

**Unofficial translation**

**INTERNATIONAL COPYRIGHT REGULATION**

(Swedish Statute book SFS 1994:193, as last amended by Regulation SFS 2009:1420)

**Section 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 organisations.

For the purposes of the application of the Copyright Act, any person who is a national of a country member of 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 establishment in an EEA country shall always be treated as a legal entity having its establishment in Sweden. Regulation (1995:1275).

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

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

1. works of those 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 whose producer has his establishment or his habitual residence in a country of the Union other than Sweden,
5. works of architecture constructed in a country of the Union other than Sweden, and
6. works of graphic or plastic art which are incorporated in a building constructed 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 n – 26 p 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, if 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. Regulation (2007:520)

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

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, pursuant to 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 establishment or his habitual residence in a country of the Union, that country is, however, the country of origin. In respect of works of architecture constructed in a country of the Union, in respect of artistic works incorporated in a building constructed 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.

**Section 4.** In respect of agreements to bring contributions to cinematographic works referred to in Section 2, items 1 to 4, the provisions of Article 39 of the Copyright Act apply, unless otherwise provided in the agreement. The law of the country where the producer of the cinematographic work has his establishment or his habitual residence determines whether the agreement shall be in writing in order to have the effect referred to in the first sentence.

The first Paragraph applies also to agreements to bring contributions to cinematographic works referred to in Article 60 of the Copyright Act if the work, according to Section 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 agreement.

**Section 5.** The provisions of Sections 2 to 4 shall apply also in respect of rights in photographic pictures under the Copyright Act.

### **The Universal Copyright Convention**

**Section 6.** The provisions on copyright in the Copyright Act shall apply to

1. works of those 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 those who have their domicile in a country referred to in item 1, if the country under its law assimilates him or her 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 its revised version.
4. works which have been first published in a country party to the Convention in its original or its revised version.

The provisions of the first Paragraph do not apply to the provisions of Articles 26 n to 26 p, and 44 a, of the Copyright Act. Regulation (2008:851)

**Section 7.** The protection under Swedish law shall not apply when the period of protection in the country of origin of the work has expired.

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 Section 6, items 2. and 3, has his domicile or habitual residence. Regulation (2008:851).

**Section 8.** The provisions of Section 6 and 7 do not apply to works where 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 pursuant 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 Organisation (UNESCO) a notification to the effect that it regards itself as a developing country. Regulation (2008:851).

**Section 9.** The provisions of Sections 6 to 8 shall apply also to the rights in photographic pictures under the Copyright Act. Regulation (2008:851).

**Works of the United Nations, etc.**

**Section 10.** 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 Specialised Agencies of the United Nations system of organisations, or the Organisation of American States, and
2. unpublished works and photographic pictures which may be published by any of those Organisations.

The provisions of the first Paragraph do not apply to the provisions of Articles 26 n to 26 p, and 44 a, of the Copyright Act.

### **The Rome Convention**

**Section 11.** The provisions of Article 45 of the Copyright Act and other provisions in the Act relating to that Article shall apply to

1. performances 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 Organisations, of October 26, 1961 (the Rome Convention),
2. performances in a sound recording, if the sound recording has been made in a country party to the Convention,
3. performances in a sound recording whose producer is a national of, or has his habitual residence in, or is a legal entity from, a country party to the Convention,
4. performances which have not been fixed on a material support from which the performance may be perceived and which form part of a sound radio or television broadcast by a sound radio or television organization having its establishment in a country party to the Convention.

The provisions of the first Paragraph do, however, not apply to the provisions on the making available to the public of recordings on material supports in Article 45, second Paragraph, item 3, of the Copyright Act. Regulation (2008:851).

**Section 12.** The provisions of Article 48 of the Copyright Act and other provisions in the Act relating to that Article shall apply to

1. sound radio or television broadcasts which have been made in a country other than Sweden which is party to the Rome Convention, and
2. broadcasts by sound radio or television organizations that have their establishment in a country party to the Convention.

What is said in the first Paragraph does, however, not apply to the provisions on distribution to the public in Article 48, first Paragraph, item 3, and on communication to the public of recorded broadcasts in Article 48, first Paragraph, item 5, of the Copyright Act. Regulation (2008:851).

**Section 13.** A producer of a sound recording and the performing artists whose performances are included in such a recording have a right to remuneration corresponding to what is prescribed in Article 47, second to fourth Paragraphs, of the Copyright Act, if

1. the sound recording has been produced in a country other than Sweden and that country is party to the Rome Convention, or
2. the producer is a national of, or has his habitual residence in or is a legal entity from, a country party to the Convention.

The right to remuneration pursuant to the first Paragraph applies only if the sound recording is used

1. in a sound radio or television broadcast,
2. in another act of communication to the public, or
3. in a public performance.

The right to remuneration pursuant to the first and second Paragraphs does not apply to sound films.

The provisions in Article 45, third Paragraph, and Article 46, third Paragraph, of the Copyright Act shall apply to the right to remuneration under the first and second Paragraphs.

The right to remuneration under the first Paragraph and second Paragraph applies only to the extent and during the time that the other country accords a right to remuneration for use of sound recordings with attachment to Sweden. The fact that the other country only grants a right to remuneration to either the producer or the performing artists whose performances are included in the sound recording shall, however, not have any influence on the right to remuneration. Regulation (2008:851).

**Section 14.** The rights under Section 11, first Paragraph, items 1 and 2, and under Section 12, first Paragraph, item 1, shall not apply when the term of protection has expired in the country where the performance, the sound recording or the broadcast was made. The provisions under Article 11, first Paragraph, item 3, shall not apply when the term of protection in the country where the performer is a national or has his habitual residence or of which it is a legal entity, has expired. In respect of performances and broadcasts protected under Section 11, first Paragraph, item 4, or Section 12, first Paragraph, item 2, the protection shall not apply when the term of protection has expired in the country where the organization has its establishment. Regulation (2008:851).

### **The European Television Agreement**

**Section 15.** The provisions of Article 48 of the Copyright Act and other provisions in the Act relating to that Article shall apply to television broadcasts carried out 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. The provisions shall apply also to broadcasts by television organisations having their establishment in such a country.

The provisions in the first Paragraph do, however, not apply to the provisions on distribution to the public contained in Article 48, first Paragraph, item 3, of the Copyright Act.

The protection under the first Paragraph shall not apply when the term or protection has expired in the country where the broadcast was carried out or the television organisation has its establishment.

As regards television broadcasts from the United Kingdom, the right in respect of fixation of a broadcast on a material support from which it can be reproduced and the right to reproduction of a fixation of the broadcast, shall not apply to the fixation of still pictures through photography and the reproduction of such pictures. Regulation (2008:851).

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

**Section 16.** The provisions on copyright in the Copyright Act shall apply 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 Organisation and thereby has adhered to the Agreement of Trade-Related Aspects of Intellectual Property Rights (a WTO Country).

The provisions of Article 26 n to 26 p of the Copyright Act shall apply to works by persons who are nationals of, or have their habitual residence in, a WTO Country, if that 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 do not apply to the provisions of Article 44 a of the Copyright Act. Regulation (2008:851).

**Section 17.** The provisions of Section 3 shall apply also to works by persons who are nationals of, or have their habitual residence in, a WTO Country.

The provisions of Section 4 shall apply also in respect of an 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. Regulation (2008:851).

**Section 18.** The provisions of Article 45 of the Copyright Act and other provisions in the Act relating to that Article shall apply to a performance by a person who is a national of a WTO Country, however only in respect of

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. the reproduction of fixations of broadcast and
4. the making available to the public of the performance through rental of sound recordings. Regulation (2008:851).

**Section 19.** The provisions of Article 46 of the Copyright Act and other provisions in the Act relating to that Article shall apply to sound recordings the producer of which is a national of a WTO Country or a legal entity from a WTO Country, as regards the making available to the public through rental. Regulation (2008:851).

**Section 20.** The provisions of Article 48 of the Copyright Act and other provisions in the Act relating to that Article shall apply to transmissions by sound radio or television

organisations having their establishment in a WTO Country, however only in respect of

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. the reproduction of fixations of the transmission, and
5. distribution to the public of sound recordings through rental. Regulation (2008:851).

### **The WIPO Copyright Treaty**

**Section 21.** The provisions in the Copyright Act on copyright and the provisions on protection of technological measures and of electronic rights management information shall apply to

1. works by persons who are nationals or, or have their habitual residence in, a country other than Sweden which is party to the WIPO Copyright Treaty, of December 20, 1996,
2. works which have been first published in a country other than Sweden which is party to that Treaty,
3. works which have been published for the first time in a country which is not party to the Treaty and thereafter within thirty days in a country party to the Treaty,
4. cinematographic works the producer of which has his establishment or his habitual residence in a country other than Sweden which is party to the Treaty
5. works of architecture constructed in a country other than Sweden which is party to the Treaty, and
6. works of graphic or plastic art incorporated in a building constructed in a country other than Sweden which is party to the Treaty, or which are otherwise permanently fixed to the ground in such a country party to the Treaty.

For the purposes of the application of the first Paragraph, item 4, the person whose name appears in the usual manner on copies of a cinematographic work shall, in the absence of proof to the contrary, be presumed to be its producer.

The provisions of Article 26 n to 26 p of the Copyright Act shall apply to works of persons who are nationals of, or have their habitual residence in, a country other than Sweden which is party to the Treaty, if that 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.

What is prescribed in the first Paragraph does not apply to the provisions of Article 44 a of the Copyright Act. Regulation (2008:851).

**Section 22.** The provisions of Section 3 shall apply also to works of persons who are nationals of, or have their habitual residence in, a country other than Sweden which is party to the WIPO Copyright Treaty.

The provisions of Section 4 shall apply also to undertakings to bring contributions to a cinematographic work by persons who are nationals of, or have their habitual residence in, a country which is party to the Treaty. Regulation (2008:851).

**Section 23.** The provisions of Sections 21 and 22 shall apply also to rights in photographic pictures under the Copyright Act. Regulation (2008:851).

### **The WIPO Performances and Phonograms Treaty**

**Section 24.** The provisions in Article 45 of the Copyright Act and other provisions in the Act relating to that Article shall apply to

1. performances that have taken place in a country other than Sweden which is party to the WIPO Performances and Phonograms Treaty, of December 20, 1996,
2. performances fixed in a sound recording, if the sound recording has been made in a country party to the Treaty,
3. performances fixed in a sound recording the producer of which is a national of, or has his habitual residence in, or is a legal entity from, a country party to the Treaty,
4. performances which have not been fixed in a material support from which they can be perceived and which are included in a sound radio or television broadcast by a sound radio or television organization which has its establishment in a country party to the Treaty.

The provisions of the first Paragraph do not, however, apply to the provisions on the making available to the public of recordings in Article 45, first Paragraph, item 3, of the Copyright Act, except in respect of

1. distribution in the form of transfer or rental of a sound recording, or
2. communication to the public in such a way that members of the public may access a sound recording of a performance from a place and at a time individually chosen by them. Regulation (2008:851).

**Section 25.** The provisions of Article 46 of the Copyright Act and other provisions in the Act relating to that Article shall, in addition to what follows from Article 61 of the Copyright Act, apply to

1. sound recordings made in a country other than Sweden which is party to the WIPO Performances and Phonograms Treaty, and
2. sound recordings the producer of which is a national of, or has his habitual residence in, or is a legal entity from, a country party to that Treaty.

The provisions of the first Paragraph shall, however, not apply to the provisions the making available to the public in Article 46, first Paragraph, item 2, of the Copyright Act, except in respect of



1. distribution in the form of transfer or rental of a sound recording, or
2. communication to the public in such a way that members of the public may access a sound recording from a place and at a time individually chosen by them. Regulation (2008:851).

**Section 26.** A producer of a sound recording and the performing artists whose performances are fixed in such a recording shall have a right to remuneration in the same way as is prescribed in Article 47, second to fourth Paragraphs, of the Copyright Act if

1. the recording has been made in a country other than Sweden and that country is party to the WIPO Treaty on Performances and Phonograms, or
2. the producer is a national of, or has his habitual residence in, or is a legal entity from, a country party to the Treaty.

The right to remuneration under the first Paragraph applies only if the recording is used

1. in a sound radio or television broadcast,
2. in another communication to the public except in cases when the communication is being made in such a way that members of the public may access the sound recording from a place and at a time individually chosen by them, or
3. in a public performance.

The right to remuneration under the first and second Paragraphs does not apply to sound films.

The provisions in Article 45, third Paragraph, and 46, third Paragraph, of the Copyright Act shall apply to the right to remuneration under the first and second Paragraphs.

The right to remuneration under the first and second Paragraphs applies only to the extent and during the time that the other country gives a right to remuneration for use of sound recordings with attachment to Sweden. Regulation (2008:851).

### **Remuneration Relating to the Manufacture and Importation of Material Supports for the Recording of Sounds and Images**

**Section 27.** The provisions of Articles 26 k to 26 m of the Copyright Act shall, on the conditions prescribed in the second Paragraph, apply to

1. works of authors who are nationals of, or have their habitual residence in, a country other than Sweden, and
2. cinematographic works whose producer has his establishment or his habitual residence in a country other than Sweden.

The provisions of the first Paragraph apply only if the other country has established a remuneration system relating to material supports on which sounds or moving images may be recorded that provides a corresponding possibility to remuneration

for Swedish right-owners. They shall not apply if the term of protection for the work has expired in the country of origin of the right-owner. Regulation (2006:10).

**Section 28.** The provisions of Articles 45 and 46 of the Copyright Act, in so far as they refer to Articles 26 k to 26 m of the same Act, shall, on the conditions prescribed in the second Paragraph, apply to

1. performances by persons who are nationals of a country other than Sweden, and
2. recordings of sounds or moving images whose producer is a national of, or has his habitual residence in, a country other than Sweden or is a legal entity from another country.

The provisions of the first Paragraph apply only if the other country has established a remuneration system relating to material supports on which sounds or moving images may be recorded that provides a corresponding possibility to remuneration for Swedish right-owners. They shall not apply if the term of protection for the performance or the recording has expired in the country of origin of the right-owner. Regulation (2006:10).

#### **Supplementary provisions on Remuneration for Resale of Original Copies of Works of Art (Resale right)**

**Section 29.** The provisions in Articles 26 n to 26 p in the Copyright Act shall, in addition to what otherwise follows from this Regulation, apply to works of a person who is a national of a country other than Sweden, if that other country has established such a remuneration system referred to in Article 14 ter of the Berne Convention for the Protection of Literary and Artistic Works and affords Swedish right-owners a right to remuneration under it.

The provisions shall not apply if the term of protection for the country has expired in the country of origin of the right-owner. Regulation (2007:520).

#### **Producers of Catalogues, etc.**

**Section 30.** The Provisions of Article 49 of the Copyright Act and other provisions in the Act related to the Article shall, in addition to what follows from Section 1, second Paragraph, apply to productions whose producer has his habitual residence in an EEA country. The provision shall apply also to productions whose producer is a legal entity from an EEA country and has its registered office, central administration or principal place of business in an EEA country. If the legal entity has its registered office in an EEA country but does not have its central administration or principal place of business there, the provisions shall, however, only apply if the production forms part of economic activities established in an EEA country.

What has been said now applies also to productions whose producer has a corresponding attachment to the Isle of Man.

**Application in time of the international protection**

**Section 31.** The provisions of Sections 2 to 9, 16, 17 and 21 to 23 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, adhered to the World Trade Organisation or party to the WIPO Copyright Treaty.

Copies of works which have been produced before the date 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. In respect of copies prepared pursuant to this provision, the provisions of the second Paragraph apply. Regulation (2008:851).

**Section 32.** The provisions of Section 31 apply also to rights protected pursuant to Sections 5, 9, 11 to 15, 17 to 20 and 24 to 26. Regulation (2008:851).

**Transitional Provisions**

This Regulation enters into force on July 1, 1994, when the Regulation (1973:529) on the application of the Act (1960:729) on Copyright in Literary and Artistic Works and the Act (1960:730) on right in Photographic Pictures with reference to other countries and territories etc. shall cease to apply.

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