



Country report Finland

Annual report to the IFLA CLM committee

Singapore 2013

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Copyright

New legislation

No relevant new amendments to the text of the Copyright Act.

Proposed legislation

The Government has given to the Parliament a new Proposal (12.6.2013). This Proposal includes two parts:

First, changes required by the new EU directives are to be implemented to the national legislation. The Government proposes that the term of protection for performers and record producers is extended from 50 to 70 years.

The Government also proposes a new law on permitted uses of orphan works, as outlined in the Orphan Works Directive.

This proposed law on permitted uses of orphan works leaves many questions unanswered: for example the law does not identify the databases that the user must consult in order to fulfil the requirements of a "diligent search". These

questions shall be defined later by a Decree given by the Ministry of Education and Culture.

Secondly, the Proposal includes some national initiatives:

-a new paragraph on extended collective licensing would give the newspaper publishers a right to conclude agreements with a rights holder organisation on the use of their own archives. The effects of such agreements are by law extended also to those individual rights holders that are not members of any organisation. Thus far such extended effects based on law are only given to agreements between rights holder organisations and memory organisations (like public libraries, archives and museums).

-the compensation related to public lending of protected material from public libraries can only be paid to the original author or his heirs. So, this right to compensation can not be contractually transferred to others (e.g. publishers).

Pending legislative issues

Spring 2013 the Ministry of Education and Culture sent a draft for some additional amendments to the Copyright Act for a review. However, the results of this review were partly so negative that the Ministry decided to postpone additional initiatives till Autumn 2013.

Advocacy/Lobbying activities

Libraries and other national memory organisations have followed closely Commissions drafts for the new Data Protection Regulation. The National Library of Finland, with other national memory organisations, has signed a joint letter addressed to the Minister of Justice. In this letter the heads of national memory organisations expressed concerns relating to some parts of the draft, especially proposed article 17 ("Right to be forgotten and right to erase information").

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