



## Country Report Finland

Annual report to the IFLA CLM committee

Helsinki 2012

### 1. Copyright

The Copyright Act was reformed in Finland 2005-2006. No new amendments to the text of the Act during 2011-2012.

#### ***Revision/changes in existing law or regulations***

Copyright questions were strongly present in the programme of the new government that stepped into office after parliamentary elections 2011. The questions mentioned include plans to revise the levies system (private copying), plans to fight piracy and illegal copying of protected material etc. Also, the Government intends to clarify the rules relating to transfer of copyright.

During the last years there has been a lot of debate in Finland whether copyright questions should be transferred from Ministry of Education and Culture to Ministry of Employment and Commerce (that already administers other intellectual property rights like patents etc.). However, according to programme of the present Government, copyright will also in the future be administered by Ministry of Education and Culture.

The Government states that its aim is to contribute to that digital resources of libraries and museums are opened as widely as possible to the general public.

The previous Government had set a special Copyright Commission to make suggestions for the revision of the Copyright Act. The Commission published its final memorandum in January 2012. In this memorandum the Commission made several proposals for the revision of the Act. However, it was unanimous. The Commission was also criticized for overrepresentation of rights holders (no representation from memory organisations for example).

Thus, in March 2012 the Ministry set a new organ called Copyright Advisory Board with representatives from the National Library of Finland and the National Audiovisual Archive also.

## **Suggested new legislation**

### Extended collective license

In February 2012 the Ministry of Education and Culture accepted applications of four collecting societies for the status of organisations administering extended collective licenses - including Sec. 16d relating to memory organisations.

In January the Copyright Commission made a suggestion for a *new extended collective license*. This would give the publishers a right to conclude agreements with representative collecting societies and with extended effects based on law for the digitisation and making available of their own archives. At the moment this is possible for libraries, museums and archives only.

In June 2012 the newly appointed Copyright Advisory Board published a consultation on whether Finland should adopt same kind of general extended collective license already in use in Denmark, Norway and Sweden. The dead line of this consultation is end of August, 2012.

### Enforcement of rights

The previous Government gave Parliament a proposal that included an obligation for teleoperators to send announcements to individual citizens by the request of rights holder organisations in cases of suspected illegal acts. This proposal was discussed in the Parliament and criticized e.g. for violating privacy. However, due to parliamentary elections Spring 2011 this Proposal was dropped.

### Levies

In March 2012 the Ministry set an official receiver to make suggestions for the revision of the levies system. In May the receiver made a proposal that the levies system should be expanded to new electronic appliances and services.

### Public lending rights

The exhaustion of rights, regulated in present paragraph 19§ of the Copyright Act does not apply to electronic books. Thus, communal public libraries have formed alliances and have tried to negotiate with publishers for rights to make electronic material available to the public. In a discussion paper published June 2012 the Ministry of Education and Culture states that regulatory measures are not totally excluded in case agreements between private parties can not be reached.

In 2005 the right to receive remuneration was extended to lending from public libraries. Scholarly and scientific libraries are still exempted from paying remuneration for lending by exception rule 19.4 of the Act. However, according to the opinion of the Parliament remuneration right should be extended to these libraries also - as soon as the economic situation permits.

### **Law cases**

In October 2011 the Helsinki District Court ordered the teleoperator ELISA to block access to pages of Pirate Bay in order to prevent violations of copyright. Later in June 2012 same kind of decision was issued to other major teleoperators.

## **2. Legal deposit**

The present Legal Deposit Act dates to 2007. No new amendments made 2011-2012.

National Library has defined the enlargement of electronic legal deposit as one of the most important focal points of its new strategy for 2013-2016. It has suggested to the Ministry that the Act should be amended with new provisions regulating electronic legal deposit. National Library has started a pilot project with a few publishers on electronic deposit of newspapers.

### 3. Privacy and data protection

#### Privacy

The present Act on Data Protection was amended so that nowadays the Act is applied also material published and originating directly from mass media. Previously this kind of material was excluded by paragraph 2.4 of the Act. However, this exception rule was seen to contradict with EU Data Protection Directive.

#### ACTA

The Finnish Government undersigned the Anti-Counterfeiting Trade Agreement (ACTA) in January. Later, the Commission of the Parliament stated that the Treaty could not be accepted before it has been decided in the EU. In July the EU Parliament rejected the Treaty.

### 4. Strategic plans for future

The newly appointed Copyright Advisory Board has in June published a discussion paper (Copyright Policy 2012). In this paper the Board requests the relevant stake holders to present views on the future improvement of the Copyright Act.

National Library has initiated negotiations with relevant rights holder organisations spring 2012 in order to make its newspaper archives available to the public till year 1944.

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