

Unofficial translation

Act on Collective Management of Copyright

(Swedish Statute Book, SFS 2016:977, as last amended by SFS 2018:736)

Chapter 1. Introductory Provisions

Scope of Application of the Act

Article 1. This Act applies to collective management of rights and collective management organisations.

Article 2. If a collective management organisation mandates another legal entity which is owned or controlled by the organisation to carry out an activity governed by this Act, what would have applied to that activity, if carried out by the collective management organisation, applies to that other legal entity.

The provisions of Chapter 9, Article 1, and Chapter 10, Articles 1, 2 and 4 and Article 5, items 1 to 4, 6 and 7, also apply to independent management organisations.

Article 3. If an organisation which is not a collective management organisation concludes an agreement referred to in Article 42 a of the Act (1960:729) on Copyright in Literary and Artistic Works or collects remuneration under Articles 26 m, 26 p or 45 b, or Article 47, third Paragraph, of that Act, what applies to a collective management organisation pursuant to Chapter 5, Article 5, first Paragraph, items 1 to 4, and second Paragraph, items 1 and 2, and Article 9, first Paragraph, Chapters 7 to 9 and Chapter 10, Articles 1 to 4, of this Act shall apply to that activity.

Definitions

Article 4. For the purposes of this Act

1. *Rights* means an exclusive right or a right to remuneration under the Act (1960:729) on Copyright in Literary and Artistic Works or a corresponding legislation in another country member of the European Economic Area (EEA country),
2. *Collective management of rights* means the management of rights on behalf of more than one rightholder for their collective benefit,
3. *Collective management organisation* means a legal entity whose sole or main purpose is to carry out collective management of rights and which
 - a. is owned or controlled by its members, or
 - b. is organised on a non-profit basis.
4. *Independent management organisation* means a legal entity whose sole or main purpose it to carry out collective management of rights and which
 - a. is not owned or controlled by rightholders, and
 - b. is organised on a for-profit basis.
5. *Rightholder* means anyone who holds rights, or is entitled to a share of the rights revenue without being a collective management organisation or a member that represents rightholders.

6. *Member* means a rightholder or a legal entity representing rightholders, which fulfils the membership terms and has been admitted as a member of a collective management organisation.
7. *User* means anyone who, without acting as a consumer, is carrying out activities that are subject to the authorization by rightholders or which entitle rightholders to a remuneration.
8. *Statute* means the statute or articles of association or any other similar document applying to a collective management organisation.
9. *General assembly of members* means a meeting of an association or a shareholders' meeting or any other similar body in which members participate and exercise their voting rights.
10. *Rights revenue* means income from rights that a collective management organisation has collected on behalf of the rightholders.
11. *Management fee* means the deductions made by a collective management organisation from rights revenue or from any income arising from the investment of such revenue in order to cover the costs of the management of the rights.
12. *Multiterritorial license* means a license which covers more than one EEA country, and
13. *On-line rights in musical works* means any of the rights to make copies of musical works with or without texts or to communicate such works to the public that are required for the provision of an online service.

The Content of the Act

Article 5. The Act contains provisions on
 General principles for collective management of rights (Chapter 2)
 Rights of the rightholders (Chapter 3)
 Membership (Chapter 4)
 General assembly of members (Chapter 5)
 Supervisory functions and governance (Chapter 6)
 Management of rights revenue (Chapter 7)
 Management on the basis of a representation agreement (Chapter 8)
 Relations to users (Chapter 9)
 Transparency and reporting (Chapter 10)
 Transborder licensing of music (Chapter 11)
 Supervision, etc. (Chapter 12)

Chapter 2. General principles for collective management of rights

Article 1. A collective management organisation shall carry out its activities in the best interests of the rightholders whom it represents. The organisation must not impose on the rightholders any obligations other than those that are necessary for the protection of their interests or for the effective management of their rights.

Article 2. A collective management organisation shall provide for appropriate and effective mechanisms to ensure the participation of the members in the decision-making process of the organisation. Provisions to that effect shall be included in the statute. There is, however, no need to include what follows from law.

Different categories of members shall be represented in the decision-making to an appropriate extent.

Chapter 3. Rights of the rightholders

Right of representation

Article 1. A collective management organisation shall, at the request of a rightholder undertake to, for the EEA countries to which the request applies, manage the rights, categories of rights or types of works and other protected subject matter that the rightholder requests the organisation to manage, if the organisation does not have objectively justified reasons to refuse the management mandate.

Right to authorise certain use

Article 2. A rightholder who has given a management mandate to a collective management organisation may himself authorize the exploitation of the rights, categories or rights or types of works and other protected subject matter that the mandate covers. Such an authorization must, however, not be granted in respect of exploitation for commercial purposes.

Right to limit or terminate the management mandate

Article 3. A rightholder who has given a management mandate to a collective management organisation may at any time limit the mandate in the respects referred to in Article 1, unless the organisation has objectively justified reasons to refuse it. The rightholder may also at any time terminate the management mandate.

The management mandate may prescribe that a limitation or termination takes effect

1. after the expiry of a term of notice which shall be reasonable and not exceed six months, or
2. at the expiry of the financial year.

Where no point in time has been agreed for the entry into effect of a limitation or a termination, the limitation or termination has immediate effect.

The rightholder's authorisation to the management.

Article 4. A collective management organisation which accepts a management mandate shall obtain an explicit consent to the management in respect of each right, category of rights or type of work and other protected subject matter to which the management applies. The consent shall be evidenced in documentary form.

Information to the rightholders

Article 5. Before a collective management organisation accepts a management mandate it shall, in an appropriate way, inform the rightholder of the rights pursuant to Articles 1 to 3 as well as of any conditions attached to the right set out in Article 2. The organisation shall also inform about the deductions to be made from the rights revenue or from income arising from investments of such revenue.

The information about the rights pursuant to Articles 1 to 3 and about the conditions for the exercise of the right set out Article 2 shall also be included in the statute or membership terms of the organisation.

Chapter 4. Membership

Conditions for membership

Article 1. Anyone who fulfils the requirements for membership of a collective management organisation shall be accepted as member. If a request for membership is not accepted, the organisation shall indicate the reasons for it.

Article 2. The requirements for membership of a collective management organisation shall be objective, transparent and non-discriminatory. They shall be included in the statute or membership terms of the organisation and be made publicly available.

Electronic communication

Article 3. A collective management organisation shall see to it that members and rightholders can communicate with the organisation by electronic means.

Records of members

Article 4. A collective management organisation shall keep a record of its members. The record of members shall contain information about the name and mailing address of each member.

The record of members may be used to make it possible for the organisation to fulfil its obligations pursuant to this Act.

This Article does not apply if the collective management organisation is obliged, under any other Act, to keep records containing the information referred to in the first Paragraph.

Chapter 5. General Assembly of Members

Introductory provisions

Article 1. A collective management organisation shall have a general assembly of members.

Article 2. To the extent that matters are not regulated in this Chapter, the provisions on a general assembly in other Acts apply.

Article 3. The general assembly of a collective management organisation shall be convened at least once a year.

Decisions by a general assembly

Article 4. The general assembly shall decide on

1. any amendments to the statute,
2. any amendments to the membership terms,
3. the appointment and dismissal of members of the board or corresponding management body and, where applicable, supervision body, and
4. remuneration and other benefits for each one of those members.

Article 5. In addition to what follows from Article 4, the general assembly shall decide on

1. the general policy for the distribution of the amounts due to the rightholders,
2. the general policy for deduction from rights revenue and from any income arising from the investment of such revenue,

3. general policy for the use of non-distributable amounts,
4. the use of non-distributable amounts, and
5. the approval of the annual transparency report and appointment and dismissal of the auditor who shall examine it.

In appropriate cases the general assembly shall also decide on

1. a general investment policy for rights revenue and income arising from the investment of such revenue,
2. a risk management strategy,
3. approval of any acquisition, sale or hypothecation of immovable property,
4. approval of mergers and alliances, the setting up of subsidiaries and the acquisition of other entities, shares or rights in other entities, and
5. the approval of taking out loans, granting of loans and providing security for loans.

Delegation

Article 6. The general assembly may decide that the body referred to in Chapter 6, Article 3, shall take decisions in matters referred to in Article 5, second Paragraph, items 2 to 5.

The first Paragraph does not apply to decisions on the approval of a merger plan under the Companies Act ((2005:551) or the Act (2018:672) on Economic Associations or on loans referred to in Chapter 16, Article 7, of the Companies Act. Act (2018:736).

Participation and right to vote

Article 7. A member has the right to participate in, and the right to vote at, the assembly. It shall, upon request, be possible to participate in, and vote by, electronic means.

The right to participate and to vote may be limited with regard to the duration of the membership. The right may also be limited with regard to the amounts received by, or due to, a member. Any limitation shall be reasonable and must not conflict with any other Act.

Any limitation shall be included in the statute or the membership terms.

Representation

Article 8. Any member has the right to participate in, and vote at, the general assembly through a representative. The member may appoint anyone as representative. A person who belongs to another category of members or, for some other reason, has other interests in the organisation than the member must, however, not be appointed as a representative.

The representative shall have a written proxy. It shall be signed by the member and be valid for a specific assembly. The proxy may be signed through such advanced electronic signature as referred to in Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC in its original version. Act (2017:242).

Assembly of delegates

Article 9. The decision powers of the members may be exercised by an assembly of delegates if this does not conflict with any other Act.

The delegates are elected by the members. The rules for the general assembly under Articles 2 to 6 apply to the meeting of the assembly of delegates.

A delegate must not be elected for a term longer than four years or the shorter term prescribed in any other Act.

Chapter 6. Governance and Internal Supervisory Function

General obligations

Article 1. A collective management organisation shall ensure that the activities are managed in a prudent and appropriate manner and that appropriate procedures for administration, accounting and internal control are applied.

Conflicts of interest

Article 2. A collective management organisation shall have in place appropriate procedures to ensure that the collective interests of the rightholders are not affected by conflicts of interests between the rightholders and those who are in charge of the business.

It shall be ensured that those who are in charge of the business submit each year to the general assembly a statement about

1. the interests that they have in the organisation,
2. any remuneration received from the organisation during the preceding financial year,
3. any personal interests which may conflict with the interest of the organisation, and
4. obligations towards anyone else than the organisation which may conflict with obligations towards the organisation.

Supervisory functions

Article 3. A collective management organisation shall have in place a supervisory function for continuously monitoring how the persons who manage the business of the organisation fulfil their obligations. The supervisory body also shall take decisions in matters which have been delegated pursuant to Chapter 5, Article 6. The supervisory body shall meet regularly and each year report to the general assembly the results of the supervision and how the decision-making power of the supervisory body has been exercised. The supervisory body must not take part in the current management of the business.

A person who is a member of the management must not be a member of the supervisory body. The members of the supervisory body shall report on the matters referred to in Article 2, second Paragraph, to the general assembly.

In a collective management organisation which shall have a board of directors, a management body or a supervisory body, the provisions in this Article shall be performed by that entity and apply to its members. If the duties are performed by a board of directors or a management body, the organisation shall have a chief executive officer.

Chapter 7. Management of Rights Revenue

General obligations

Article 1. A collective management organisation shall manage rights revenue in a diligent manner.

Rights revenue and revenue arising from investments of rights revenue which are not distributed to the rightholders must be used only in accordance with what has been decided pursuant to Chapter 5, Article 5.

Duty to keep separate accounts

Article 2. A collective management organisation shall in its accounts keep money kept for the rightholders separate from own assets and income.

Money that cannot be distributed within the time prescribed in Article 5, second Paragraph, because the rightholder is unknown or impossible to find shall be accounted for separately.

Investments

Article 3. A collective management organisation that invests rights revenue or income arising from the investment of such revenue shall invest the money in the best interest of the rightholders.

Deductions

Article 4. The deduction that a collective management organisation makes from rights revenue or from income arising from investments of such revenue shall be established on the basis of objective criteria. The deductions shall be reasonable in relation to the services that the organisation provides to the rightholders.

Deductions for management fees must not exceed the justified and documented costs for the management.

If deductions are made for the funding of services for social or cultural aims or for educational purposes, the services shall be provided to the rightholders on the basis of fair criteria.

Distribution

Article 5. A collective management organisation shall distribute amounts due to rightholders in accordance with the general distribution policy which has been decided pursuant to Chapter 5, Article 5.

The amounts shall be paid out as soon as it is possible and, unless there are objective reasons to the contrary, no later than nine months from the expiry of the financial year when the rights revenue was collected.

If the amounts are distributed not by the collective management organisation but by one of its members, the provisions of the second Paragraph apply to that member.

Search for rightholders

Article 6. A collective management organisation shall take reasonable measures to identify the rightholders who are entitled to remuneration.

If a rightholder cannot be identified or located, the organisation shall no later than three months from the expiry of the period set in Article 5, second Paragraph, make available information in its possession of importance to identify or locate the rightholder to

1. the rightholders represented by the organisation,
2. the members representing rightholders, and
3. the collective management organisations with which the organisation has concluded an agreement referred to in Chapter 8, Article 1.

If the measures do not lead to any result, the organisation shall no later than one year after the expiry of the deadline mentioned in the second Paragraph, make the information referred to there available to the public.

The use of non-distributable amounts

Article 7. A collective management organisation is entitled to use amounts that cannot be distributed due to the fact the rightholder cannot be identified or located, if

1. the organisation has fulfilled its obligations under Article 6,
2. three years have passed after the expiry of the financial year when the rights revenue was collected, and
3. the use takes place in accordance with what has been decided pursuant to Chapter 5, Article 5, first Paragraph, items 3 and 4.

Chapter 8. Management on the Basis of a Representation Agreement

Article 1. If a collective management organisation has concluded an agreement with another such organisation for the purpose of managing rights for the rightholders represented by the other organisation, such a rightholder shall, in respect of the management, be equally treated as the rightholders represented by the organisation.

Article 2. In respect of management pursuant to an agreement referred to in Article 1, the organisation may make deductions from rights revenue, or from any income arising from investment of such revenue, only if that deduction relates to management fees or if the other organisation has expressly consented to it.

Article 3. In respect of management pursuant to an agreement referred to in Article 1, the organisation shall as soon as possible and, unless objective reasons prevent it, no later than nine months from the expiry of the financial year when the rights revenue was collected, carry out the payment of the amounts to the other organisation.

The other organisation shall as soon as possible and, unless objective reasons prevent it, no later than six months from the expiry of the financial year when the amount was received, distribute the amount to the rightholders. If the amount is not distributed by the other organisation but by a member of it, the corresponding shall apply to the member.

Chapter 9. Relations to Users

License agreement negotiations

Article 1. Collective management organisations and users shall negotiate on licensing of rights in accordance with good business practices. They shall provide each other with the information necessary for the negotiations.

License terms, etc.

Article 2. A collective management organisation must not apply

1. licensing terms that are not based on objective criteria, or
2. licensing terms which are discriminatory.

The remuneration that a collective management organisation requests for the use of works and other protected subject matter shall be reasonable. The organisation shall inform the user about the criteria used for the calculation of the remuneration.

In the implementation of the first Paragraph, item 2, terms applied for a an on-line service of a type that has been available within the European Economic Area (EEA) for less than three years from the conclusion of the licence agreement shall not be taken into account.

Requests for Licenses

Article 3. A collective management organisation shall, upon request by a user, provide the information needed by the organisation in order to offer a license to the user. Upon receipt of the information, the organisation shall offer the user a license or explain the reasons for not doing so. A request for a license shall be handled without undue delay.

Electronic communication

Article 4. A collective management organisation shall see to it that users can communicate, to an appropriate extent, with the organisation by electronic means.

Duty to report

Article 5. A user obliged to pay a remuneration to a collective management organisation for the use of works or other protected subject matter shall deliver to the organisation such information available to the user which the organisation needs in order to collect, distribute and pay the remuneration to the rightholders.

Where the parties have not agreed on when and in which format the information shall be provided, it shall be provided upon request by the organisation and in an appropriate format.

Chapter 10. Transparency and Reporting

Information provided to rightholders

Article 1. A collective management organisation shall, not less than once a year, inform each rightholder to whom it has attributed remuneration, about

1. the remuneration attributed to the rightholder and, where it with regard to the circumstances can be required from the organisation, the period during which the use took place for which remuneration was attributed,
2. the remuneration paid to the rightholder, divided into rights and category of rights to which the management relates,
3. the remuneration attributed to the rightholder but not paid,
4. the deductions made for management fees, and
5. other deductions made.

When the organisation informs the rightholder, the contact details of the rightholder shall be indicated.

Article 2. If remuneration is not being distributed by a collective management organisation but by a member of it, the provisions in Article 1 shall apply to the member. The collective management organisation shall provide the member with the information necessary to carry out its obligations.

Information to other collective management organisations

Article 3. A collective management organisation which manages rights pursuant to an agreement referred to in Chapter 8, Article 1, shall every year and by electronic means inform the other organisation about

1. the remuneration attributed to the other organisation,
2. the remuneration paid to the other organisation, divided into the rights and the categories of rights to which the management relates,
3. the remuneration attributed to the other organisation but not paid ,
4. the deduction made for management fees,
5. other deductions made,
6. the licenses granted or refused, and
7. decisions adopted by the general assembly of members in so far as those are relevant for the management.

Information about repertoire

Article 4. A collective management organisation shall in response to a request by a rightholder, a user or another collective management organisation with which the organisation has concluded an agreement referred to in Chapter 8, Article 1, provide information about the works and other protected subject matter which the organisation manages, the rights that it manages and the EEA countries covered by the management. If the management activities of the organisation are extensive, the information about works and other protected subject matter may instead relate to types of works and other protected subject matter.

The information shall be made available without undue delay and by electronic means.

The organisation may refuse to provide the information if the request does not show that the person requesting it has a need for it.

Information to the public

Article 5. A collective management organisation shall on its website make available the following information:

1. the statute of the organisation,
2. the membership terms,
3. the terms relating to the termination of a mandate to manage rights,
4. the standard licensing terms,
5. a list of the persons in charge of the activities,
6. the general principles for the distribution to the rightholders,
7. the general principles for deductions,
8. the general principles for the use of non-distributable amounts,
9. a list of the agreements referred to in Chapter 8, Article 1, by which the organisation is bound and the name of the other organisations to which the agreements apply, and

10. information about the procedures for handling of complaints, and dispute settlement.

Transparency report

Article 6. Unless otherwise follows from Article 7, a collective management organisation shall each year prepare a transparency report for the preceding financial year. The report shall contain the information set out in the Annex to the Directive 2014/26/EU of the European Parliament and the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of musical works for online use in the international market, in its original wording.

The information referred to in items 1 a, 1 g and 1 h in the Annex to the Directive shall be audited by an authorised or approved accountant or by a registered accounting company. An audit report including any qualifications relating to the audit shall be reproduced in its entirety in the transparency report.

The transparency report shall be made available on the webpage of the organisation within eight months from the end of the financial year to which it relates and thereafter for a period of at least five years.

Article 7. If a piece of information referred to in Article 6, first Paragraph, is included in an annual account prepared by the organisation, that piece of information does not have to be included in the transparency report. If all pieces of information are provided in this way, no transparency report has to be prepared.

The first Paragraph applies only if an authorised or approved accountant or a registered accounting company audits the annual accounts.

If information is provided as prescribed in the first Paragraph, the annual accounts and the audit report shall be made available on the webpage of the organisation within eight months from the end of the financial year and thereafter during a period of at least five years.

Handling of complaints

Article 8. A collective management organisation shall have in place effective procedures for dealing with complaints from rightholders and from other collective management organizations with which the organisation has concluded an agreement referred to in Chapter 8, Article 1.

The organisation shall respond in writing to complaints submitted. If the organisation does not comply with a complaint, the organisation shall indicate the reasons for it.

Chapter 11. Multi-territorial Licensing of Music

The scope of application of this Chapter

Article 1. With the exceptions prescribed in Article 2, this Chapter applies to multi-territorial licensing of online rights in musical works.

Article 2. If a licensing agreement is concluded by a collective management organisation which manages rights on the basis of an agreement, the provisions of this Chapter do not apply to licensing of rights necessary in order for a radio or

television organisation to make its radio or television programs available to the public at the same time as, or after, an original radio or television broadcast.

Subject to the same requirement, the provisions do not apply to licensing of material produced for, or by, the sound radio or television organisation and which constitutes a complementary addition to a radio or television broadcast. This applies regardless of when the complementary material is made available to the public.

Furthermore, the provisions do not apply to licensing of musical works in sheet form.

Article 3. If this Chapter contains provisions contrary to what is prescribed in Chapters 2 to 10, the provisions in this Chapter apply.

Ability to manage the repertoire

Article 4. A collective management organisation shall, for each EEA country covered by the management, have the ability to identify the works that it manages, and, in respect of each such work, the rights managed and the rightholders represented. The information shall be treated by electronic means.

The organisation shall make use of appropriate unique identifiers for the rightholders represented and the works managed.

The organisation shall have in place appropriate arrangements to ensure that the information referred to in the first Paragraph is consistent with corresponding information held by other collective management organisations.

Control of the repertoire

Article 5. A collective management organisation shall, upon request by an online service provider, a rightholder or another collective management organisation, provide information about the works and the rights that the organisation manages and the EEA countries that the management covers. The information shall be provided by electronic means.

The organisation may refuse to provide the information if the request does not indicate that the person requesting the information has a need for it.

The organisation may take reasonable measures to ensure that the information is not distorted and to control how the information is re-used. Furthermore, the organisation may take reasonable measures to protect commercially sensitive information.

Correction of inaccurate information, etc.

Article 6. A collective management organisation shall have in place arrangements to enable online service providers, rightholders and other collective management organisations to request a correction of data referred to in Article 4, first Paragraph. If it is clear from such a request that a piece of information is inaccurate, the organisation shall correct the data without undue delay.

Article 7. A collective management organisation shall have in place appropriate arrangements to enable rightholders whose rights the organisation manages, to submit, by electronic means, information concerning the works and the rights and also the EEA countries which the management shall cover.

The provisions of the first Paragraph do not apply in respect of rightholders whose rights the organisation manages pursuant to an agreement referred to in Chapter 8, Article 1, if from the agreement follows that something else shall apply in respect of that management.

Monitoring and reporting

Article 8. A collective management organisation which has concluded a license agreement with an online service provider shall monitor the use of the rights covered by the agreement.

The service provider shall provide the organisation with information about the use of the works covered by the agreement. The organisation shall offer the provider the possibility to provide the information pursuant to the first Paragraph by an appropriate electronic reporting method. If the reporting method offered follows an established international standard, it shall be used unless the parties agree otherwise.

Invoicing

Article 9. A collective management organisation shall invoice an online service provider as soon as this is possible. An appropriate electronic invoicing method shall be used. If this is possible with regard to the information that the service provider has delivered to the organisation pursuant to Article 8, second Paragraph, the invoice shall contain information about how the relevant works and rights have been used.

The organisation shall have in place adequate arrangements enabling the service provider to challenge the accuracy of the invoice.

Payment to rightholders

Article 10. A collective management organisation shall pay the remuneration to the rightholders as soon as possible after the service provider has delivered the information referred to in Article 8, second Paragraph.

The organisation shall, in connection with the payment, inform the rightholder about

1. the time period during which the use took place and the EEA countries covered by the use, and
2. the amounts collected, the deductions made and the amounts attributed to the rightholder, divided with respect to the rights covered by the management and to the respective online service providers concerned.

If the organisation manages rights on the basis of an agreement referred to in Chapter 8, Article 1, the organisation shall pay the amounts and provide information in conformity with this Article to the other organisation. The other organisation shall pay the amounts and provide the information to the rightholders. The organisations may agree otherwise concerning the responsibility for the payment of the amounts and the provision of the information to the rightholders.

Representation on the basis of representation agreements

Article 11. A collective management organisation must not, pursuant to an agreement referred to in Chapter 8, Article 1, give another organisation an exclusive right to manage rights.

Article 12. A collective management organisation which, pursuant to an agreement referred to in Chapter 8, Article 1, mandates another organisation to manage rights shall inform the rightholders affected by the management about the main terms of the agreement. If the organisation has members representing rightholders, also those shall be informed.

The organisation to which the management is assigned shall inform the other organisation about the licence agreements concluded and the main terms in those.

Article 13. An organisation that manages rights pursuant to an agreement referred to in Chapter 8, Article 1, is required to agree to enter, at the request of another collective management organisation, into such an agreement relating to the corresponding rights that the other organisation manages. That obligation applies only if the other organisation does not itself conclude agreements on multi-territorial licenses.

A request referred to in the first Paragraph shall be responded to in writing and without undue delay. The management fee requested by the organisation shall be reasonable and must not exceed the costs for the management.

The organisation requesting the conclusion of the agreement shall make available to the other organisation information necessary for the other organisation to fulfil its obligations pursuant to this Chapter. If the information is insufficient, the organisation managing the rights is entitled to remedy the deficiencies at the expense of the requesting organisation or to exclude from the management the rights affected by the deficiencies.

Access to multi-territorial licensing

Article 14. A rightholder who has mandated a collective management organisation to conclude agreements concerning multi-territorial licensing is entitled to withdraw the mandate if the organisation does not conclude such agreements nor has transferred the right to enter into such agreements to another collective management organisation.

If the rightholder withdraws the mandate, the mandate agreement immediately ceases to apply.

Chapter 12. Supervision, etc.

Supervision

Article 1. The Patent and Registration Office shall monitor the compliance of collective management organisations with the provisions in this Act.

The provisions of this Chapter on supervision of collective management organisations shall, where appropriate, apply also to such organisations or legal entities referred to in Chapter 1, Articles 2 and 3, and to such members of collective management organisations which represent rightholders.

The supervision applies to activities within the EEA which are carried out by organisations and other legal entities established in Sweden.

Article 2. The Patent and Registration Office may order a collective management organisation to provide documents and other information needed for the supervision.

The Government or a Public Authority designated by the Government may issue regulations to the effect that collective management organisations shall provide specific information needed for the supervision to the Patent and Registration Office.

Article 3. The Patent and Registration Office is entitled to intervene if a collective management organisation has disregarded its obligations under this Act.

An intervention is carried out by issuing an order to make a correction within a certain period of time.

An intervention relating to an agreement clause violating this Act may be carried out only through an order not to make use of the same, or essentially the same, clauses in similar cases in the future.

Article 4. If the Patent and Registration Office issues an order pursuant to this Act, the Office may issue the order under penalty of a fine.

Article 5. A party subject to supervision pursuant to this Act shall apply for registration at the Patent and Registration Office.

The Patent and Registration Office shall establish a register of those which have applied and which are subject to supervision pursuant this Act.

The Government or a Public Authority designated by the Government may, pursuant to Chapter 8, Article 7, of the Instrument of Government, issue further regulations on the filing of applications in registration matters.

Damages

Article 6. A collective management organisation or a user that wilfully or by negligence disregards an obligation pursuant to Chapters 2 to 11 shall compensate the injured party for the damage caused by the disregard. The same applies to legal entities referred to in Article 1, second Paragraph.

Competent Court

Article 7. The Patent and Market Court is the competent Court in cases under this Act.

Decisions by the Patent and Registration Office on orders may be appealed to the Patent and Market Court.

A claim for imposition of a penalty under this Act shall be filed at the Patent and Market Court by the Patent and Registration Office.

1. This Act enters into force on April 10, 2017 as regards Chapter 11, Article 14, and on January 1, 2017, in other respects.
2. The obligation to prepare a transparency report pursuant to Article 10, Article 6, does not apply to a financial year which has commenced before the entry into force.
3. If a decision by a general assembly of members is needed for a collective management organisation, or an organisation referred to in Chapter 1, Article 3, to comply with a provision in this Act, the provision applies as from, and including, the first ordinary general meeting of members organised after the entry into force. The corresponding applies if the decision power is exercised by delegates.

4. If an agreement referred to in Article 42 a of the Act (1960:729) on Copyright in Literary and Artistic Works has been concluded before the entry into force, the provisions of Chapter 1, Article 3, shall not apply.
5. If a management mandate has been given before the entry into force, the obligation to provide information under Chapter 3, Article 5, first Paragraph, shall be fulfilled not later than six months from the entry into force.
