

The Ministry of Justice
Stockholm

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ACT ON COPYRIGHT IN LITERARY AND ARTISTIC WORKS

(Swedish Statute Book, SFS, 1960:729, as last amended by SFS 2018:1099).

Unofficial translation

CHAPTER 1. Subject Matter and Scope of Copyright

Article 1. Anyone who has created a literary or artistic work shall have copyright in that work, regardless of whether it is

1. a fictional or descriptive representation in writing or speech,
2. a computer program,
3. a musical work or a work of scenography,
4. a cinematographic work,
5. a photographic work or another work of fine art,
6. a work of architecture or applied art,
7. a work expressed in some other manner.

Maps and other works of a descriptive nature executed as drawings, engravings, or in a three-dimensional form, shall be considered as literary works.

What is prescribed in this Act concerning computer programs shall *mutatis mutandis* apply also to preparatory design material for computer programs. (Act 1994:190)

Article 2. Subject to the limitations prescribed hereinafter, copyright shall include the exclusive right to exploit the work by preparing 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 way.

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

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

1. When the work is being communicated to the public. This includes any making available of the work to the public by wire or wireless means which occurs from a place other than that where the public is able to enjoy the work. Communication to the public also includes acts of communication that occur in such a way that members of the public are able to access the work from a place and at a point in time individually chosen by them.
2. When the work is publicly performed. Such public performance includes only such cases where the work is made available to the public, with or without the use of a technical device, at the same place as the one where the public is able to

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 made available to the public, without the use of a technical device, at the same place as the one where the public is able to enjoy the copy. If a technical device is 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, are arranged to, or before, a comparatively large closed group of persons. (Act 2005:359).

Article 3. When copies of a work are prepared, or when the work is made available to the public, the name of the author shall be stated to the extent and in the manner required by proper usage.

A work may not be altered in a manner which is prejudicial to the author's literary or artistic reputation or to his individuality, nor may it be made available to the public in a form or in a context which is prejudicial to the author in the manner stated.

The author may, with binding effect, waive his right under this Article only in respect of uses which are limited in character and scope.

Article 4. A person who has made a translation or an adaptation of a work or converted it into another literary or artistic form, shall enjoy copyright in the work in the new form, but he must not exploit it in violation of the copyright in the original work.

If a person, in free association with another work, has created a new and independent work, his copyright shall not be depending on the right in the original work.

Article 5. A person, who, by combining works or parts of works, creates a composite literary or artistic work shall enjoy copyright therein, but his right shall be without prejudice to the rights in the individual works.

Article 6. If a work has two or more authors, whose contributions do not constitute independent works, the copyright shall belong to the authors jointly. Each one of them is, however, entitled to bring an action for infringement of the right.

Article 7. The person whose name or generally known pseudonym or signature appears in the usual manner on copies of the work or when it is made available to the public, shall, in the absence of proof to the contrary, be deemed to be its author.

If a work is published without the name of the author being stated in the manner prescribed in the first Paragraph, the editor, if he is mentioned, or otherwise the publisher, shall represent the author until his name is stated in a new edition or in a notification to the Ministry of Justice.

Article 8. A work is deemed to have been made public when it has lawfully

been made available to the public.

A work is deemed to have been published when copies thereof have, with the consent of the author, been placed on sale or otherwise been distributed to the public. (Act 1973:363)

Article 9. Copyright does not subsist in

1. laws and other regulations,
2. decisions by public authorities,
3. reports by Swedish public authorities,
4. official translations of texts mentioned under 1.–3.

Copyright subsists, however, in works of the following kinds when they form part of a document mentioned in the first Paragraph:

1. maps,
2. works of visual arts,
3. musical works, or
4. works of poetry.

Copyright subsists also in any work included in an attachment to a decision by a Public Authority, if the decision relates to the right to access to a public document where the work is included. (Act 2000:92).

Article 10. Copyright subsists in a work even if it has been registered as a design.

Copyright does not subsist in layout designs in semiconductor products. Special provisions apply to the rights in such designs. (Act 1994:190).

CHAPTER 2. Limitations on Copyright

General Provisions on Limitations

Article 11. The provisions of this Chapter do not limit the author's right under Article 3, except as provided in Article 26 c.

When a work is used publicly pursuant to the provisions in this Chapter, the source shall be stated to the extent and in the manner required by proper usage, and the work may not be altered more than necessary for the use. (Act 1993:1007).

On the Preparation of Temporary Copies

Article 11 a. Temporary forms of copies of works may be prepared, if the preparation of the copies constitutes 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 preparation of copies under the first Paragraph is permissible only if the sole purpose of that preparation 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 which is not prohibited under this Act.

The provisions in the first and second Paragraphs do not confer a right to prepare copies of literary works in the form of computer programs or compilations. (Act 2005:359).

Article 11 b. Repealed by Act (1993:1007).

On the Preparation of Copies for Private Purposes

Article 12. Anybody is entitled to prepare, for private purposes, one or a few copies of works that have been made public. In respect of literary works in written form the preparation 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. prepare copies of computer programs, or
3. prepare 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 party to

1. prepare copies of musical works or cinematographic works
2. prepare utilitarian articles or sculptures, or
3. copy other works of fine art by means of an artistic process.

This Article does not confer a right to prepare copies of a work when the copy constituting the real master copy has been prepared or has been made available to the public in violation of Article 2. (Act 2005:359).

Article 13. (Constitutes, in an amended form, Article 42 c.)

On the Preparation of Copies for Educational Purposes

Article 14. Teachers and pupils may for educational purposes prepare recordings of their own performances of works. Such recordings must not be used for other purposes. (Act 1993:1007).

Article 15. Heading and Article repealed by Act (2005:359).

Article 15 a. Repealed by Act (1993:1007).

On the Preparation and Distribution of Copies within Certain Archives and Libraries

Article 16. The governmental and municipal archival authorities, the scientific and research libraries operated by the community at large, and the public libraries are entitled to prepare copies of works, other than computer programs,

1. for purposes of preservation, completion or research,
2. for satisfying the desires of library borrowers for single articles or short extracts, or for material which, for security reasons, should not be given away in original form, or
3. for use in reading devices.

Copies prepared on paper pursuant to the first Paragraph, item 2, may be distributed to library borrowers.

Other archives are entitled to prepare copies of works, with the exception of computer programs, for purposes of preservation. The same applies to other libraries that are accessible to the public. (Act 2017:323).

On the Use of Orphan Works.

Article 16 a. Publicly accessible libraries, educational establishments and museums as well as archives and film or audio heritage institutions are entitled to prepare copies of literary works in writings and cinematographic works, and make such works available to the public in such a way that members of the public may access the work from a place and at a time individually chosen by them, if

1. the work is considered, or has been considered, to be an orphan work pursuant to Article 16 b, and the right-holder has not identified himself to the user,
2. the work forms part of the user's own collections,
3. the work has a relation to a country member of the European Economic Area (an EEA country) because
 - a. if the work has been published, the first publication has taken place in such a country, or
 - b. if the work has not been published but has been broadcast in sound radio or television, the first broadcast has taken place in such a country, or
 - c. if the work has neither been published nor broadcast, it has, with the consent of the right-holder, been made available to the public in such a country by a user referred to in this Article and it is reasonable to assume that the right-holder would not oppose the use,
4. the user is established in an EEA country,
5. the activities of the user are not for profit-making purposes and, in respect of the film or audio heritage institutions, the institution has been entrusted by the community at large to manage the film or audio heritage,
6. the exploitation takes place in order to achieve aims related to the public interest mission of the user and, as regards acts of reproduction, for the purposes of digitization, indexing, cataloguing, preservation, restoration or making available to the public of the work,
7. the revenues from such uses are intended exclusively to cover the costs for digitization and making available to the public of orphan works, and
8. right holders who are known are indicated.

A public service sound radio or television organization is entitled to use cinematographic works which have been produced by, or for, such an organization before January 1, 2003, in the ways and under the conditions indicated in the first Paragraph, items 1 to 4 and 6 to 8.

A user referred to in the first Paragraph is, in the ways and under the conditions referred to there, entitled to exploit works forming part of a literary work in a writing, a cinematographic work or a sound recording having such relation to an EEA country referred to in the first Paragraph, item 3. A public service sound radio or television organization is, in the same way and under the same conditions as referred to in the first Paragraph, items 1 to 4 and 6 to 8, entitled to make use of works forming part of such a cinematographic work or such a sound recording, if the cinematographic work or the sound recording has been produced by, or for, such an organization before January 1, 2003. (Act 2014:884).

Article 16 b. A work shall be considered to be an orphan work if all the right-holders are unknown, or it has not been possible to find them after a user referred to in Article 16 a has performed a diligent search pursuant to Article 16 c and recorded it. If there are several right-holders in a work and only one or some of them are unknown or have not been possible to find, the provisions in this Act shall apply to the right in the work belonging to this or those right-holders.

If the right-holder identifies himself to a user who has used the work pursuant to Article 16 a, the work shall no longer be considered to be an orphan work. The right-holder has a right to a fair compensation from the party that has used the work. (Act 2014:884).

Article 16 c. A diligent search shall be carried out in good faith in respect of each individual work.

The diligent search shall be carried out in the country where the work was first published or, in the absence of publication, where it was first broadcast in sound radio or television. If a work has neither been published nor broadcast but has, with the consent of the right-holder, been made available to the public by a user referred to in Article 16 a, the search shall be carried out in the country where the user is established.

In respect of cinematographic works whose producer has his headquarters or habitual residence in an EEA country, the diligent search shall instead be carried out in that country.

In respect of works referred to in Article 16 a, third Paragraph, the diligent search shall be carried out where it should have been carried out in respect of the sound recording or the work of which it forms part.

In respect of diligent search in Sweden the sources shall be used that are suitable for the type of works that the diligent search concerns. Such sources that are included in the Annex to the Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works shall always be used for the diligent search. In respect of diligent search in another country the provisions in that country on suitable sources shall apply.

If there is evidence to suggest that relevant information on right-holders is to be found in countries other than what follows from the second to fourth Paragraphs, also sources of information in that other country shall be consulted. (Act 2014:884).

Article 16 d. The Government may issue stipulations on obligation for the users referred to in Article 16 a to provide, to the Government or to the Authority appointed by the Government, such information that shall, pursuant to the Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works, be recorded by the European Union Intellectual Property Office. (Act 2016:371)

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

Article 17. Anyone who has a visual or reading disability and who is therefore unable to enjoy a work which has been made public in the form of a book or other writing, notation or related illustration to substantially the same degree as a person without such an impairment, is entitled to prepare copies of the work in a format which is accessible to him or her. The same applies to any person acting

on behalf of that person.

The first Paragraph gives only a right to prepare copies of a work to which the person with a visual or reading disability has lawful access and for his or her exclusive use.

A person with a visual or reading disability means

1. a person who is blind,
2. a person who has a visual impairment which cannot be improved so as to give the person a visual function substantially equivalent to that of a person having no such impairment,
3. a person who has a perceptual or reading disability, or
4. a person who, due to a physical disability, is unable to hold or manipulate a book or to focus or move the eyes to the extent that would be normally required for reading. (Act 2018:1099).

Article 17 a. An authorized entity is, subject to the conditions corresponding to those indicated in Article 17, entitled to prepare copies referred to in that Article. It is furthermore entitled to communicate and distribute such copies to persons with visual or reading disability referred to in that Article and who have their domicile in Sweden or another State party to the European Economic Area (EEA), to other authorized entities in Sweden and to entities in another State party to the EEA which is in that State an authorized entity.

The first Paragraph gives only a right to prepare copies of works to which the authorized entity has lawful access. The preparation, communication and distribution may be carried out only to a person with visual or reading disability for his or her personal use and must not be carried out for commercial purposes.

An “authorized entity” in Sweden means

1. a public authority having as its task to provide education, adaptive reading or access to information for persons with a visual or reading disability,
2. an organization providing, without profit-making purposes, the same services as those referred to in 1 if the organization provides the services pursuant to law or other statutes or receives support from public funds for providing such services, or
3. a non-profit organization providing the same services as those referred to in 1 as one of its main tasks or as a part of its public interest mission. (Act 2018:1099)

Article 17 b. Contractual provisions limiting the right to use works pursuant to Articles 17 or 17 a are null and void. (Act 2018:1099).

Article 17 c. When an authorized entity established in Sweden communicates or distributes copies of works pursuant to Article 17 a to persons with visual or reading disability in such a way that those persons may keep a copy of the work, the author is entitled to a remuneration. (Act 2018:1099)

Article 17 d. The authorities and organizations referred to in Article 17 a, third Paragraph, items 1 and 2, shall be deemed to be authorized to provide education, adaptive reading or access to information for persons with a visual or reading disability for the purpose of the Regulation (EU) 2017/1563 of the European Parliament and of the Council of 13 September 2017 on the cross-border exchange between the Union and third countries of accessible format copies of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled, in its original wording. (Act 2018:1099).

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

Libraries and organizations working for participation by persons with a disability are also, in cases other than those referred to in Articles 17 and 17 a, entitled to

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

The preparation of copies, the distribution of copies and the communication to the public of copies 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 organizations, pursuant to this Article, 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, transfers more than a few copies to persons with a disability. (Act 2018:1099).

Article 17 f. The Government may issue provisions concerning information to be provided and concerning requirements on documentation when authorized entities as well as libraries and organizations working for participation of persons with disabilities prepare, communicate or distribute copies pursuant to Article 17 a or 17 e and concerning the information to be attached to such copies.

The Government may also issue provisions about routines to be followed by an authorized established in Sweden and about information to be provided when it prepares, communicates or distributes copies pursuant to Article 17 a to persons with visual or other reading disability in another State within the EEA or to entities within the EES which are authorized entities in that State. (Act 2018:1099).

On the Preparation of Composite Works for Use in Educational Activities

Article 18. Anyone who, for use in educational activities, prepares a composite work compiled from works by a comparatively 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 which have been created for use in educational activities and do not confer a right to prepare

composite works for commercial purposes. (Act 2005:359).

On the Distribution of Copies

Article 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, other than buildings and works of applied art, through rental or similar legal acts, or
2. copies of computer programs in machine-readable form or of cinematographic works, through lending. (Act 2005:359).

On the Display of Copies

Article 20. When a work has been published, the copies thus published may be publicly displayed. The same applies in respect of copies of works of fine art which the author has transferred. (Act 2005:359).

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

Article 20 a. Anyone is, through a film or a television program, entitled to prepare 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 is of minor importance in relation to the content of the film or the television program. Corresponding acts of exploitation may also be carried out in respect of works of fine art that appear in the background, or otherwise constitute an insignificant part, of a picture.

Acts of exploitation as referred to in the first Paragraph may, however, take place only if the master copy for the copy prepared when the work of fine art is being included in the film, the television program or the picture is a copy is covered by an act of publication or a copy which has been transferred by the author. If no preparation of a copy takes place, the same applies to the copy directly communicated to the public through the television program. (Act 2005:359).

On Public Performance

Article 21. Anyone is entitled to publicly perform works, with the exception of cinematographic works and works made for the stage, which 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, and
2. in the context of educational activities or divine services.

The Riksdag (Parliament) and governmental and municipal Authorities may, in cases referred to in the first Paragraph 1, publicly perform also cinematographic works and works made for the stage which have been made public. The works may be performed only through a connection to an external network which held available in order to satisfy a public information interest, and, as regards archives and libraries referred to in Article 16, first Paragraph, by means of a technical device intended for single customers in order to make available works forming part

of the institution's own collections. The performance may take place only at the Parliament's or the authorities' own venues.

The provisions of the first Paragraph, item 2 do not confer a right to publicly perform, for commercial purposes, compilations in educational activities. (Act 2013:691).

On Quotations

Article 22. Anyone is, in accordance with proper usage and to the extent necessary for the purpose, entitled to make quotations from works which have been made available to the public.

On the Use of Works of Fine Arts and of Buildings

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

1. together with the text in a scientific presentation which has not been prepared for commercial purposes,
2. together with the text in a critical presentation, except in digital form, and
3. in a newspaper or a periodical together with a report on a current 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 rendering is carried out in conformity with proper usage and to the extent called for by the purpose. (Act 2005:359).

Article 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. (Act 2005:359).

On Information on Current Events through Sound Radio and Television, etc.

Article 25. Works which are being seen or heard in the course of a current event may be rendered in connection with information concerning the current event through sound radio, television, direct communication or film. The works may, however, be represented only to the extent called for by the information purpose. (Act 1993:1007).

Article 25 a. Works that are being seen or heard in a television broadcast may be rendered when a television organization transmits an extract from the broadcast pursuant to Article 48 a. (Act 2010:697).

On Public Debates, Public Documents, etc.

Article 26. Anyone is entitled to use oral or written statements delivered

1. before Public Authorities,
2. in government or municipal representative bodies,
3. in public debates on public matters, or
4. at public questionings on such matters.

The provisions of the first Paragraph 1 and 2 do not, however, apply as regards information for which secrecy applies under Chapter 31, Article 23 of the Public Access to Information and Secrecy Act (2009:400).

In the application of the first Paragraph it shall be observed,

1. that writings cited as evidence, opinions and similar contexts may only be rendered in connection with a report concerning the legal proceedings or case in which they have appeared and only to the extent necessary for the purpose of the report,
2. that the author has an exclusive right to publish compilations of his statements, and
3. that what is stated during questionings mentioned in the first Paragraph 4 must not, pursuant to that provision, be used in sound radio or television broadcasts. (Act 2009:406).

Article 26 a. Anyone is entitled to render works forming part of the documents mentioned in Article 9, first Paragraph, and which are of the kind mentioned in Article 9, second Paragraph 2 to 4. This does not, however, apply in respect of works referred to in Article 9, third Paragraph.

The author is entitled to remuneration except when the use occurs in the context of

1. the activities of a Public Authority, or
2. a report of a legal proceeding or a case or matter in which the work has appeared and the work is rendered only to the extent called for by the purpose of the report.

Anyone is entitled to render documents prepared by Swedish Public Authorities but which are not such referred to in Article 9, first Paragraph.

The second Paragraph does not apply to

1. maps,
2. technical models,
3. computer programs,
4. works created for educational purposes,
5. works which are the result of scientific research,
6. works of pictorial art,
7. musical works,
8. works of poetry, or
9. works copies of which are made available to the public through Public Authorities in commercial activities. (Act 2000:92).

Article 26 b. Notwithstanding copyright, 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 the administration of justice or of public security. (Act 1997:790).

On Alterations of Buildings and of Useful Articles

Article 26 c. The owner of a building or a useful article is entitled to alter the property without the consent of the author. (Act 1993:790).

Special Provisions concerning Sound Radio and Television

Article 26 d. (constitutes now, in amended form, Article 42 e)

Article 26 e. A sound radio or television organization which has the right to broadcast a work is entitled to record the work on a material support from which it can be rendered, if this act is carried out

1. for use in its own broadcasts on a few occasions during a limited time,
2. to secure evidence concerning the content of the broadcast, or
3. for making it possible for a Government Authority to exercise supervision over the broadcasting activities.

Anyone who pursuant to under Chapter 5, Article 3 of the Act (1991:1559) Containing Stipulations relating to the Freedom of the Press Act and the Fundamental Law on Freedom of Expression has a obligation to make a recording of a program made available on pay-tv is entitled to prepare copies of works included in the program, if this is carried out in order to secure evidence concerning the content of the program or to make it possible for a Government Authority to exercise supervision over the activities. Copies referred to in the second Paragraph may be used only for the purpose referred to there.

Recordings referred to in the first Paragraph 2 and 3 may be used only for the purposes indicated there. Such recordings which have a documentary value may, however, be preserved in the Royal Library.

A Government Authority having as its task to supervise advertising in sound radio and television broadcasts and programs referred to in the second Paragraph is entitled to render works included there to the extent justified by the purpose of the supervision. (Act 2015:359).

Article 26 f. Constitutes now Article 42 f (Act 2005:359).

Special Provisions on Computer Programs, etc.

Article 26 g. Anyone who has acquired the right to use a computer program is entitled to prepare such copies of the program and to make such alterations of the program which are necessary for him to be able 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 prepared pursuant to the provisions of the first and second Paragraphs must not be used for other purposes and must, furthermore, not be used when the right to exploit 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 ascertaining the ideas and principles which lie behind the various details of the program. This applies provided that the act is performed in the context of such loading, display on a screen, processing, transmission or storing of the program that he is entitled to carry out.

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

Contractual stipulations limiting the right of the user under the second, fourth or fifth Paragraphs are null and void. (Act 1997:790).

Article 26 h. The rendering of the code of a computer program or translation of the

form of the code is permitted if those acts are required for obtaining interoperability between the program and another program. This applies, however, only provided that the following conditions are met:

1. the acts are performed by a person who has the right to use the program or, on his behalf, by a person who is authorized to perform those acts,
2. the information necessary to achieve interoperability has not previously been readily available to the persons referred to in 1,
3. the acts are confined to those parts of the original program which are necessary to achieve the intended interoperability.

The first Paragraph does not imply that the information be

1. used for purposes other than to achieve the intended interoperability,
2. given away to other persons except when this is necessary for obtaining the intended interoperability,
3. used for the development, preparation or marketing of a computer program which in relation to the protected program has a substantially similar form of expression, or
4. used for other acts which constitute an infringement of the copyright.

Contractual stipulations restricting the rights of the user under this Article are null and void. (*Act 1993: 1007*).

Article 26 i. New number Article 42 a (*Act 2005:359*).

CHAPTER 2 a. Right to Special Remuneration

Article 26 j. *Repealed (Act 2007:521)*.

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

Article 26 k. When a businessman, in his professional activities, manufactures or imports into this country material supports on which sounds or moving images can be recorded and which are especially suitable for the preparation 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 rendered, have a right to remuneration from the businessman.

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

1. use for purposes other than the preparation of copies of works for private purposes,
2. export from the country, or
3. use for the preparation of copies of works for persons with a disability. (*Act 2018:1099*).

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

1. in respect of material supports for analogue recording, two and a half "Öres" for each possible recording minute,
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 under the first Paragraph, if

1. the authors have in some other form received compensation for the preparation of copies of works referred to in Article 26 k, or
2. the remuneration is unreasonably high, considering the circumstances relating to the material support or other conditions on the market. (Act 2005:359).

Article 26 m. Only an organization representing a significant number of authors and holders of neighbouring rights in the field is entitled to claim the remuneration and to conclude agreements on the reduction of the remuneration pursuant to Articles 26 k and 26 l. The organisation shall claim the remuneration and distribute it to those entitled to it, after deduction of compensation to the organization for its expenditure. For the purposes of the distribution, right-owners who are not represented by the organization shall be on an equal footing with right-owners who are represented by the organization.

The businessman referred to in Article 26 k, first Paragraph, shall give notice of himself to such an organization referred to in the first Paragraph. The businessman shall, upon request by the organization, provide an account of the number of material supports for which a right to remuneration applies, the recording time or the storage capacity of the supports, 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 26 k, second Paragraph. (Act 2016:979).

Remuneration for Resale of Original Copies of Works of Art (Resale right)

Article 26 n. If a copy of an original work of art, that has been transferred, has been re-sold within the term of copyright protection, the author has a right to remuneration (resale right) if an art market professional is the seller, intermediary or buyer at the sale. An “original work of art” means

1. a work of art that has been created by the artist himself,
2. a copy of a work of art that has been created in a limited number of copies by the artist himself or with his or her consent.

The author has no right to remuneration if

1. the sales price, with the exclusion of the value added tax, does not exceed one twentieth of the price basic amount under Chapter 2, Articles 6 and 7 of the Code of Social Security,
2. the sale concerns a copy of a work of architecture in the form of a building, or
3. the sale is undertaken by a private person to a museum that is open for the public and that carries out its activity without profit-making purposes, if no art market professional took part in the sale.

Where only one person who is an art market professional took part in the sale as a seller, intermediary or buyer, the remuneration shall be paid by that person. Where more than one such person took part in the sale, the remuneration shall be paid by the seller. Where the seller is not an art market professional, the remuneration shall instead be paid by the intermediary. (Act 2010:1206).

Article 26 o. The remuneration according to Article 26 n shall be calculated on the sales price, with the exclusion of the value added tax, and be charged as follows

1. five per cent of the part of the sales price that does not exceed 50 000 Euros,

2. three per cent of the part of the sales price that lies between 50 000,01 and 200 000 Euros,
3. one per cent of the part of the sales price that lies between 200 000,01 and 350 000 Euros,
4. one half per cent of the part of the sales price that lies between 350 000, 01 and 500 000 Euros,
5. 0, 25 per cent of the part of the sales price that exceeds 500 000 Euros.

A remuneration under the first Paragraph may not be charged by more than 12 500 Euros.

For the purposes of calculation what shall be paid as a resale right remuneration, the conversion of the amounts indicated in the first and second Paragraphs from Euros to Swedish "kronor" shall be made according to the exchange rate fixed by the European Central Bank for the date when the sale takes place, or, where the sale does not take place on a day when the Swedish banks are open, the exchange rate that has been fixed for the nearest preceding date when the Swedish banks are open.

The right to remuneration is personal and must not be transferred or waived.

Notwithstanding the provisions of Chapter 10, Article 3, first Paragraph, of the Marriage Code, the provisions governing the division of property between spouses, inheritance and will shall apply to the right after the death of the author. (Act 2007:521).

Article 26 p. Only an organization representing a substantial number of authors of works in the area concerned which are being exploited in Sweden is entitled to claim the remuneration.

Anyone who, in a professional capacity, is active in the art market as a seller, an intermediary or a buyer shall at the latest on April 1 give an account to the organisation of the sales giving rise to remuneration which have been made during the immediately preceding calendar year. For each sale, information shall be provided about the author, the work, the sales price and the date of the sale. An account shall be given also if no sales giving rise to remuneration have been made.

The party liable to pay the remuneration shall pay the remuneration when the organization claims it. If no claim has been made in respect of a sale giving rise to a remuneration, the party liable to pay the remuneration shall pay the remuneration to the organization at the latest on May 1 in the year after the sale.

A claim for a resale right remuneration becomes statute-barred three years after the expiry of the calendar year when the sale was made if the organization has not before that date claimed the remuneration from the party liable to pay the remuneration or indicated to him that the debt is due for payment. (Act 2018:604)

Article 26 q. The organization shall pay the resale right remuneration to the person entitled to the remuneration after deduction of the expenses that the organization had.

The claim of the party entitled to the remuneration against the organization becomes statute-barred ten years after it came into existence, however only if the organization has undertaken reasonable measures to find the person entitled to the remuneration. (Act 2018:604).

CHAPTER 3. Transfer of Copyright

General Provisions on Assignments

Article 27. Subject to the limitation which follows from Article 3, copyright may be transferred in its totality or partially. The transfer of a copy does not include a transfer of the copyright. In the case of a portrait executed on commission, the author may, however, not exercise his right without the consent of the person who commissioned it or, after the death of such a person, the surviving spouse and heirs.

Provisions governing the transfer of copyright in certain specific cases are included in Articles 30–40 §. Those provisions apply, however, only in the absence of an agreement to the contrary. (Act 1992:1687).

Article 28. In the absence of an agreement to the contrary, the person to whom copyright has been transferred may not alter the work or transfer the right to others. If the copyright forms part of a business activity, it may be transferred together with the business activity or of a part thereof; however, the transferor remains liable for the fulfilment of the agreement.

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

Contractual stipulations limiting this right are null and void. (Act 1997:309).

Contracts Relating to Public Performance, etc.

Article 30. If 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. If a longer term than three years has been determined and exclusivity has been agreed on, the author may nevertheless himself communicate the work or perform it or transfer such rights 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. (Act 2005:309).

On Publishing Contracts

Article 31. By means of a publishing contract the author transfers to the publisher the right to reproduce a literary or artistic work by printing or any similar process, and the right to publish it.

A manuscript or other copy from which the work shall be reproduced remains the property of the author.

Article 32. The publisher has the right to publish one edition, which may not exceed, in the case of a literary work, 2 000 copies, in the case of a musical work 1 000 copies, and in the case of a work of fine art 200 copies.

An edition is understood as what the publisher produces at one and the same time.

Article 33. The publisher has the duty to publish the work within a reasonable time, to ensure the distribution of it in the usual manner, and to follow up the publishing activities to the extent determined by marketing conditions and other circumstances. In the case of default in this respect, the author may rescind the contract and keep the fee received. If the author has suffered damage which is not covered by it, such damage shall also be compensated.

Article 34. If the work has not been published within two years or, in the case of a musical work, four years, from the time when the author delivered a complete manuscript or other copy for reproduction, the author may, even if there is no fault on the part of the publisher, rescind the contract and keep the fee received. The same applies when the copies of the work are exhausted and the publisher is entitled to publish a new edition but fails to do so within one year from the time when the author requested him to do so.

Article 35. The publisher shall provide the author with a certificate from the printer or whoever else reproduces the work concerning the number of copies produced.

If, during a financial year, sales have been made for which the author is entitled to a fee, the publisher shall, within nine months from the end of that year, render account to him stating the sale during the year and the number in stock at the end of the year. Even otherwise, the author has after the expiry of the term for the account a right to obtain, upon request, a statement concerning the number in stock at the end of the year.

Article 36. If the production of a new edition is commenced more than a year from the publication of the previous edition, the author shall be entitled to make, before the production starts, such changes in the work which can be made without unreasonable costs and without altering the character of the work.

Article 37. The author is not entitled to publish the work again in the form or manner covered by the contract, before the edition or editions which the publisher is entitled to publish have been exhausted.

When fifteen years have elapsed from the commencement of the publication, the author is, however, entitled to include a literary work in an edition of his collected or selected works.

Article 38. The provisions concerning publishing contracts do not apply to contributions to newspapers or periodicals. Articles 33 and 34 do not apply to contributions to other composite works.

On Film Contracts

Article 39. A transfer of the right to record a literary or artistic work in a film includes the right to make the work available to the public, through the film, in cinemas, on television or otherwise and to make, in the film, spoken parts available in textual form or to translate them into another language. This provision does not apply to musical works. (Act 1973:363).

Article 40. If the right to use a literary or musical work for a film intended for public showing is transferred, the transferee shall, within a reasonable time, produce the film and see to it that it is made available to the public. If this is not done, the author is entitled to rescind the contract and keep the fee received. If the author has suffered damage which is not covered by it, also such damage shall be compensated.

If the cinematographic work has not been recorded within five years from the time when the author fulfilled his obligations, the author is entitled to rescind the contract and keep the fee received, even if there is no fault on the part of the transferee.

On Computer Programs Created in Employment Relations

Article 40 a. Copyright in a computer program created by an employee as a part of his tasks or following instructions by the employer is transferred to the employer unless otherwise agreed in contract. (Act 1992:1687).

On Transfer of Copyright at the Death of the Author, etc.

Article 41. Notwithstanding the provisions in Chapter 10, Article 3, first Paragraph, of the Marriage Code the provisions governing the division of the joint property of the spouses, inheritance and will shall, after the death of the author, apply to copyright. An administrator of the estate may not, without the consent of the heirs, exploit the work in a manner other than that in which it has been previously exploited.

The author may, with binding effect for the surviving spouse and heirs of his body, give directions in his will concerning the exercise of copyright or authorize somebody else to give such directions. (Act 1987:800).

Article 42. Copyright shall not be subject to legal seizure as long as it remains with the author or with any other person who has acquired the copyright by virtue of division of the joint property of spouses, inheritance or will. The same shall apply to manuscripts and to such works of art which have not been exhibited, placed on sale or otherwise approved for being made available to the public. (Act 1987:800).

CHAPTER 3 a. On Extended Effect of Collective Licenses

Common Provisions concerning Extended Effect of Collective Licenses

Article 42 a. An collective license with extended effect referred to in Articles 42 b – 42 h applies to the exploitation of works in a specific manner, when an agreement has been concluded concerning the exploitation of works in this manner with an organization representing a significant number of authors of works in the field concerned which are being exploited in Sweden. 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 42 c, the agreement with the organization shall have been concluded by someone who carries out educational activities in organised forms.

The conditions for 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 which are essentially paid for out of the remuneration, the author shall be on an equal footing with the authors represented by the organization. Notwithstanding what has been said now, the author has, however, always a right to remuneration relating to the exploitation, provided that he or she forwards the claim 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 42 f, claims for remuneration may be forwarded only by the contracting organizations. All such claims shall be forwarded at the same time. (Act 2013:691).

Extended Collective License for Public Authorities, Enterprises and Organizations etc.

Article 42 b. The “Riksdag” (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, prepare copies of, and communicate and perform, literary works and works of fine

art which have been made public, if an extended collective license applies pursuant to Article 42 a.

The provisions of the first Paragraph do not apply if the author has filed a prohibition against the reproduction, communication or performance to any of the contracting parties. (Act 2013:691).

Extended Collective License for Educational Activities

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

The provisions of the first Paragraph do not apply if the author has filed a prohibition against the reproduction to any of the contracting parties. (Act 2005:359).

Extended Collective License for Certain Archives and Libraries

Article 42 d. Archives and libraries are entitled to prepare copies of works that form part of their own collections and make available to the public such works which have been made public, if an extended collective license applies pursuant to Article 42 a.

The provisions of the first Paragraph do not apply if the author has filed, to any of the contracting parties, a prohibition against the making of copies or the making available or if there are, on other grounds, special reasons to assume that the author objects to the exploitation. (Act 2017:323).

Extended Collective Licenses for Radio and Television

Article 42 e. A sound radio or television organization is entitled to broadcast literary and musical works which have been made public and works of fine art which have been made public, if an extended collective license applies pursuant to Article 42 a. If the work forms part of a radio or television program broadcast by the organization, the organization is also entitled to communicate the work to the public in such a way that members of the public can access it from a place and at a time chosen by themselves. The organization is also entitled to prepare copies of the works necessary for the communication.

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 against the broadcast or the communication to any of the contracting parties or if there are, on other grounds, special reasons to assume that the author objects to the exploitation. The provisions of the first Paragraph do not apply to re-transmissions referred to in Article 42 f.

In respect of transmission via satellite, the extended collective license applies only if the broadcasting organization simultaneously carries out a broadcast through a terrestrial transmitter. (Act 2013:691).

Article 42 f. 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, if an extended collective license applies pursuant to Article 42 a.

The provisions of the first Paragraph do not apply to works where the re-transmission rights belong to the sound radio or television organization which carries out the original transmission. (Act 2005:359).

Article 42 g. A sound radio or television organization is, if an extended collective license applies under Article 42 a, entitled to communicate to the public works which have been made public, if the works form part of the organization's own productions or of productions commissioned by the organization and which have been broadcast before July 1, 2005. The organization may also prepare such copies of the works necessary for the communication.

The first Paragraph does not apply if the author has, to any of the contracting parties, filed a prohibition against the communication or the reproduction or if there are, on other grounds, special reasons to assume that the author objects to the exploitation. (Act 2011:94).

General extended collective license

Article 42 h. Anyone is entitled to, within a specifically delimited area of exploitation, prepare copies of works or make available to the public works which have been made public also in cases other than those referred to in Articles 42 b – 42 g if an extended collective license applies pursuant to Article 42 a and a prerequisite for the exploitation is that the user, through the agreement with the organization, is conferred a right to exploit works of the kind referred to in the agreement despite the fact that the authors of the works are not represented by the organization.

The provisions of the first Paragraph do not apply if the author has filed to any of the contracting parties a prohibition against the reproduction or the making available or if there are, on other grounds, special reasons to assume that the author objects to the exploitation. (Act 2013:691).

CHAPTER 4. Term of Copyright

Article 43. Copyright in a work subsists to the expiry of the seventieth year after the year in which the author deceased or, in the case of a work referred to in Article 6, after the year in which the last surviving author deceased.

Instead of what is prescribed in the first Paragraph, copyright subsists in respect of

1. a cinematographic work, to the expiry of the seventieth year after the year of the death of the last deceased of one of the following persons, namely the principal director, the author of the screenplay, the author of the dialogue and the composer of the music specifically created for the work, and
 2. a musical work accompanied by text, to the expiry of the seventieth year of the year of the death of the last deceased of the composer and the author of the lyrics if the music and the text have been created specifically for the work.
- (Act 2013:691).

Article 44. In respect of a work which has been made public without mention of the author's name or generally known pseudonym or signature, copyright shall subsist until the expiry of the seventieth year after the year in which the work was made public. If the work consists of two or more interconnected parts, the term shall be calculated separately for each part.

If the author reveals his identity within the term mentioned in the first

Paragraph, the provisions of Article 43 apply.

In respect of works which have not been made public and whose author is not known, copyright subsists until the expiry of the seventieth year after the year in which the work was created.

Article 44 a. If a work has not been published within the term referred to in Articles 43 or 44, the person who thereafter for the first time publishes or makes public the work shall benefit from a right in the work corresponding to the economic rights of copyright. The right subsists until the expiry the twenty-fifth year after the year in which the work was published or made public. (Act 1995:1273).

CHAPTER 5. Certain Rights Neighbouring to Copyright

Performing Artists

Article 45. Subject to the limitations prescribed in this Act, a performing artist has an 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 perceived,
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, subsist to the expiry of the fiftieth year after the year in which the performance took place. If the recording has been published or made public within fifty years from the performance, the rights apply instead until the expiry of the fiftieth or, in respect of sound recordings, seventieth year after the year in which the recording was first published or made public.

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

When a copy of a recording under this Article has been, with the consent of the performing artist, transferred within the European Economic Area, that 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 other similar legal acts, or
2. copies of a film or another material support on which moving images have been recorded, through lending. (Act 2018:1099).

Article 45 a. If a performing artist holding the right in a sound recording pursuant to Article 45, has transferred this right to a phonogram producer against a one-off remuneration, the performer has a right to obtain a separate remuneration from the producer (supplementary remuneration) for each year following the fiftieth year after the year when the recording was first published or, if it has not been published, the year when it was first made public. If two or more artists having a right to a supplementary remuneration have executed the performance together, the remuneration is due to them jointly.

The supplementary remuneration shall correspond to twenty per cent of the revenue that the producer has derived from the right to exploit the recording. The revenue from rental of the recording or from remuneration to the producer pursuant to Article 26 k or Article 47 shall, however not be taken into account in the calculation.

Any contractual provision limiting the right of the performer under this Article is null and void. (Act 2013:691).

Article 45 b. Only an organization representing a substantial number of performing artists having a right to remuneration in the field concerned is entitled to claim the supplementary remuneration pursuant to Article 45 a. The organisation shall claim the remuneration and distribute it between those entitled to it after deduction of compensation to the organization for its expenditure. In respect of the distribution, performers who are not represented by the organisation shall be on an equal footing with performers represented by the organization.

At the request by the organization the producer shall provide the basis needed for the calculation of the remuneration. (Act 2013:691).

Article 45 c. If a performing artist holding the right in a sound recording pursuant to Article 45 has transferred this right to a phonogram producer against a recurring remuneration, the performer has, after the fiftieth year after the year when the recording was first published, or if has not been published, the year when it was first made public, a right to a payment, without deduction of any advance payment or deduction for any other reason. A deduction may, however, be made if the performer has explicitly approved it. (Act 2013:691).

Article 45 d. If a performing artist holding the right in a sound recording pursuant to Article 45 has transferred this right to a phonogram producer, the performer has, after the fiftieth year after the year in which the recording was first published or, if it has not been published, the year in which it was first made public, a right to revoke the contract, if

1. the producer does not offer copies of the phonogram for sale in sufficient number of copies and makes it available to the public in such a way that members of the public may access it from a place and at a time individually chosen by them, and
2. the performer has invited the producer to make the recording available to the public in the way prescribed under 1 and the producer fails to do so within one year from the invitation.

If two or more performers have executed the performance jointly and transferred their rights in the recording to the producer, they may only jointly file an invitation and the revocation declaration.

If the contract is being revoked, the performer is entitled to keep the remuneration received.

Any contractual stipulation limiting the right of the performer under this Article is null and void. (Act 2013:691).

Producers of Recordings of Sounds and of Images

Article 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. preparing copies of the recording, and

2. making the recording available to the public.

The rights referred to in the first Paragraph subsist until fifty years have elapsed after the year in which the recording was made. If a sound recording has been published within this period, the rights subsist, instead, until the expiry of the seventieth year after the year in which the sound recording was first published. If the sound recording has not been published during the said period but is made public during the same period, the rights subsist, instead, until the expiry of the seventieth year after the year in which the sound recording was first made public. If a contract has been revoked pursuant to Article 45 d, the rights do not, however, apply any longer. If a recording of moving images has been published or made public within fifty years from the recording, the rights under the first Paragraph subsist until fifty years have elapsed 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, 11 a, 12 and 16, 16 a, third Paragraph, 17 - 17 c, 17 e, 21, 22, 25 - 26 b, 26 e, 26 k - 26 m and 42 a - 42 h shall apply in respect of recordings referred to in this Article. Furthermore, in respect of sound recordings what is prescribed for cinematographic works in Articles 16 a and 16 b and 16 c, first, second and fourth to sixth Paragraphs, shall apply.

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 of 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. (Act 2018:1099).

Use of Sound Recordings for Public Performance, etc.

Article 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 referred to in the first Paragraph occurs, the producer and the performing artists whose performances appear in the recording, have a right to remuneration. Where two or more performing artists have executed the performance together, their right may only be claimed by them jointly. 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 to the public by wireless means or by wire simultaneously and without alteration (re-transmission) the following applies. Against the party carrying out the retransmission, the claim for remuneration may be forwarded only through organizations representing a significant number of performing artists or producers whose performances or recordings are being exploited in Sweden. The organizations shall forward their claims at the same time as the claims referred to in Article 42 a, third Paragraph.

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

This Article does not apply to sound films. (Act: 2013:691).

Sound Radio and Television Organizations

Article 48. Subject to the limitations prescribed in this Act, 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 perceived,
2. preparing copies of a recording of the broadcast,
3. distributing copies of a recording 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. permitting that a fixation of the broadcast be communicated, by wire or wireless means, to the public in such a way that members of the public may access the recording from a place and at a time individually chosen by them.

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

The provisions of Article 2, second Paragraph, 6 - 9, 11, second Paragraph, 11 a, 12 and 16, 16 a, third Paragraph, 17 - 17 c, 17 e, 21, 22, 25 - 26 b, 26 e, 42 a, 42 b, 42 d, 42 g and 42 h shall apply in respect of sound radio and television broadcasts referred to in this Article.

When a copy of a recording referred to in 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 a retransmission referred to in Article 42 f and which has been carried out with the consent of the organization, the organization shall forward its claim at the same time as the claims referred to in Article 42 a, third Paragraph. (Act 2018:1099).

Article 48 a. If a television organization has an exclusive right to broadcast an event of significant public interest, other television organizations established within a country member of the European Economic Area may, notwithstanding Article 48, make use of extracts from the television broadcast of the event in its own television broadcasts constituting general news programs. The television organization may also make use of the extract when a recording of the news program is later made available to the public in such a way that members of the public may access the recording from a place and at a time individually chosen by them.

The extract must not be longer than what is justified by the information purpose. Nor may any use be made of it for a longer time after the event than may be justified by the news interest.

The provisions in Article 11, second Paragraph, shall apply in the cases referred to in the first Paragraph. (Act 2010:697).

Producers of Catalogues, etc.

Article 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 prepare copies of the product and to make it available to the public.

The right under the first Paragraph subsists until fifteen years have elapsed from the year in which the product was prepared. If the product has been made available to the public within fifteen years from its preparation, the right shall, however, subsist 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 and 16, 16 a, third Paragraph, 17 - 17 c, 17 e, 18 - 22, 25 - 26 b and 26 e, 26 g, fifth and sixth Paragraphs and Articles 42 a - 42 h shall apply to products referred to in this Article. If a product of this kind, or part of it, is the subject of copyright, also this right may be claimed.

Any contractual stipulation extending the rights of the producer pursuant to the first Paragraph in respect of a product which has been made public is null and void. (Act 2018:1099).

Photographers

Article 49 a. Anyone who has prepared a photographic picture has an exclusive right to prepare 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 any picture that has been prepared by a process analogous to photography.

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

The provisions of Articles 2, second - fourth Paragraphs, 3, 7 - 9, 11 and 11 a, 12, first and fourth Paragraphs, 16, 16 a, third Paragraph, 17 - 17 c, 17 e, 18 - 21, and 23, 24, first Paragraph, 25 - 26 b, 26 e, 26 k - 28, 31- 38, 41 - 42 h and 50 - 52 shall apply to pictures referred to in this Article. If such a picture is the subject of copyright, also this right may be claimed. (Act 2018:1099).

CHAPTER 6. Special Provisions

Article 50. A literary or artistic work may not be made available to the public under such a title, pseudonym or signature that the work or its author may be easily confused with a work which has previously been made available to the public, or with its author.

Article 51. If a literary or artistic work is presented in a manner which violates cultural interests, a Court may, upon an action by an Authority appointed by the Government, issue an injunction prohibiting such use, under penalty of a fine. This provision shall not apply to presentations during the lifetime of the author. (Act 1978:488).

Article 52. Together with the adjudication of a fine, the Court may prescribe reasonable measures in order to prevent misuse of copies covered by prohibition

under Article 51 and devices which can be used only for the preparation of such copies. Such a measure may prescribe that the property shall be destroyed or altered in a specific manner.

The provisions of this Article do not apply in relation to a person who has acquired the property, or a right therein, in good faith.

The property referred to in the first Paragraph may be seized awaiting the measures mentioned in that Article; the general provisions on custody in criminal cases shall apply.

Article 52 a. Anyone wanting to carry out a retransmission by wire of works forming part of a wireless sound radio or television broadcast and who requests an agreement with an organization representing Swedish right owners or with a sound radio or television organization carrying out transmissions within the European Economic Area but is denied such an agreement on the terms requested, is, upon request, entitled to negotiations with the organization or the sound radio or television organization, respectively.

A party which has a duty to participate in such negotiations shall personally or through a representative attend a meeting for such negotiations and, if this is deemed necessary, put forward a reasoned proposal for the solution of the question which the negotiation concerns. The parties may agree on another form for negotiations than a meeting.

Anyone not complying with the provisions of the second Paragraph shall pay a compensation for the damage incurred. In the considerations concerning if and to what extent a damage has been caused to someone, also his interest in that the provision is applied and circumstances other than such of a purely economic character shall be taken into account. (*Act 1995:447*).

CHAPTER 6 a. On the Protection of Technological Measures, etc.

Introductory Provisions

Article 52 b. 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 work protected by copyright 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 shall have been provided by the author or his successor in title. (*Act 2005:359*).

Article 52 c. The provisions on protection of technological measures in this Chapter do not apply if the work is a 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 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 unauthorized access to certain services. As regards technological measures or arrangements used in connection with such services in the form of sound radio or television broadcasts referred to in Article 2, item 1, in that Act, the provisions on technological measures in this Chapter do not apply. (Act 2005:359).

On the Protection of Technological Measures

Article 52 d. 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 preparation 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 watch or listen to the work. (Act 2005:359).

Article 52 e. 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 advertised or marketed for 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 enabling or facilitating a circumvention of a technological measure. (Act 2005:359).

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

Article 52 f. Anyone who, pursuant to the provisions in Articles 16, 17, 17 a, 17 e, 26, 26 a or 26 e, may exploit a work protected by copyright is entitled to make use of a copy of a work to which he lawfully has access 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.

In respect of 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, the first and second Paragraphs apply only to use pursuant to Article 17 or 17 a. (Act 2018:1099).

On the Protection of Electronic Rights Management Information

Article 52 g. 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 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. (Act 2005:359).

On the Application of the Provisions on Neighbouring Rights

Article 52 h. 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. (Act 2005:359).

CHAPTER 7. On Criminal and Civil Liability

Article 53. Anyone who, in respect of 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, if the act is committed willfully or by gross negligence, be punished by fines or imprisonment for not more than two years.

Anyone who for his personal use reproduces a computer program which has been published or of which a copy has been transferred with the consent of the author shall not be subject to criminal liability, if the master copy for the reproduction is not being used in commercial or public activities and he or she does not use the copies produced of the computer program for any purposes other than his or her personal use. Anyone who for his or her personal use has made a copy in digital form of a compilation in digital form which has been made the public shall, under the same conditions, not be subject to criminal liability for the act.

The provisions of the first Paragraph also apply if someone imports copies of a work into Sweden for distribution to the public, if such a copy has been prepared abroad under such circumstances that a similar preparation here would have been punishable under that Paragraph.

Anyone who has violated an injunction issued under penalty of a fine pursuant to Article 53 b, must not be held liable under criminal law for the infringement covered by the injunction.

Attempts to commit acts implying violations referred to in the first and third Paragraphs, and preparations for such acts are punishable pursuant to Chapter 23 of the Criminal Code. (Act 2005:360).

Article 53 a. Property in respect of which a violation has occurred pursuant to this Act shall be declared forfeited, if this is not considered obviously unreasonable. Instead of the property itself, its value may be declared forfeited. Also profits from such a violation shall be declared forfeited, if this is not obviously unreasonable.

The same applies to what someone has received in compensation for costs related to such a violation, or the value of what has been received, where the act of receiving constitutes a violation pursuant to this Act.

Property that has been used as a tool in a violation under this Act may be declared forfeited, where this is needed in order to prevent violations or where there are otherwise special reasons. The same applies to property intended to be used as a tool in such a violation, where the violation has been completed or has constituted a punishable attempt or a punishable preparation. Instead of the property itself, its value may be forfeited. (Act 2005:360)

Article 53 b. Upon a claim by the author or his or her successor in title or by a party that, pursuant to a license, has the right to exploit the work, the Court may issue an injunction prohibiting, on penalty of a fine, a party that commits, or contributes to, an act constituting an infringement or a violation referred to in Article 53 to continue that act.

If the plaintiff shows a probable cause that an act constituting an infringement or a violation referred to in Article 53, or a contribution to that act, takes place and if it can reasonably be expected that the defendant, through the continuation of the act, or the contribution thereto, diminishes the value of the exclusive right conferred by copyright, the Court may issue an injunction, on penalty of a fine, for the time until the case has been finally adjudicated or otherwise is decided. No injunction may be issued before the defendant has been given an opportunity to respond, unless a delay would entail a risk of damage.

The provisions in the first and second Paragraphs apply also to acts constituting attempts, and to preparatory acts, relating to infringements or violations referred to in Article 53.

An injunction mentioned in the second Paragraph may be issued only if the plaintiff deposits a security at the Court for the damage that may be caused to the defendant. If the plaintiff is not capable of depositing such a security, the Court may liberate him or her from it. In respect of the type of security, the provisions of Chapter 2, Article 25, of the Enforcement Code apply. The security shall be examined by the Court unless the defendant has accepted it.

When the case is adjudicated, the Court shall decide whether a prohibition issued pursuant to the second Paragraph shall continue to apply.

In respect of appeals against decisions under the second or fourth Paragraph and in respect of the proceedings in higher Courts the provisions on appeal against decisions in Chapter 15 of the Code of Judicial Procedure apply.

A claim for the adjudication of a fine is brought by the party that applied for the injunction. (Act 2016:190)

Article 53 c. If the applicant shows a probable cause that someone has committed an infringement or a violation referred to in Article 53, the Court may order, on penalty of a fine, one or several of the parties referred to in the second Paragraph to provide information to the applicant concerning the origin of, and distribution networks for, the goods or services in respect of which the infringement or the violation has been committed (*order to provide information*). Such an order may be issued upon a claim by the author or the successor in title of the author or by a party that, pursuant to a license, has the right to exploit the work. It may be issued only if it can be assumed that the information would

facilitate an inquiry into the infringement or the violation related to the goods or services.

The obligation to provide information relates to any party that

1. has committed, or contributed to, the infringement or committed, or contributed to, the violation,
2. has on a commercial scale been exploiting the goods that the infringement or the violation concerns,
3. has on a commercial scale been exploiting the service that the infringement or the violation concerns,
4. has on a commercial scale made available an electronic communication service or another service that has been used in the infringement or the violation, or
5. has been indicated by a party referred to in items 2 to 4 as being involved in the production or distribution of the goods, or the making available of the service, that the infringement or the violation concerns.

The information on the origin or distribution network of goods or services may include, in particular,

1. the names and addresses of producers, distributors, suppliers and others who have previously held the goods or made available the services,
2. the names and addresses of intended wholesalers and retailers,
3. information on how much has been produced, delivered, received or ordered and the price obtained for the goods or services.

The provisions in the first to third Paragraphs apply also to acts constituting attempts, and to preparatory acts, relating to infringements or violations referred to in Article 53. (Act 2009:109).

Article 53 d. An order to provide information may be issued only if the reasons speaking in favor of the measure outweigh the inconvenience or other harm that the measure would cause to the party against which it is directed or to any other opposite interest.

The obligation to provide information pursuant to Article 53 c does not include information the revelation of which would disclose that the provider of the information or any person closely related to him or her as referred to in Chapter 36, Article 3, of the Code of Judicial Procedure has committed a criminal offence.

The Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) contains provisions limiting the that may be made of personal data received. (Act 2018:272).

Article 53 e. If an application for an order to provide information is directed against the applicant's opposing party in a case related to an infringement or a violation, the provisions on court procedures for that case apply. Decisions on orders to provide information may be appealed separately.

If the application for an order to provide information is directed against a party other than the one referred to in the first Paragraph, the provisions in the Act (1996:242) on Court Matters shall apply. The Court may decide that each party shall bear its own litigation costs.

A claim for the adjudication of a fine may be brought by the party that

has applied for the order (Act 2016:190).

Article 53 f. A party that pursuant to the provisions in Article 53 c, second Paragraph, items 2 to 5, has been ordered to provide information pursuant to the first Paragraph of the same Article, is entitled to a reasonable compensation for the costs and inconvenience caused. The compensation shall be paid by the party that has applied for the order to provide information.

A party that makes available an electronic communication service and which has, pursuant to an order to provide information, delivered information referred to in Chapter 6, Article 20, of the Act (2003:389) on Electronic Communications, shall send a written notice on this to the person whom the information concerns not earlier than one month and not later than three months from the delivery of the information. Costs for the notice shall be compensated in accordance with the first Paragraph. (Act 2009:109).

Article 53 g. In addition to what is provided in Chapter 8, Articles 8 and 9, of the Act (2018:218) with Additional Provisions to the EU General Data Protection Regulation, personal data on violations of the law constituting criminal offences pursuant to Article 53 may be processed if this is necessary for a legal claim to be established, asserted or defended (Act 2018: 272).

Article 53 h. Upon a claim by the plaintiff the Court may, in cases concerning infringements or violations referred to in Article 53, order the party that has committed, or contributed to, the infringement or committed, or contributed to, the violation to pay a pecuniary compensation for appropriate measures to disseminate information about the judgment in the case.

The provisions in the first Paragraph apply also to acts constituting attempts, and to preparatory acts, referred to in Article 53. (Act 2009:109).

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

Where it has been carried out willfully or by negligence, compensation shall be paid also for the further damage that the infringement or the violation has caused. When the amount of the compensation is determined, special consideration shall be given to

1. lost profit,
2. profit made by the party committing the infringement or the violation
3. damage caused to the reputation of the work,
4. moral damage, and
5. the interest of the author or the right holder in that infringements are not committed.

The provisions of the second Paragraph apply also to anyone who otherwise willfully or by negligence commits an act constituting an infringement or a violation pursuant to Article 53.

The obligation to pay compensation pursuant to the first or second Paragraph does not apply to the person who, in making of copies for private purposes, violates only Article 12, fourth Paragraph, unless this violation is carried out willfully or by gross negligence. (Act 2009:109)

Article 55. Upon a claim by the author or his or her successor in title, the Court

may, in so far as is reasonable, decide that property in respect of which an infringement or a violation referred to in Article 53 exists shall be recalled from the channels of commerce, be altered or destroyed or that some other measure shall be taken in respect of it. The same applies to implements that have been, or have been intended to be, used in the infringement or the violation.

The provisions of the first Paragraph apply also to acts constituting attempts, and to preparatory acts, relating to an infringement or a violation pursuant to Article 53.

The provisions of the first Paragraph do not apply if the unlawful action has involved the construction of a building.

A decision on a measure pursuant to the first Paragraph must not imply that the author or his or her successor in title will be ordered to pay compensation to the party against which the measure is directed.

Any measures pursuant to the first Paragraph shall be paid for by the defendant where there are no specific reasons against it.

A decision referred to in this Article shall not be rendered, if forfeiture or a measure for the prevention of wrongful acts shall be decided pursuant to Article 53 a. or to the Criminal Code. (Act 2009:109).

Article 56. Notwithstanding Article 55, the Court may, if this is reasonable in view of the artistic or economic value of a copy of a work or of other circumstances, upon a claim by a party acting in good faith grant permission to the effect that the copy may, against the payment of a specific compensation to the author or his or her successor in title, be made available to the public or used for other intended purpose. (Act 2009:109).

Article 56 a. If it can reasonably be assumed that someone has committed, or contributed to, an infringement or committed, or contributed to, a violation referred to in Article 53, the Court may, for the purpose of preserving evidence relating to the infringement or the violation, order that an investigation be undertaken in respect of that party in order to search for objects or documents that can be assumed to be of importance for the inquiry into the infringement or the violation (*infringement investigation*).

An order for an infringement investigation may be issued only if the reasons speaking in favour of the measure outweigh the inconvenience or other harm that the measure would cause to the party against which it is directed or any other opposite interest.

The provisions in the first and second Paragraphs apply also to acts constituting attempts, and to preparatory acts, relating to infringements of violations referred to in Article 53. (Act 2009:109).

Article 56 b. Issues relating to infringement investigations may be taken up for consideration only upon a claim by the author or the author's successor in title or by a party that, pursuant to a license, has a right to exploit the work. Where legal proceedings have not yet been initiated, the claim shall be submitted in writing.

The opposite party shall be given an opportunity to respond before an order for an investigation is issued. If a delay would entail a risk that objects or documents of importance for the inquiry into the infringement would be removed, destroyed or distorted, the Court may, however, immediately issue an order to be valid until

otherwise decided.

In other respects, any issue relating to an infringement investigation which arises before legal proceedings have been initiated shall be processed in the same way as if the issue had arisen during legal proceedings. (*Act 2016:109*).

Article 56 c. An order for an infringement investigation may be issued only if the applicant posts a security at the Court for the damage which may be caused to the opposite party. Where the applicant is not able to post a security, the Court may liberate him from it. In respect of the type of security, the provisions of Chapter 2, Article 25, of the Enforcement Code apply. The security shall be examined by the Court, unless the opposite party has accepted it.

In respect of appeals against the decision by the Court relating to an infringement investigation and in respect of the proceedings in higher Courts the provisions concerning appeal against decisions prescribed in Chapter 15 of the Code of Judicial Procedure apply. (*Act 1998:1454*).

Article 56 d. An order for an infringement investigation shall contain information about

1. the purpose of the investigation,
2. the objects and documents which may be searched for, and
3. which venues may be searched.

If necessary, the Court shall set also other conditions for the execution of the order. (*Act 1998:1454*).

Article 56 e. An order for an infringement investigation is immediately enforceable. If an application for its execution has not been filed within one month from the order, the order becomes invalid.

If the applicant does not, within a month from the conclusion of the execution, file an action or initiate in some other way a proceeding relating to the issue, any measure which has been undertaken in the context of the execution of the infringement investigation shall be immediately be invalidated to the extent possible. The same applies where an order for an infringement investigation is invalidated after the execution has been concluded. (*Act 1998:1454*).

Article 56 f. An order for an infringement investigation is executed through the local Enforcement Authority in accordance with the conditions prescribed by the Court and in applying Chapters 1 to 3, Chapter 17, Articles 1 to 5, and Chapter 18 of the Enforcement Code. The applicant's opposite party shall be informed about the execution only if the order for an infringement investigation has been issued after hearing the opposite party. The Authority is entitled to take photographs and to make video and sound recordings of such objects for which it is authorized to search. The Authority may also make copies of, and extracts from, such documents for which it is authorized to search.

An infringement investigation must not concern written documents referred to in Chapter 27, Article 2, of the Code of Judicial Procedure. (*Act 2006:680*).

Article 56 g. The opposite party is entitled to summon an attorney when an order for an infringement investigation is to be executed. The execution must not begin before the attorney has arrived. This does, however, not apply if

1. the investigation is thereby unnecessarily delayed, or
2. there is a risk that the purpose of the measure will otherwise not be achieved.

At the execution the Enforcement Authority is authorized to engage, as necessary, the services of an expert.

The Authority may permit the applicant or a representative for the applicant to attend the investigation in order to provide information. If such permission is granted, the Authority shall see to it that the applicant or the representative is not informed about the findings at the investigation more than can be justified by the execution. (Act 2006:680).

Article 56 h. Photographs and video and sound recordings of objects as well as copies of, and extracts from, documents shall be listed and shall be held available for the applicant and the opposite party. (Act 1998:1454).

Article 57. The provisions of Articles 53–56 h shall apply also to rights protected by the provisions in Chapter 5. (Act 1998:1454).

Article 57 a. Anyone who, in cases other than those referred to in Article 53, sells, leases or possesses for sale, lease or other commercial purposes a device intended solely for facilitating unauthorized removal or circumvention of a device applied to protect a computer program against unauthorized reproduction, shall be punished by fines or imprisonment for not more than six months. (Act 1992:1687).

Article 57 b. Anyone who, in cases other than those referred to in Article 53, willfully or by gross negligence violates Articles 52 e or 52 g, 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, willfully or by gross negligence violates Article 52 d, shall be punished by fines. (Act 2005:359)

Article 58. The Patent and Market Court has exclusive jurisdiction in cases or matters referred to in this Act unless they shall be processed according to the Act (1974:371) on the Proceedings in Labour Disputes.

Provisions in the Code of Legal Procedure on limitation of the competence of a Court in relation to disputes which are to be processed otherwise than before a Court do not apply to claims for orders to provide information or for an infringement investigation (Act 2016:190).

Article 59. Violations referred to in Article 57 b, second Paragraph, may be indicted by a public prosecutor only if this is called for in the public interest. Other violations referred to in this Act may be indicted by a public prosecutor only if there is a complaint from an injured party or if such an indictment 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 brought 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. (Act 2005:359).

CHAPTER 8. Applicability of the Act

Article 60. The provisions on copyright apply to:

1. works of Swedish nationals or of persons who have their habitual residence in Sweden,
2. works first published in Sweden or simultaneously in Sweden and outside the country,
3. cinematographic works whose producer has his headquarters or habitual residence in Sweden,
4. works of architecture constructed here,
5. works of fine art incorporated in a building located here or in some other way permanently fixed to the ground.

For the purposes of the application of the first Paragraph, item 2, a simultaneous publication shall be considered to have taken place if the work has been published in Sweden within thirty days from its publication abroad. For the purposes of the application of the first Paragraph, item 3, the person whose name appears on copies of a cinematographic work in the usual manner shall, in the absence of a proof to the contrary, be deemed to be the producer of the said work.

The provisions of Articles 26 k to 26 p apply to works by persons who are Swedish nationals or who have their habitual residence in Sweden.

The provisions of Article 44 a. apply to acts of publication or of making public by persons who are Swedish nationals or who have their habitual residence in Sweden. The provisions also apply to acts of publication or of making public by legal entities having their headquarters in Sweden.

The provisions of Articles 50 and 51 apply to all literary or artistic works regardless of their origin. (*Act 2007:521*).

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 nationals or have their habitual residence in Sweden, the provisions of Article 47 to sound recordings whose producer is a Swedish national 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 having their headquarters in this country. The provisions of Article 46 apply to sound recordings and to recordings of moving images whose producer is a Swedish national 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, in respect of reproduction, to all sound recordings.

The provisions of Article 49 apply to productions whose producer is a Swedish national or has his habitual residence in Sweden. The provisions also apply to productions whose producer is a Swedish legal entity and has its registered office, its main headquarters or its principal place of business in Sweden. If 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 applies to all photographic pictures and the other provisions to photographic pictures,

1. whose maker is a Swedish national or has his habitual residence in Sweden, or
2. that have been first published in Sweden or simultaneously in Sweden

- and abroad, or
3. that have been incorporated in a building or another construction which is permanently fixed to the ground, if the building or the construction is situated 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 picture has been published in Sweden within thirty days from its publication abroad.

Of the provisions in Article 45, the reference to Articles 26 k to 26 m applies only to performances by someone who is a Swedish national or has his habitual residence in Sweden. Of the provisions in Article 46, the reference to Articles 26 k to 26 m applies only to recordings whose producer is a Swedish national or a Swedish legal entity or has his habitual residence in Sweden. Of the provisions in Article 49 a, the references to Articles 26 k to 26 p apply only to photographic pictures whose maker is a Swedish national or has his habitual residence in Sweden. (Act 2007:521).

Article 61 a. When a work or another subject matter protected under this Act is communicated to the public via satellite, the act which is relevant from the point of view of copyright shall be deemed to take place in the country where the broadcasting organization, under its control and its responsibility, introduces the subject matter into an uninterrupted chain of communication to the satellite and from there down towards the earth.

What has been said now does not apply if the introduction has taken place in a country which is not part of the European Economic Area and which does not apply the level of protection provided for in Chapter 2 of the Directive of the European Communities No 93/83/EEG of September 27, 1993.

If, in cases referred to in the second Paragraph, the transmission to the satellite takes place in a country member of the European Economic Area, the act which is relevant from the point of view of copyright shall be deemed to occur in the country from where the transmission takes place. If the transmission to the satellite does not take place in a country member of the European Economic Area but the sound radio or television organization which has decided the transmission has its registered office in a country member of that Area, the act relevant from the point of view of copyright rights shall be deemed to occur in that country. (Act 1995:1273).

Article 62. On condition of reciprocity, or if this follows from such an agreement with a foreign State or with an intergovernmental organization which has been approved by the Parliament, the Government may issue provisions for the application of this Act in relation to other countries. The Government may also provide for the application of the Act to works and photographic pictures first published by an intergovernmental organization and to unpublished works and photographic pictures which such an organization may publish. (Act 1995:1273).

CHAPTER 9. Provisions Governing the Entry into Force and Transitional Provisions

Article 63. This Act enters into force on July 1, 1961.

(Other provisions on the entry into force of this Act and of subsequent amendments to the Act are not included).