use of a work in the interest of justice or public security.

Special Provisions on Computer Programs, etc.

Article 26 g. Anyone who has acquired the right to use a computer program is entitled to make such copies of the program and to make such adaptations which are necessary in order for him to use the program for its intended purpose. This also applies to corrections of errors.

Anyone who has the right to use a computer program is entitled to make back-up copies of the program, if this is necessary for the intended use of the program.

Copies which have been made on the basis of the provisions of the first and second paragraphs may not be used for other purposes and may, furthermore, not be used when the right to use the program has expired.

Anyone who has the right to use a computer program is entitled to observe, study or test the function of the program in order to ascertain the ideas and principles which lie behind the various details of the program. This applies provided that the act is performed in connection with such loading, display on a screen, processing, transmission or storing of the program that he is entitled to make.

Anyone who has a right to use a compilation is entitled to dispose of it in such a way that is necessary for him to use the compilation for its intended purpose.

Contractual clauses which limit the right of the user under the second, fourth and fifth paragraphs are null and void.

Article 49. Anyone who has prepared a catalogue, a table or another similar production in which a large number of information items have been compiled or which is the result of a substantial investment has an exclusive right to make copies of the production and to make it available to the public.

The right under the first paragraph lasts until fifteen years have elapsed from the year in which the production was prepared. Where the production has been made available to the public within fifteen years from the preparation, the right shall, however, last until fifteen years have elapsed from the year in which the production was first made available to the public.

The provisions of Articles 2, second and third paragraphs, 6 - 9, 11, second paragraph, 12, first and second paragraphs, 13 - 22, 25, 26 - 26 b, 26 d - 26 f, 26 g, fifth and sixth paragraphs, and 26 i shall apply also to productions referred to in this Article. If a production of this kind, or a part thereof, is subject to copyright, also copyright protection may be

claimed.

Contractual stipulations extending the producer's rights under the first paragraph in respect of a production which has been made public are null and void.

Article 53. Anyone who, in relation to a literary or artistic work, commits an act which infringes the copyright enjoyed in the work under the provisions of Chapters 1 and 2 or which violates directions given under Article 41, second paragraph, or Article 50, shall be punished by fines or imprisonment for not more than two years, if the act is committed wilfully or with gross negligence.

Anyone who for his private use reproduces a computer program which is published or of which a copy has been transferred with the authorization of the author shall not bear criminal liability, if the master copy is not used in commercial or public activities and he does not use the copies produced of the computer program for any use other than his private use. Anyone who for his private use has made a copy in digital form of a compilation in digital form which has been made available to the public shall, under the same conditions, not bear criminal liability for the act.

The provisions of the first paragraph apply also if a person imports into Sweden copies of a work for distribution to the public, if such copies have been produced abroad under such circumstances that a similar production here would have been punishable under that paragraph.

Anyone who has violated an injunction issued under penalty of a fine under Article 53 a, may not be adjudicated to criminal liability for the infringement covered by the injunction.

Attempts to commit acts mentioned in the first or third paragraphs as well as the planning of such acts shall be punishable according to the provisions of Chapter 23 of the Criminal Code.

Article 61. The provisions of Articles 45, 47 and 48 apply to performances, sound recordings and sound radio and television broadcasts which take place in Sweden. In addition, the provisions of Article 45 apply to performances of persons who are Swedish citizens or who have their habitual residence in Sweden, the provisions of Article 47 to sound recordings the producer of which is a Swedish citizen or a Swedish legal entity or a person who has his habitual residence here, and the provisions in Article 48 to broadcasts by sound radio and television organizations which have their headquarters in this country. The provisions of Article 46 apply to sound recordings and to recordings of moving images the producer of which is a Swedish citizen or a Swedish legal entity or has his habitual residence in Sweden as well as to such recordings of moving images which take place in Sweden. However, the provision of Article 46 applies, as regards reproduction, to all sound recordings.

The provisions of Article 49 apply to productions of which the producer is a Swedish citizen or has his habitual residence in Sweden. The

provisions apply also to productions of which the producer is a Swedish legal entity and has its registered office, its main headquarters or its principal place of business in Sweden. Where the legal entity has its registered office in Sweden but does not have its main headquarters or its principal place of business here, the provisions apply, however, only where the production forms part of an economic activity established in Sweden.

Of the provisions in Article 49 a, the reference to Articles 50 and 51 apply to all photographic pictures and the other provisions to photographic pictures,

1. of which the producer is a Swedish citizen or has his habitual residence in Sweden,
2. which have been first published in Sweden or simultaneously in Sweden and abroad,
3. which have been incorporated in a building or another construction which is permanently fixed to the ground, if the building or the construction is located in Sweden.

For the purposes of the application of the third paragraph, item 2, the publication shall be considered to have taken place simultaneously if the work has been published in Sweden within thirty days from its publication abroad.

-
1. This Act enters into force on January 1, 1998
 2. The new provisions apply also to works and productions which have come into being before the entry into force. As regards productions which have been prepared within a period of fifteen years before the entry into force, the rights under Article 49 apply until January 1, 2014.
 3. The new provisions do not apply in relation to measures undertaken or rights acquired before the entry into force. Such copies of productions under Article 49 which have been prepared on the basis of previous provisions may be freely distributed and displayed. The reference in Article 49, third paragraph, to Article 19, second paragraph, shall, however, apply.
 4. Anyone who has, on the basis of the provisions previously in force, commenced the exploitation of a production according to Article 49 by preparing copies or by making it available to the public, may, notwithstanding the new provisions, continue the planned activities in the manner necessary and customary, however not beyond January 1, 2000. The same right has anyone who, before the entry into force, has undertaken significant measures for the preparation of copies of a production or for making it available to the public. Copies prepared on the basis of these provisions may be freely distributed and displayed. The reference in Article 49, third paragraph, to Article 19, second paragraph, shall, however, apply.