

**Act (2005:359) of May 26, 2005,
Amending the Act (1960:729) on Copyright in Literary and Artistic Works**

In accordance with the decision by the Parliament, it is hereby prescribed, as regards the Act (1960:729) on Copyright in Literary and Artistic Works,

that Article 15 shall no longer apply,

that the heading immediately before Article 15 shall be deleted,

that the present Articles 13, 26*d*, 26*f* and 26*i* shall be numbered 42*c*, 42*e*, 42*f* and 42*a*,

that Articles 2, 12, 16-21, 23, 24, 26*k*, 30, 45-49*a*, 54, 58 and 59, the new Articles 42*a*, 42*c*, 42*e* and 42*f* and the headings immediately before Articles 12, 16, 17, 30 and 47 shall read as follows,

that the headings immediately before Articles 13 and 26 *i* shall be placed immediately before Articles 42*c* and 42*a*, respectively,

that in the Act shall be inserted fourteen new Articles, numbered 11*a*, 20*a*, 26*l*, 26*m*, 42*b*, 42*d*, 52 *b*-52*h* and 57*b*, and immediately before Articles 11*a*, 20*a*, 42*b*, 42*d*, 42*e*, 42*f*, 52*b*, 52*d*, 52*f*, 52*g* and 52*h* new headings, reading as follows,

that immediately before Article 14*a* new heading shall be inserted, reading “**On the Making of Copies for Educational Purposes**”,

that in the Act immediately before the heading before Article 42*a* and immediately before the heading before Article 52*b* new chapter headings shall be inserted, reading as follows.

2. Subject to the limitations prescribed hereinafter, copyright shall include the exclusive right to exploit the work by making copies of it and by making it available to the public, be it in the original or an altered manner, in translation or adaptation, in another literary or artistic form, or in another technical manner.

As the making of copies shall be considered any direct or indirect, temporary or permanent preparation of copies of the work, regardless of the form or through which method this is carried out and regardless of whether it concerns the work in whole or in part.

The work is being made available to the public in the following cases

1. When the work is being communicated to the public. This is deemed to include any making available of the work to the public by wire or by wireless means that occurs from a place other than that where the public may enjoy the work. Communication to the public includes also acts of communication that occur in such a way that members of the public may access the work from a place and at a time individually chosen by them.

2. When the work is publicly performed. Such public performance includes only such cases where the work is being made available to the public, with or without the use of a technical device, at the same place as the one where the public may enjoy the work.

3. When copies of the work are publicly exhibited. Public exhibition includes only such cases where a copy of a work is being made available to the public, without the use of a technical device, at the same place as the one where the public may enjoy the copy. If a technical device is being used, the act is instead a public performance.

4. When copies of the work are placed on sale, leased, lent, or otherwise distributed to the public.

As acts of communication to the public and of public performance shall be deemed also acts of communication and performance that, in the framework of commercial activities, occur to or for a comparatively large closed group of persons.

On the Making of Temporary Copies

11a. Temporary forms of copies of works may be made, if the making of the copies is an integral and essential part of a technological process and if the copies are transient or have only a secondary importance in that process. The copies must not have any independent economic importance.

The making of copies under the first Paragraph is permissible only if the sole purpose of that making is to enable

1. a transmission in a network between third parties by an intermediary, or
2. a lawful use, that is, a use that occurs with the consent of the author or his successor in title or another use that is not un-permissible under this Act.

The provisions under the first and second Paragraphs do not confer a right to make copies of literary works in the form of computer programs or compilations.

On the Making of Copies for Private Purposes

12. Anybody is entitled to make, for private purposes, one or a few copies of works that have been made public. As regards literary works in written form the making of copies may, however, concern only limited parts of works, or such works of limited scope. The copies must not be used for purposes other than private use.

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.

Furthermore, 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 utilitarian articles or sculptures, or
3. copy another person's work of fine art by means of artistic reproduction.

This Article does not confer a right to make copies of a work when the copy that constitutes the real master copy has been prepared or has been made available to the public in violation of Article 2.

On the Making and Distribution of Copies within Certain Archives and Libraries.

16. Archives and libraries referred to in the third and fourth Paragraphs are entitled to make copies of works, with the exception of computer programs,

1. for purposes of preservation, completion or research

2. in order to satisfy the desires of library borrowers, for single articles or short extracts of works or for material which, for security reasons, must not be given away in original form, or

3. for use in reading devices.

Copies that have been made on paper pursuant to the first Paragraph, item 2, may be distributed to library borrowers. Provisions on extended effect of collective licenses for the purposes of distribution to the public of copies in other cases and of communication to the public of works are contained in Article 42 d.

Entitled to the making of copies, and to the distribution, pursuant to the provisions of this Article are

1. governmental and municipal archival authorities
2. the National Archive for Recorded Sound and Moving Images
3. such scientific and research libraries that are operated by public authorities, and
4. public libraries.

The Government may in specific cases grant also certain archives and libraries other than those mentioned in the third Paragraph a right to make copies pursuant to this Article.

On the Making of Copies, etc. for Persons with a Disability

17. Anyone is entitled to make, by means other than recording of sounds, such copies of literary and musical works which have been made public and of works of visual art which have been made public, that persons with a disability need in order to be able to enjoy the works. The copies may also be distributed to those persons.

Libraries and organizations as decided by the Government in specific cases may also

1. communicate copies of the works that are referred to in the first Paragraph to persons with a disability who need the copies in order to be able to enjoy the work,
2. by means of sound recording make such copies of literary works that have been made public which persons with a disability need in order to be able to enjoy the works, and to distribute and communicate such sound recordings to those persons, and
3. make such copies of works transmitted on sound radio or television, and of cinematographic works, that deaf or hearing-impaired persons need in order to be able to enjoy the works, and to distribute and communicate copies of the works to those persons.

The making of copies, the distribution and the communication to the public pursuant to this Article must not be carried out for commercial purposes, nor must the copies be used for purposes other than those mentioned in the Article.

When libraries and organisations distribute or communicate copies of works to persons with a disability in such a way that those persons may keep a copy of the work, the author has a right to remuneration. The same applies if anyone, pursuant to the first Paragraph, second sentence, transmits more than a few copies to persons with a disability.

18. Anyone who, for use in educational activities, prepares a composite work consisting of works by a comparative large number of authors may reproduce minor portions of literary or musical works and such works of a limited scope, provided that five years have elapsed from the year in which the works were published. Works of fine art may be

reproduced in connection with the text, provided that five years have elapsed from the year when they were made public. The authors have a right to remuneration.

The provisions of the first Paragraph do not apply to works that have been created for use in educational activities and does not confer a right to prepare composite works for commercial purposes.

19. When a copy of a work has been transferred, with the consent of its author, within the European Economic Area, that copy may be further distributed.

The provisions of 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

2. copies of computer programs in machine-readable form or of cinematographic works, through lending.

20. When a work has been published, the copies thus published may be publicly exhibited. The same applies in respect of copies of works of fine art that the author has transferred.

On Works of Fine Art Included in a Film, a Television Program or a Picture

20a. Anyone is entitled to make, by means of a film or a television program, and distribute, copies of works of fine art, publicly perform works of fine art and communicate works of fine art to the public, if the exploitation made of the work is incidental in relation to the contents of the film or the television program. Corresponding acts of exploitation may also be carried out of works of fine art that appear in the background, or otherwise form an insignificant part, of a picture.

Exploitation as referred to in the first Paragraph may, however, take place only if the master copy for the copy made when the work of fine art is being included in the film, the television program or the picture is a copy that is covered by an act of publication or a copy that has been transferred by the author. If no making of a copy occurs, the same applies to the copy that is directly communicated to the public through the television program.

21. Anyone is entitled to publicly perform works, with the exception of cinematographic works and works made for the stage, that have been made public

1. on occasions where the performance of such works is not the main feature of the event, no admission fee is charged and the event is not organised for commercial purposes

2. in the course of educational activities or divine services.

The Parliament and governmental and municipal authorities may, in cases referred to in the first Paragraph, item 1, publicly perform also cinematographic works and works made for the stage that have been made public. The works may be performed only through connection to an external network that is made available in order to satisfy a public information interest. The performance may occur only at the Parliament's or the authorities' own venues.

The provisions in the first Paragraph, item 2. do not confer a right to publicly perform, for commercial purposes, compilations in the course of educational activities.

23. Works of fine art which have been made public may be reproduced

1. in connection with the text in a scientific presentation which has not been prepared for commercial purposes,
2. in connection with the text in a critical presentation, except if it is in digital form,
3. in a newspaper and a periodical in connection with a report on a current news event, except if the work has been created for reproduction in such a publication.

The provisions in the first Paragraph apply only if the use of the reproduction is carried out in conformity with proper usage and to the extent called for by the information purpose.

24. Works of fine art may be reproduced in pictorial form

1. if they are permanently located outdoors on, or at, a public place
2. if the purpose is to advertise an exhibition or a sale of the works of fine art but only to the extent necessary for the promotion of the exhibition or the sale, or
3. if they form part of a collection, in catalogues, however not in digital form.

Buildings may be freely reproduced in pictorial form.

26k. When a businessman, in the course of his professional activities, manufactures or imports into this country material supports on which sounds or moving images may be recorded and which are especially suitable for the making of copies of works for private purposes, the authors of such protected works, that have thereafter been broadcast by sound radio or television or have been published on material supports by means of which they can be reproduced, have a right to remuneration from the businessman.

The authors have, however, no right to remuneration, where the material supports manufactured or imported are intended for

1. use for purposes other than the making of copies of works for private purposes
2. export from the country, or
3. use for the making of copies of works for persons with a disability.

26l. The remuneration pursuant to Article 26k is:

1. In respect of material supports for analogue recording, two and a half “Öres” for each possible recording minute on the support.
2. In respect of material supports where digital recording can be made repeatedly, 0,4 “Öres” for each megabyte storage capacity.
3. In respect of other material supports for digital recording 0,25 “Öres” for each megabyte storage capacity.

The businessman is entitled to a reduction of the amounts of the remuneration pursuant to the first Paragraph, if

1. the authors have in some other form received compensation for the making of copies of such works as referred to in Article 26k, or
2. the remuneration is unreasonably high, taking into account the circumstances relating to the material support or other conditions on the market.

26m. Only an organization representing a substantial number of Swedish authors and holders of neighbouring rights in the field concerned is entitled to collect the remuneration and to conclude agreements on the reduction of the remuneration pursuant to Articles 26k and

26l. The organisation shall collect the remuneration and distribute it to those entitled to it after deduction of a reasonable compensation to the organization for its costs. Right-owners who are not represented by the organization shall, for the purposes of the distribution, be treated in the same way as those right-owners who are represented by the organization.

The businessman referred to in Article 26k, first Paragraph, shall give notice of himself to an organization as referred to in the first Paragraph. The businessman shall, upon request by the organization, provide an account of the number of material supports to which the right to remuneration applies, the recording time or the storage capacity, whether the supports can be used repeatedly for digital recording and when the supports were manufactured or imported. The account shall indicate the number of material supports referred to in Article 26k, second Paragraph.

On Contracts Relating to Public Performance, etc.

30. Where the right to communicate a work to the public or to perform it publicly has been transferred, the transfer shall be valid for a period of three years and shall not confer exclusivity. Where a longer term than three years has been determined and exclusivity has been agreed on, the author may himself nevertheless communicate the work or perform it or transfer rights in these respects to another person, if the right has not been exercised within a period of three years.

The provisions of this Article do not apply to cinematographic works.

Chapter 3a

On the Extended Effect of Collective Licenses.

42a. An extended collective license as referred to in Articles 42b—42f applies to the exploitation of works in a specific manner, when an agreement has been concluded concerning such exploitation of works with an organization representing a substantial number of Swedish authors in the field concerned. The extended collective license confers to the user the right to exploit works of the kind referred to in the agreement despite the fact that the authors of those works are not represented by the organization.

In order for a work to be exploited pursuant to Article 42c, the agreement must have been concluded with someone who carries out educational activities in organised forms.

When a work is being exploited pursuant to the provisions in Article 42e, the author has a right to remuneration.

When a work is being exploited pursuant to Articles 42b—42d, or 42f, the following applies. The conditions concerning the exploitation of the work that follow from the agreement apply. In respect of the remuneration deriving from the agreement and in respect of other benefits from the organization that are essentially paid for out of the remuneration, the author shall be treated in the same way as those authors who are represented by the organization. Without prejudice to what has been said now, the author has, however, always a right to remuneration for the exploitation, provided he forwards his claims within three years from the year in which the work was exploited. Claims for remuneration may be directed only towards the organization.

As against the user exploiting a work pursuant to Article 42f claims for remuneration may be forwarded only by the contracting organizations. All such claims shall be forwarded at the same time.

On the Making of Copies within Public Authorities, Enterprises and Organizations, etc.

42b. The Parliament, decision-making municipal assemblies, governmental and municipal authorities as well as enterprises and organizations may, in order to satisfy the need for information within their field of activities, make copies, by means of reprographic reproduction, of published literary works and works of fine art reproduced in connection with the text in such a work, where an extended collective license applies pursuant to Article 42a.

The provisions of the first Paragraph do not apply if the author has filed a prohibition against the reproduction with any of the contracting parties.

42c. Copies may be made for educational purposes of works which have been made public, where an extended collective license applies pursuant to Article 42a. The copies may be used only in such educational activities that are covered by the agreement constituting the basis for the into being of the collective license.

The provisions of the first Paragraph do not apply if the author has filed a prohibition against the reproduction with any of the contracting parties.

On the Possibilities for Archives and Libraries to Communicate Works to the Public, etc.

42d. The archives and libraries referred to in Article 16, third and fourth Paragraphs, are, where an extended collective license applies pursuant to Article 42a, entitled to

1. communicate works, with the exception of computer programs, to library borrowers in so far as concerns single articles, short portions or material which, for security reasons, should not be delivered in its original form, and

2. distribute copies which have been prepared pursuant to Article 16, first Paragraph, item 2, to library borrowers in cases other than those referred to in Article 16, second Paragraph,

The provisions of the first Paragraph do not apply if the author has filed a prohibition against the communication or the distribution with any of the contracting parties.

On Sound Radio or Televisions Broadcasts

42e. Sound radio and television organizations as decided in specific cases by the Government are entitled to broadcast published literary and musical works and works of fine art which have been made public, provided that an extended collective license applies pursuant to Article 42a.

The provisions of the first Paragraph do not apply to works made for the stage, nor to other works if the author has filed a prohibition with the organization to broadcast the work or there are otherwise special reasons to assume that he would oppose the broadcast. The provisions of the first Paragraph do not apply to re-transmissions referred to in Article 42 f.

As regards transmissions via satellite, the extended collective license applies only if the broadcasting organization simultaneously carries out a broadcast through a terrestrial transmitter.

On Re-transmissions of Works Contained in Sound Radio or Television Broadcasts

42f. Anyone is entitled to transmit to the public (re-transmit), simultaneously and in an unaltered form, by wireless means or by wire, works which form part of a wireless sound

radio or television broadcast, provided that an extended collective license applies pursuant to Article 42a.

The provisions of the first Paragraph do not apply to works where the re-transmission right belongs to the sound radio or television organization that carries out the original transmission.

45. Subject to the limitations prescribed in this Act, a performing artist has the exclusive right to exploit his performance of a literary or artistic work or of an expression of folklore, by

1. fixing the performance on a gramophone record, a film or another material support from which it can be reproduced,
2. making copies of a fixation of the performance, and
3. making the performance or a fixation of it available to the public.

The rights referred to in the first Paragraph, items 2 and 3. last until the expiry of the fiftieth year from the year when the performance took place or, if the fixation has been published or made public within fifty years from the performance, from the year when the fixation was first published or made public.

The provisions of Article 2, second—fourth Paragraphs, 3, 6—9, 11—12, 16, 17, 21, 22, 25—26b, 26e, 26k—26m, and 27—29, 39, first sentence, 41, 42, 42a, 42c, 42d and 42f shall apply in respect of performances referred to in this Article.

When a copy of a fixation pursuant to this Article has been, with the consent of the performing artist, 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 a recording, through rental or similar legal acts, or
2. copies of a film or another material support on which moving images have been recorded, through lending.

46. Subject to the limitations prescribed in this Act, a producer of recordings of sounds or of moving images has an exclusive right to exploit his recording by

1. making copies of the recording, and
2. making the recording available to the public.

The rights referred to in the first Paragraph last until fifty years have elapsed from the year in which the recording was made. If a sound recording is being published within this period, the rights last, instead, until the expiry of the fiftieth year from the year in which the sound recording was first published. If the sound recording is not published during the said period but is made public during the same period, the rights last, instead, until the expiry of the fiftieth year from the year in which the sound recording was first made public. If a recording of moving images has been published or made public within fifty years from the recording, the rights last until fifty years have expired from the year in which the recording of moving images was first published or made public.

The provisions of Article 2, second—fourth Paragraphs, 6—9, 11, second Paragraph, 11a, 12, 16, 17, 21, 22, 25—26b, 26e, 26k—26m, 42a, 42c and 42d shall apply to recordings

referred to in this Article. In addition, Article 42*f* shall apply to recordings other than such referred to in Article 47.

When a copy of a recording pursuant to this Article has been, with the consent of the producer, transferred within the European Economic Area, that copy may be distributed further.

The provisions in the fourth Paragraph do not confer a right to make available to the public

1. copies of a recording 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.

Use of Sound Recordings for Public Performance, etc.

47. Notwithstanding the provisions in Article 45, first Paragraph, and Article 46, first Paragraph, sound recordings may be used

1. for a public performance, or
2. for a communication to the public, except in cases where the communication occurs in such a way that members of the public may access the sound recordings from a place and at a time individually chosen by them.

When an exploitation occurs as referred to in the first Paragraph, the producer and the performing artists whose performances appear in the recording, have a right to remuneration. Where two or more performing artists have cooperated in the performance, their right may be claimed by them only jointly. As against the user of the recording, the claims of the performers and those of the producer shall be forwarded at the same time.

If a sound recording is used for a communication in the form of a wireless sound radio or television broadcast which is re-transmitted by wireless means or by wire to the public simultaneously and without alteration (further transmission) the following applies. As against the person who carries out the retransmission, the claim for remuneration may be forwarded only through organisations representing a substantial number of Swedish performing artists or producers. The organizations shall forward their claims at the same time as the claims referred to in Article 42*a*, fifth Paragraph.

The provisions in Article 11, second Paragraph, shall apply to the cases referred to in this Article.

This Article does not apply to sound films.

48. Subject to the limitations prescribed in the third Paragraph, a sound radio or television organization has an exclusive right to exploit a sound radio or television broadcast by

1. fixing the broadcast on a material support from which it can be reproduced,
2. making copies of a fixation of the broadcast,
3. distributing copies of a fixation of the broadcast to the public,
4. permitting a re-broadcast or a communication to the public in places accessible to the public against the payment of an entrance fee, or

5. permit that a fixation of the broadcast is being communicated, by wire or wireless means, to the public in such a way that members of the public may access the fixation from a place and at a time individually chosen by them.

The rights referred to in the first Paragraph, items 2, 3 and 5, last until the expiry of the fiftieth year from the year in which the broadcast took place.

The provisions in Article 2, second Paragraph, 6—9, 11, second Paragraph, 11*a*, 12, 16, 17, 21, 22, 25—26*b* and 26*e* shall apply to sound radio and television broadcasts referred to in the Article.

When a copy of a fixation pursuant to this Article has been, with the consent of the organization, transferred within the European Economic Area, that copy may be distributed further.

If a sound radio or television organization has a claim for remuneration for such a retransmission as referred to in Article 42*f* and which has been carried out with the consent of the organization, the claim shall be forwarded at the same time as the claims referred to in Article 42*a*, fifth Paragraph.

49. Anyone who has produced a catalogue, a table or another similar product in which a large number of information items have been compiled or which is the result of a significant investment, has an exclusive right to make copies of the product 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 product was completed. If the product has been made available to the public within fifteen years from the completion of the product, the right shall, however, last until fifteen years have elapsed from the year in which the product first was made available to the public.

The provisions of Article 2, second—fourth Paragraphs, 6—9, 11, second Paragraph, 12, first, second and fourth Paragraphs, 14, 16—22, 25, 26—26*b*, and 26*e*, 26*g*, fifth and sixth Paragraphs, and Articles 42*a*—42*f* shall apply to products referred to in this Article. If a product of this kind is the subject of copyright, also protection in this respect may be claimed.

Contractual stipulations that extend the rights of the producer pursuant to the first Paragraph, are null and void.

49a. Anyone who has prepared a photographic picture has an exclusive right to make copies of the picture and to make it available to the public. The right applies regardless of whether the picture is used in its original form or an altered form and regardless of the technique used.

As a photographic picture is considered also a picture that has been prepared by a process analogous to photography.

The right under the first Paragraph lasts until fifty years have elapsed from the year in which the picture was prepared.

The provisions of Article 2, second—fourth Paragraphs, 3, 7—9, 11 and 11*a*, 12, first and fourth Paragraphs, 16—20, and 23, 24, first Paragraph, 25—26*b*, 26*e*, 26*j*—28, 31—38, 41, 42, 42*a*—42*f* and 50—52 shall apply to pictures referred to in this Article. If such a picture is the subject of copyright, also copyright protection may be claimed.

Chapter 6a **On the Protection of Technological Measures, etc.**

Introductory Provisions

52b. This Chapter contains provisions on the protection of technological measures and of electronic information on the management of rights.

The expression “Technological measure” as used in this Chapter means any effective technology, device or component designed to prevent or restrict, in the normal course of its operation, the reproduction or the making available to the public of a copyright-protected work without the consent of the author or his successor in title.

The expression “Information on the management of rights” means any information, also in the form of numbers or codes, that is linked to a copy of a copyright-protected work or appears in connection with the communication to the public of such a work and which aims at identifying the work or the author or his successor in title or at informing about the conditions of use of the work. The information must have been provided by the author or his successor in title.

52c. The provisions on protection of technological measures in this Chapter do not apply to computer programs. Nor do they apply to the making available of official documents pursuant to Chapter 2 of the Freedom of the Press Act, to such use of works in the interest of the administration of justice or of public security that is referred to in Article 26 b, second Paragraph, or to research into cryptography.

The Act (2000:171) on Prohibition of Certain Decoding Equipment contains provisions aiming at preventing unauthorised access to certain services. As regards technological measures or arrangements used in connection with such conditional access to services in the form of such sound radio or television broadcasts as referred to in Article 2, item 1, in that Act, the provisions on technological measures in this Chapter do not apply.

On the Protection of Technological Measures

52d. It is prohibited to circumvent, without the consent of the author or his successor in title, any digital or analogue lock which prevents or limits the making of copies of a work protected by copyright, to circumvent a technological process, such as encryption, that prevents or limits the making available to the public of a work protected by copyright, or to circumvent any other technological measure that prevents or limits such acts of making available.

The provisions of the first Paragraph do not apply when someone, who in a lawful way has access to a copy of a work protected by copyright, circumvents a technological measure in order to be able to watch or listen to the work.

52e. It is prohibited to manufacture, import, transfer, distribute by, for instance, sale or rental, or to possess for commercial purposes any devices, products or components, or to make available services, which

1. are promoted, advertised or marketed for the purpose of circumvention of a technological measure,
2. other than to circumvent a technological measure, have only a limited interest from a commercial point of view, or a limited scope of commercial use, or

3. are primarily designed, constructed, adapted or produced for the purpose of enabling or facilitating a circumvention of a technological measure.

On the Right to Use, in Certain Cases, Works Protected by Technological Measures

52f. Anyone who, pursuant to the provisions in Articles 16, 17, 26, 26 a. or 26 e, is entitled to exploit a work protected by copyright shall be entitled to make use of a copy of a work that he lawfully has access to as referred to in the relevant provision, notwithstanding the fact that the copy is protected by a technological measure.

Where a technological measure prevents such a use, a Court may, at the request by a user entitled to that use, order, upon penalty of a fine, the author or his successor in title to make it possible for the user to exploit the work in the way prescribed in the provision referred to.

The provisions in the first and the second Paragraphs do not apply to works that have been made available to the public in accordance with agreed contractual stipulations in a way that makes it possible for members of the public to get access to the work by means of a communication from a place and a time that they themselves have chosen.

On the Protection of Electronic Rights Management Information

52g. It is, without the consent by the author or his successor in title, prohibited to

1. remove or alter any electronic rights management information relating to a work protected by copyright
2. exploit a work protected by copyright, or a copy of it, that has been altered in violation of item 1, by distributing it, importing it for the purpose of distribution or communicating it to the public.

The provisions of the first Paragraph apply only if the measure undertaken induces, enables, facilitates or conceals an infringement of a right protected under this Act.

On the Application of the Provisions on Neighbouring Rights

52h. The provisions in this Chapter relating to works shall apply correspondingly to subject matter protected pursuant to Articles 45, 46 and 48 as well as to such compilations and photographs which are protected under Articles 49 and 49 a.

54. Anyone who exploits a work in violation of this Act or of directions given pursuant to Article 41, second Paragraph, shall pay such a remuneration to the author or his successor in title that would constitute a reasonable compensation for the exploitation.

Where the exploitation has been carried out wilfully or with negligence, compensation shall be paid also for losses other than lost compensation as well as for mental suffering or other injury.

Anyone who otherwise wilfully or with negligence commits an act constituting an infringement or a violation pursuant to Article 53, shall pay to the author or his successor in title a compensation for losses, mental suffering or other injury caused by the act.

The obligation to pay a compensation according to the first or second Paragraph does not apply to anyone who, in connection with the making of copies for private purposes, violates only Article 12, fourth Paragraph, unless this violation is carried out wilfully or with gross negligence.

57b. Anyone who, in cases other than those referred to in Article 53, wilfully or with gross negligence violates Articles 52e or 52g, shall be punished by fines or imprisonment for not more than six months.

Anyone who, in cases other than those referred to in Article 53, wilfully or with gross negligence violates Article 52d, shall be punished by fines.

58. The District Court of Stockholm shall have jurisdiction in cases involving sound radio or television broadcasts in violation of this Act. The same shall apply in cases involving claims for compensation under Articles 17 and 18, 26a, first Paragraph, 42a, third Paragraph, or 47, and in cases where a corresponding compensation is claimed on the basis of a reference in Articles 45, 46, 48, 49 or 49a, and in cases concerning compensation for retransmissions referred to in Article 42f.

59. Violations referred to in Article 57b, second Paragraph may be the subject of a criminal action by a public prosecutor only if this is called for in the public interest. Criminal actions for other violations of this Act may be instituted by a public prosecutor if there is a complaint from an injured party or if such an action is called for in the public interest.

An action relating to a violation of the provisions in Article 3 or of directions given under Article 41, second Paragraph, may always be instituted by the surviving spouse of the author, by his relatives in the direct ascending or descending line or by his brothers or sisters.

If there is reason to believe that a criminal violation under this Act has occurred, property referred to in Article 55 may be taken into custody. In such cases the rules governing custody in criminal cases in general apply.

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1. This Act enters into force on July 1, 2005.
 2. Subject to the exceptions indicated in items 3—5, the new provisions shall apply also to works and subject matter that have come into being before the entry into force.
 3. Previous provisions in Article 19, first Paragraph, shall continue to apply to such copies of works that have, with the consent of the author, been transferred within the European Economic Area before the entry into force.
 4. The provision in Article 46, second Paragraph, on the calculation of the term of protection for sound recordings shall not apply to sound recordings for which the term of protection has expired at the time of the entry into force of the Act.
 5. Previous provisions shall apply to acts that have been undertaken or rights that have been acquired before the entry into force.
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