

THE GOVERNMENT OFFICES
Ministry of Justice

ACT (1997:309) of May 29, 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 Article 45 shall read as follows, and that a new Article, numbered Article 29, shall be inserted, reading as follows.

Chapter 3

Article 29. Where an author transfers to a producer of sound recordings or recordings of moving images his right to make available to the public a work through rental of such recordings, the author shall have a right to an equitable remuneration.

Contractual stipulations limiting this right are null and void.

Chapter 5

Article 45. A performing artist's performance of a literary or artistic work may not without his authorization

1. be recorded on a phonographic record, a film or another material support from which it can be reproduced, or
2. be broadcast over sound radio or television or be made available to the public by direct communication.

A performance which has been recorded on a material support as mentioned in the first paragraph, item 1. may not without the authorization of the artist be transferred from one such support to another one, or be made available to the public, until fifty years have elapsed from the year in which the performance took place or, where the recording was published or made public within fifty years from the performance, after the year when the recording was first published or made public.

The provisions of Articles 3, 6 - 9, 11 - 13, 15, 16, 21, 22, 25 - 26 b, 26 e, 26 f, 27 - 29, 39, first sentence, 41 and 42 shall apply to performances mentioned in this Article.

When a copy of an recording under this Article has, with the authorization of the performing artist, been transferred within the European Economic Area, the copy may be distributed further

The provisions of the fourth paragraph do not confer a right to make available to the public

1. copies of recordings, through rental or other similar legal acts, or
2. copies of a film or other material support on which moving images have been recorded, through lending.

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1. This Act enters into force on July 1, 1997.
 2. The new provisions apply also to works and performances which have come into being before the entry into force.
 3. The new provisions apply also to contracts on transfers which have been concluded before the entry into force; this does not, however, apply to contracts concluded before November 19, 1992. As regards contracts concluded thereafter but before July 1, 1994, a right to remuneration under the new provisions exists only where a claim for remuneration has been made before September 1, 1997.