

**Unofficial translation.**

**ACT ON MEDIATION IN CERTAIN COPYRIGHT DISPUTES**

(Swedish Statute Book, SFS, 2017:322)

**The scope of application of the Act**

**Article 1.** This Act applies when a dispute arises relating to the conclusion of an agreement which is a prerequisite for an extended collective license pursuant to Articles 42 b, 42 c, 42 d, 42 e or 42 g or, in respect of retransmission by cable, Article 42 f of the Act (1960:729) on Copyright in Literary and Artistic Works.

The Act also applies to corresponding disputes which may arise pursuant to the references to Articles 42 b – 42 g in Articles 45, 46, 48, 49 and 49 a of the Act on Copyright in Literary and Artistic Works.

The Act also applies to corresponding disputes which may arise when an agreement on reproduction shall be concluded with Swedish radio or television organizations or when an agreement relating to retransmission by cable shall be concluded with radio or television organizations which carry out transmissions within the European Economic Area.

**Article 2.** This Act shall not apply if the parties have agreed that mediation shall not take place.

**Application for mediation**

**Article 3.** If negotiations for an agreement referred to in Article 1 does not result in the conclusion of an agreement by the parties, each one of the parties is entitled to apply for a mediation.

Furthermore, a party that has applied for a negotiation relating to such an agreement but whose application has been rejected, is entitled to apply for mediation, provided that the party can be a party to the agreement.

**Article 4.** An application for mediation shall be filed at the Patent and Market Court.

The application shall have been received within two weeks from the date when any of the parties has declared that further negotiations are not meaningful or an application for negotiations has been rejected. If information in this respect has been given in writing, the time is computed from the point in time when the recipient was handed the information.

**Decision on mediation**

**Article 5.** The Court shall decide on mediation if

1. the application relates to a dispute referred to in Article 1,
2. a situation referred to in Article 3 exists,
3. the application is made within the time referred to in Article 4, second Paragraph, and
4. no other special reason exists to reject the application.

Even if the application is made after the time referred to in Article 4, second Paragraph, the Court may decide on mediation, provided that other conditions are fulfilled and that the opposite party does not make an objection that the application has not been made within the prescribed time.

When the Court decides on mediation it shall appoint a Mediator. The person appointed shall be impartial and also otherwise suitable for the task. Before the Court appoints a Mediator, the parties shall be given an opportunity to file observations,

The Court shall indicate the time within which the mediation shall at the latest be finalised.

**Article 6.** Pursuant to an application by any of the parties, the Court may extend the time for a mediation in progress, if special reasons exist for it.

**Article 7.** In respect of the processing of matters relating to application for mediation and to extension of the time for a mediation in progress, shall in other respects the Act (1996:242) on Court Matters apply.

#### **The mediation proceedings**

**Article 8.** The Mediator decides about the proceedings.

The Mediator shall carry out the task impartially, in an appropriate way and rapidly.

#### **Conclusion of the mediation**

**Article 9.** The mediation shall be considered concluded when the parties reach an agreement. If the parties do not reach an agreement, the mediation shall be considered concluded when the time period decided by the Court for the mediation has expired. The mediation shall also be considered concluded if the Mediator decides to terminate the mediation.

**Article 10.** If any of the parties applies for an extended time for a mediation in process and the time earlier assigned by the Court for the mediation expires during the processing at the Court, the mediation shall not be considered as concluded due to the expiry of the time assigned.

If the Court rejects an application for an extended time for a mediation in process and the time earlier assigned by the Court for the mediation expires before the decision by the Court obtains legal force, the mediation shall be considered concluded when the decision by the Court obtains legal force. This does, however, not apply if the mediation shall be considered concluded because the parties reach an agreement or the Mediator decides that the mediation shall be terminated.

**Article 11.** In respect of a dispute relating to retransmission by cable, a proposal submitted by the Mediator shall be considered accepted if none of the parties objects to it within three months from the date when the party was handed the proposal.

**Article 12.** If the mediation is concluded without an agreement by the parties, the Mediator may propose that the dispute shall be settled through an arbitration proceeding. The Mediator may also assist in the appointment of Arbitrators.

#### **Continued application of time-limited agreements**

**Article 13.** If an agreement exists between the parties and a party, before the expiry of the term of the agreement, requests negotiations for a new such agreement, the agreement then in force shall continue to apply also after the expiry of the agreement term, not longer, however, than the points in time indicated in the second and third Paragraphs.

If a party applies for mediation within the time indicated in Article 4, second Paragraph, and the Court decides on mediation, the agreement shall apply until two weeks have lapsed from the point in time when the mediation shall be considered concluded. If the Court rejects the application, the agreement shall apply until two weeks have lapsed from the date of the decision by the Court.

If a request for negotiations has been rejected or any of the parties has declared that further negotiations are not meaningful, and none of the parties applies for mediation within the time indicated in Article 4, second Paragraph, the agreement shall apply until that time has expired.

**Article 14.** The provisions in Article 13 do not apply if the parties have agreed otherwise.

**Mediator's obligation to observe professional secrecy**

**Article 15.** The Mediator must not in an unauthorized way reveal or make use of what he or she has been informed about in the context of a mediation.

**Remuneration to Mediators.**

**Article 16.** The Mediator has a right to a reasonable remuneration for work and expenses.

Unless otherwise agreed, the remuneration shall be paid by the party that has applied for the mediation or, if several parties have applied for the mediation, by those parties in identical parts.

**Transitional provisions**

1. This Act enters into force on July 1, 2017.
2. The Act repeals the Act (1980:612) on Mediation in Certain Copyright Disputes.
3. The repealed Act, however, still applies to cases pending at the Government which have been initiated before the entry into force. The repealed Act also applies to mediation proceedings in progress at the entry into force.

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