

Unofficial translation

COPYRIGHT REGULATION

(Swedish Statute Book, SFS, 1993:1212, as last amended by SFS 2018:1100).

Section 1. This Regulation contains provisions related to the Act (1960:729) on Copyright in Literary and Artistic Works (the Copyright Act). Regulation (2014:883)

On Reproduction within Certain Archives and Libraries

Section 2. Reproduction for complementary purposes under Article 16, first Paragraph, item 1, of the Copyright Act includes situations when

1. a copy of a work is incomplete; if a work has been published in parts, however, only the situation when the missing part cannot be acquired on the market is included, or
2. copies of a work cannot be acquired on the market and the reproduction takes place at an archive or in a library which is entitled to receive statutory deposit copies of the actual type of productions.

The first Paragraph also applies to subject matter referred to in Articles 45, 46, 48, 49 and 49 a of the Copyright Act. Regulation (1994:194).

On the use of orphan works

Section 3. A user referred to in Article 16 a of the Copyright Act shall furnish to the Patent and Registration Office information relating to

1. the result of the diligent search carried out by the user which has resulted in the work being considered as an orphan work pursuant to Article 16 b of the Copyright Act, and, and
2. the exploitation is carried out by the user pursuant to Article 16 a of the same Act.

If a work shall not, pursuant to Article 16 b, second Paragraph, of the Copyright Act any longer be considered as orphan, the user who has carried out the diligent search shall provide information in this respect, if the right-owner has made himself known to the user.

A user who has provided information pursuant to the first or second Paragraph shall also provide contact information.

This Article applies also to subject matter referred to in Articles 45, 46, 48, 49 and 49 a of the Copyright Act.

The Patent and Registration Office shall without delay transmit the information to the European Union Intellectual Property Office. The Office may issue provisions on how the users shall provide information. Regulation (2016:376)

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

Section 4. When libraries and organizations prepare or communicate copies of works pursuant to Article 17, second Paragraph, of the Copyright Act

1. the author shall be informed where this can be done without inconvenience,
2. information shall be put on the copies concerning the title of the work, the year of the preparation and the identity of the producer of the copy as well as the information items prescribed pursuant to Article 11 of the Copyright Act, and
3. the producer shall establish a register of the copies produced.

The first Paragraph also applies to authorized entities when those prepare copies of works in the form of sound recordings or communicate copies of works pursuant to Article 17 a of the Copyright Act.

If copies are communicated or distributed to persons with a disability in such a way that those persons may keep a copy, the authorized entity, library or organization shall inform the author about this. This applies only if this can be done without inconvenience. Regulation (2018:1100).

Section 4 a. When an authorized entity established in Sweden prepares, communicates or distributes copies pursuant to Article 17 a of the Copyright Act to visually impaired or otherwise print-disabled persons in another State party to the European Economic Area (EEA) or to an entity in another State within the EEA which is, in that State, an authorized entity, it shall establish and follow routines in order to ensure that it

1. communicates and distributes copies only to persons who are visually impaired or otherwise print-disabled, or to authorized entities,
2. takes adequate measures to prevent unauthorized use of the copies,
3. takes proper care, and documents, its handling of works and copies in accessible format,
4. makes public and updates information on how it fulfils its obligations pursuant to items 1-3.

The authorized entity shall upon request by another authorized entity, a right-owner or a person with visual or other print-disabled impairment, and in an accessible way, provide

1. a list of the works in which it has copies in accessible format and the accessible formats, and
2. the name and contact information to entities established in another State within the EEA with which it has exchanged copies in accessible formats.

This Section applies also in respect of subject matters referred to in Articles 45, 46, 48, 49 and 49 a of the Copyright Act.

If the authorized entity wants its contact information to be made available, it may provide information to the Authority for accessible media. The Authority shall transmit the information to the European Commission. Regulation (2018:1100).

On the Preparation of Recordings for Sound Radio and Television Broadcasts

Section 5. When a sound radio or television organisation prepares a recording under Article 26 e, item 1. of the Copyright Act, or a provision referring to that provision, the recording

1. shall be made by using the organisation's own facilities,

2. may be used only for the organisation's own broadcasts a few times during a limited period, after which the recording shall be erased if not otherwise follows from item 3,
3. may be transferred to, and be kept in, an archive at an organization which is authorized under Chapter 4, Article 3, first Paragraph, of the Radio and Television Act (2010:696); this may, however, be carried out only if the recording has a documentary value,
4. may be transferred onto a new material support, in which case the original recording shall be erased, and
5. may be used for the preparation of a special copy of the recording to be used for a broadcast; after the broadcast the recording on the special copy shall be erased. Regulation (2014:883)

On Actions for Prohibition of Offensive Representations

Section 6. The Swedish Academy, the Musical Academy and the Academy for Fine Arts, each one within its area, are entitled to institute actions under Article 51 of the Copyright Act. Regulation (2014:883).
