

The answers to this questionnaire have been provided on behalf of: **Finland**
by **Mr. Jorma Waldén, Government Counsellor**
Ministry of Education and Culture
Department for Cultural, Sport and Youth Policy
Culture Division
P.O. Box 29, FIN-00023 Government
Tel. +358 9 160 77384 Fax +358 9 160 77604
jorma.walden@minedu.fi

Part I: General

1. Does your national statute provide for a limited number of specific statutory limitations and exceptions, an open system of limitations and exceptions (such as fair use or fair dealing) or a mix of both systems?

- Specific
 Open
 Mixed
 Others, please describe:

The Finnish Copyright Act includes a system of extended collective license which is not considered to be an exception or limitation to the exclusive rights, but a specific method of management of the rights.

The relevant provisions on extended collective license are dealt with in the same context as the corresponding limitations and exceptions.

2. Does your national statute include the three-step test as a general provision on copyright limitations and exceptions?

- Yes
 No
 Partially, please describe: **The requirements of the Information Society Directive (2001/29/EC) covering the sphere of possible exceptions and limitations and also the three-step-test have been addressed to the legislators of the Member States of the European Union. All limitations and exceptions in the Finnish Copyright Act have been assessed in accordance with that principle. Courts may apply the three step test when assessing the application of copyright limitations and exceptions.**

3. Does your national statute provide limitations and exceptions as free uses (there is no need for authorization or for payment of remuneration)?

- Yes
 No

If yes, please describe: **Almost all provisions covering limitations and exceptions are full limitations (only a few provisions subject to right to remuneration).**

4. Does your national statute include limitations and exceptions based on statutory licenses (direct permission granted by the law against remuneration)?

- Yes
 No

If yes, please describe:

Section 17 (making works available to persons with disabilities so that the person will permanently have a copy of the work), Section 18 (incorporation of minor parts of literary or artistic works in a compilation for educational purposes), Section 19 (remuneration for the lending of copies of a work to the public from public libraries).

5. Does your national statute include limitations and exceptions based on compulsory licenses (obligation of the rights owners under the law to grant licenses against remuneration)?

- Yes
 No

6. Does your national statute include specific limitations or exceptions permitting the use of copyrighted works for private or personal purposes, without previous authorization of the copyright or related rights owner?

- Yes
 No

Please describe:

Section 12 (reproduction for private use)

(1) Anyone may make single copies for his private use of a work that has been made public. The copies thus made may not be used for other purposes.

(2) It is also permitted to have copies made by a third party for the private use of the party ordering the copies.

(3) The provisions of subsection 2 shall not apply to the reproduction of musical works, cinematographic works, utility articles or sculptures, or the reproduction of any other work of art by artistic means.

(4) The provisions of this Section shall not apply to a computer-readable computer program, to the making of a computer-readable copy of a computer-readable database, or to the construction of a work of architecture.

7. Does your national statute provide remuneration for private or personal uses (for instance, copyright levies)?

- Yes
 No

If yes, please describe: **Section 26a: Compensation for the reproduction of a work for private use, in accordance with Directive 2001/29/EC.**

8. Does your national statute allow parties to agree in licensing agreements or other binding contracts not to engage in conduct that would otherwise be permitted under the national statute's exceptions and limitations?

- Yes
 No

If yes, please describe: **As a general rule freedom of contract is applied also to copyright exceptions and limitations.**

9. Does your national statute subject the exercise of limitations and exceptions to the condition of a lawful or authorized source requirement (for instance, that copies are made from a lawful source)?

- x Yes
 No

If yes, please describe: **Section 11(5): A limitation on copyright as provided in this Chapter does not permit the reproduction of a copy of a work which has been made or made available to the public contrary to Section 2 or whose technological measures have been circumvented in violation of Section 50a(1). The provisions of this subsection shall not, however, pertain to the use of works under Sections 11a, 16, 16a–16c or 22 or under Section 25d(2) or (5).**

10. Does your national statute protect technological measures?

- x Yes
 No

11. Does your national statute protect rights management information?

- x Yes
 No

12. Does your national statute provide specific mechanisms to ensure that limitations or exceptions continue to apply despite the existence of any technological measures implemented by the copyright or related rights owners?

- x Yes
 No

If yes, please describe:

Section 50c (in accordance with Article 6(4)(1) of Directive 2001/29/EC):

(1) Anyone who is lawfully in possession of or has legal access to a work protected by an effective technological measure and who, pursuant to Section 14(3), Sections 15, 16, 16a–16c or 17, Section 25d(2) or Section 25f(2) is entitled to use the work must be able to use the work to the extent necessary to avail himself of the limitations of copyright laid down in said provisions.

(2) The author shall offer the user referred to in subsection 1 the means to use the work in accordance with the provisions referred to in the subsection, if the user lacks the means to use the work owing to the technological measures. If the author does not offer the means referred to above or if the use of the work is not made possible by voluntary measures, such as agreements between the authors and users of the works or other arrangements, the matter shall be resolved by an arbitration procedure referred to in Section 54.

(3) The provisions of subsections 1 and 2 above shall not apply to a work communicated to the public on agreed terms so that members of the public may access the work from a place and at a time individually chosen by them.

(4) The provisions of subsections 1 and 2 concerning the author shall also apply to a person who with the author's consent makes the work available to the public.

(5) The provisions of subsections 1 and 2 shall not apply to a computer program.

13. If recourse to legal proceedings is needed, what is the average time to ensure the exercise of limitations and exceptions if some type of technological measures of protection is applied by copyright and related rights owners?

Please describe: _____

14. Does your national statute provide that certain limitations or exceptions prevail over the prohibitions on the act of circumventing technological protection measures or rights management information?

Yes
x No

If yes, please describe:

15. If recourse to legal proceedings is needed regarding limitations and exceptions, what is the average time needed to resolve a dispute regarding the prohibition of circumventing the technological measures of protection and digital rights management?

Please describe: _____

16. Does your national statute include limitations and exceptions especially for the use of computer programs?

x Yes
 No

Please describe: **Section 25j and 25k, in accordance with Directive 2009/24/EC on the legal protection of computer programs:**

Section 25j

(1) Whoever has legally acquired a computer program may make such copies of the program and make such alterations to the program as are necessary for the use of the program for the intended purpose. This shall also apply to the correction of errors.

(2) Whoever has a right to use a computer program may make a back-up copy of the program, if necessary for the use of the program.

(3) Whoever has a right to use a computer program shall be entitled to observe, study or test the functioning of the computer program in order to determine the ideas and principles which underlie any element of the program if he does so while performing the acts of loading, displaying, running, transmitting or storing the program.

(4) Whoever has a right to use a database may make copies of it and perform all other acts necessary for accessing the database and for normal use of its contents.

(5) Any contractual provision limiting use in accordance with subsections 2–4 shall be without effect.

Section 25k

(1) The reproduction of the code of a program and the translation of its form shall be permissible if these acts are indispensable for obtaining information by means of which the interoperability of an independently created computer program with other programs can be achieved and that the following conditions are met:

1. these acts are performed by the licensee or by another person having the right to use a copy of the program or, on their behalf, by a person authorised to do so;
2. the information necessary for achieving interoperability has not previously been readily available to the persons referred to in paragraph 1; and
3. these acts are confined to the parts of the original program which are necessary for achieving interoperability.

(2) The information obtained under the provisions of subsection 1 shall not, by virtue of these provisions:

1. be used for purposes other than to achieve the interoperability of the independently created computer program;
2. be given to others, unless necessary for the interoperability of the independently created computer program; or
3. be used for the development, production or marketing of a computer program substantially similar in its expression, or for any other act which infringes copyright.

(3) Any contractual provision limiting the use of a computer program in accordance with this Section shall be without effect.

17. Does your national statute provide limitations and exceptions for the temporary use of digital works?

Yes

No

Please describe:

Section 11a, in accordance with Directive 2001/29/EC:

(1) The provisions of Section 2 in regard to the right to make copies of a work shall not apply to temporary reproduction:

1. which is transient or incidental;

2. which is an integral and essential part of a technological process;
 3. the sole purpose of which is to enable a transmission of a work in a network between third parties by an intermediary or a lawful use of a work; and
 4. which has no independent economic significance.
- (2) The provisions of subsection 1 shall not apply to a computer program and to a database.

18. Does your national statute include limitations and exceptions, or statutory safe harbors (statutory safe harbor refers to any statutory enactment which provides that a person will not be liable upon taking certain measures), for the activities of the service providers of digital transmission of works?

Please describe:

Chapter 4 of Act on Provision of Information Society Services (458/2002), in accordance with Directive 2000/31/EC on electronic commerce, includes provisions on exempting service providers, acting as intermediaries, from liability.

19. Does your national statute provide that certain limitations or exceptions prevail over the prohibition on the acts of trafficking with devices or providing services that allow the circumvention of technological protection measures or rights management information?

- Yes
x No

If yes, please describe: _____

20. If recourse to legal proceedings is needed regarding exceptions and limitations, what is the average time needed to resolve a dispute regarding the prohibition of dealing with devices or providing services to circumvent the technological protection measures and rights management information?

Please describe: _____

Part II: Limitations and Exceptions related to Educational Activities

21. If your national statute is included in the analysis of specific exceptions contained in any of the studies on limitations and exceptions for educational or research activities (documents SCCR/19/4, SCCR/19/5, SCCR/19/6, SCCR/19/7, SCCR/19/8)¹, do you consider that the analysis is correct?

- Yes
 No
 The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

The main points to be corrected are as follows:

1. Photocopying for educational activities is covered by the provision of extended collective license of Section 13: "A published work may be reproduced by photocopying or by corresponding means by virtue of extended collective license as provided in Section 26."

2. Section 12 (making copies for private use) may possibly be applied in the context of research, but not teaching.

3. Section 16c(3), concerning the use of a cinematographic work, is not mentioned in the analysis. According to Subsection 3 of Article 16c, a work in the collections of the National Audiovisual Archive, with the exception of a cinematographic work deposited by a foreign producer, may be used for purposes of research and higher education in cinematography.

22. Does your national statute provide specific limitations and exceptions for educational purposes?

- Yes
 No

Please list them:

¹ For Latin American and the Caribbean countries, document SCCR/19/4. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130303

For African countries, document SCCR/19/5. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130241

For Arab countries, document SCCR/19/6. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130302

For Asian and the Pacific countries, document SCCR/19/7. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130249

For countries in North America, Europe, Caucasus, Central Asia and Israel, document SCCR/19/8. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130393

Section 14 (Use of works for educational activities and scientific research)

(2) In educational activities, a work made public, performed by a teacher or a student, may be reproduced by direct recording of sound or image for temporary use in educational activities. A copy thus made may not be used for other purposes.

(3) Parts of a literary work that has been made public or, when the work is not extensive, the whole work, may be incorporated into a test constituting part of the matriculation examination or into any other corresponding test.

Section 16c (Use of works in the National Audiovisual Archive)

(3) A work in the collections of the National Audiovisual Archive, with the exception of a cinematographic work deposited by a foreign producer, may be used for purposes of research and higher education in cinematography.

Section 18 (Literary or artistic works of compilation used in education)

(1) Minor parts of literary or musical works or, if not extensive, the entire work may be incorporated into a literary or artistic work of compilation consisting of works by several authors which is printed or produced by corresponding means and intended for use in education, after five years have elapsed from the year of publication. A work of art made public may be reproduced in pictorial form in connection with the text. The provisions of this subsection shall not apply to a work created for use in education.

(2) The author shall have a right to remuneration for incorporation referred to in subsection 1.

Section 21 (Public performance)

(1) A published work may be publicly performed in connection with divine services and education.

(3) The provisions of subsections 1 and 2 shall not apply to dramatic or cinematographic works. The public performance of a cinematographic work for purposes of research and higher education on cinematography is governed by section 16c.

NB:

In addition, a provision of extended collective license:

- reproduction of a work made public, for use in educational activities or in scientific research and communication to the public in this purpose by means other than transmitting on radio or television

23. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

Face-to-face activities

Distance education

x Both

Please list them: _____

On performances²

24. Does your national statute provide specific limitations and exceptions allowing performances for educational purposes, such as performances by teachers in classrooms or school concerts?

x Yes
 No

If yes, please describe:

Section 21: performance of a published literary or musical work (with the exclusion of dramatic and cinematographic works) in connection with education; covers also the performance of phonograms

25. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions that permit performances for educational purposes?

Yes
x No

If yes, please describe: _____

26. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing performances for educational purposes?

x Yes
 No

If yes, please describe: **Dramatic and cinematographic works are excluded.**

27. Who is eligible to engage in activity covered by the specific limitations and exceptions allowing performances for educational purposes? (more than one option can be selected)

x Teachers

² Performance is used here *lato sensu*. It is a broadly applied practice in national legislation to use terms other than those appearing in the international norms on copyright and related rights; that is, to characterize the acts and rights concerned in a way different from the way they are characterized legally in the said international norms. As in the current case, for example, several countries may grant a “right of public performance” in a way that it covers more or less all non-copy-related rights (not only the performance *stricto sensu*, but also and in particular, the right of broadcasting and the right of communication to the public by cable (wire), which, in the Berne Convention are construed as separate rights), or it is also frequent in national laws that a broader right of broadcasting is provided which also covers the right of communication to the public by cable (wire), a separate right under the Berne Convention.

- x Students
x Educational institutions
 Others. Please describe: _____

28. In case educational institutions are eligible to engage in activities covered by specific limitations and exceptions allowing performances for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit
x Not-for-profit
x Public
 Private
 Others. Please describe: _____

On reproduction

29. Does your national statute provide targeted limitations and exceptions allowing reproduction for educational purposes?

- x Yes
 No

If yes, please describe:

Section 14(2): recording of performance by teachers or pupils of published works to be used temporarily within education

Section 14(3): incorporation of parts of published works in a test constituting part of the matriculation examination

NB:

In addition, provisions on extended collective license:

- photocopying (Section 13)

- reproduction for use in educational activities or in scientific research and use in this purpose for communication to the public (other means than radio or television broadcasting) (Section 14(1))

30. What kind of reproduction is covered by those limitations and exceptions? (more than one option can be selected)

- x Reprography
 Digital copying
 Others. Please describe: _____

NB: The provision of extended collective license on making copies of works and communication of works to the public, by other means than by radio or television broadcasting (Section 14(1)), can be applied also to digital copying.

31. Do the limitations or exceptions allowing reproduction include the preparation of course packs, compilations or anthologies?

x Yes
 No

If yes, please describe:

Section 18: reproduction of minor parts of works in a printed compilation intended for use in educational activities (includes a right to remuneration)

32. Does your national statute provide remuneration for the exercise of the specific limitations and exceptions allowing reproduction for educational purposes?

x Yes
 No

If yes, please describe: See reply to the previous question.

33. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing reproduction for educational purposes?

x Yes
 No

If yes, please describe:

- recording of performance by teachers or pupils of published works for temporary use in educational activities (Section 14(2))
- incorporation of parts of published works (or when the work is not extensive, the whole work) in a test constituting part of the matriculation examination (Section 14(3))
- reproduction of minor parts of works in a printed compilation intended for use in educational activities (Section 18)

NB: The use of works and other protected subject-matter on the basis of extended collective license of Section 14(1) may be based on whatever condition depending on the agreement between the user and the organization representing rightholders.

34. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing reproduction for educational purposes? (more than one option can be selected)

x Teachers
 Students
x Educational institutions
 Others. Please describe: _____

NB: The use of works and other protected subject-matter on the basis of extended collective license of Section 14(1) may be based on whatever condition depending on the agreement between the user and the organization representing rightholders.

35. In case educational institutions are eligible to engage in activities covered by the enumerated limitations and exceptions allowing reproduction for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

For-profit

x Not-for-profit

x Public

Private

Others. Please describe: _____

36. Does your national statute subject the limitations and exceptions on reproduction for educational purposes to the use of technological measures?

x Yes

No

If yes, please describe: _____

Section 11(5): A limitation on copyright as provided in this Chapter does not permit the reproduction of a copy of a work which has been made or made available to the public contrary to Section 2 or whose technological measures have been circumvented in violation of Section 50a(1). The provisions of this subsection shall not, however, pertain to the use of works under Sections 11a, 16, 16a–16c or 22 or under Section 25d(2) or (5).

However, a special mechanism is available in Section 50c for the incorporation of parts of published works in a test according to Section 14(3). See reply to question 12.

On translations

37. Does your national statute provide specific limitations and exceptions allowing translations for educational purposes?

Yes

x No

38. Does your national statute provide remuneration against the exercise of specific limitations and exceptions allowing translations for educational purposes?

Yes

x No

If yes, please describe: _____

39. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the enumerated limitations and exceptions allowing translations for educational purposes?

- Yes
x No

If yes, please describe: _____

40. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing translations for educational purposes? (more than one option can be selected)

- Teachers
 Students
 Educational institutions
 Others. Please describe: _____

41. In case educational institutions are eligible to engage in activities covered by any of the enumerated limitations and exceptions allowing translations for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit
 Not-for-profit
 Public
 Private
 Others. Please describe: _____

On making available in digital networks

42. Does your national statute provide specific limitations and exceptions for making available in digital networks for educational purposes?

- Yes
x No

NB: The use of works and other protected subject-matter on the basis of extended collective license of Section 14 may be based on whatever condition depending on the agreement between the user and the organization representing rightholders.

43. Do the specific limitations or exceptions for making available in digital networks include coursepacks, compilations or anthologies?

- Yes
 No

If yes, please describe: _____

44. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions for making available in digital networks for educational purposes?

- Yes
- No

If yes, please describe: _____

NB: See reply to question 42.

45. Does your national statute include any specific requirement regarding the qualitative or quantitative limits extent and nature of the works or objects of related rights covered by the specific limitations and exceptions for making available in digital networks for educational purposes?

- Yes
- No

If yes, please describe: _____

NB: See reply to question 42.

46. Who is eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational purposes? (more than one option can be selected)

- Teachers
- Students
- Educational institutions
- Others. Please describe: _____

47. In case educational institutions are eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit
- Not-for-profit
- Public
- Private
- Others. Please describe: _____

48. Does your national statute subject the limitations and exceptions on making available in digital networks for educational purposes to the use of technological measures?

- Yes
- No

If yes, please describe:

NB: The use of works and other protected subject-matter on the basis of extended collective license of Section 14(1) may be based on whatever condition depending on the agreement between the user and the organization representing rightholders.

49. Does your national statute include any other specific limitations or exceptions related to educational purposes that have not been covered above?

Yes
x No

50. If not, what other limitations and exceptions for educational purposes would be necessary?

Please describe: **Educational facilities seem to wish a limitation allowing use for distance education (virtual classroom use etc), including a possibility for transformative use (for instance making an arrangement of a musical composition to be shared with students and teachers in a virtual classroom). Also increased possibility to use for research (including cross-boarder research.**

51. Are there impediments to the use of limitations and exceptions for educational purposes (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

x Yes
 No

If yes, please describe: **The constraints of the international treaties and the closed list of possible limitations and exceptions of Directive 2001/29/EC must be taken into consideration.**

Part III: Limitations and Exceptions related to Libraries and Archives

52. If your national statute is included in the analysis of specific exceptions contained in the Annex of the WIPO Study on Copyright Limitations and Exceptions for Libraries and Archives (document SCCR/17/2)³, do you consider that the analysis is correct?

Yes
x No
 The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

³ Document SCCR/17/2, page 72. Available at:
http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=109192

The following elements were missing:

- Conditions for eligible archives and public libraries, as well as public museums (Section 16e)
- Provisions on the use of works in legal deposit libraries (Section 16b)
- Provisions on the use of works in the National Audiovisual Archive (Section 16c)
- Use of works in archives, libraries and museums by virtue of collective license (Section 16d)

Section 16e

(1) In cases referred to in Sections 16, 16a and 16d, provisions may be issued by Government Decree regarding the archives and the libraries and museums open to the public which are authorized under these Sections to use works, or who may apply the provisions on extended collective license, if

1. the activities or mission of the institution has been enacted by an Act;
2. the institution has been assigned a specific archival, preservation or service function in legislation;
3. the activities of the institution serve scientific research to a significant degree; or
4. the institution is owned by the State.

(2) Further provisions may be enacted by Government Decree concerning reproduction under Section 16 and Sections 16a–16c and the use of the copies thus made.

(3) Further provisions may be enacted by Government Decree concerning the communication of a work to a member of the public under Sections 16a–16c.

Section 16b

(1) A library entitled to a legal deposit of a copy of a work under the Act on Deposit and Preservation of Cultural Material (1433/2007) may:

1. use the copy it has in its collections in the manner referred to in Sections 16 and 16a and subject to the terms laid down in these Sections;
2. communicate a work made public that it has in its collections to a member of the public for purposes of research or private study on a device reserved for communication to the public, if the digital reproduction of the work other than reproduction required for use referred to in this paragraph is prevented and if the further communication of the work has been prevented, on the premises of a library in whose collections the material is deposited under the Act on Deposit and Preservation of Cultural Material, and in the Library of Parliament and in the National Audiovisual Archive;
3. make copies of works made available to the public in information networks for inclusion in its collections;
4. make a copy for inclusion in its collections of a published work which it needs to acquire as part of the library collection but which is not available through commercial distribution or communication.

(2) The provisions of paragraphs 1 and 4 of subsection 1, shall also apply to libraries in whose collections the library referred to in subsection 1 deposits the material under the Act on Deposit and Preservation of Cultural Material.

Section 16c

(1) The National Audiovisual Archive may:

1. use a work in its collections in the manner referred to in Sections 16 and 16a and subject to the terms laid down in these Sections;
2. communicate a work in its collections to a member of the public for purposes of research or private study by means of a device reserved for communication to the public on devices located on the premises of a library referred to in Section 16b, in the Library of Parliament,

and in the Department of Journalism and Mass Communication of the University of Tampere, if the digital reproduction of the work other than reproduction required for the use is prevented and if the further communication of the work has been prevented;

3. make copies of works made available to the public by transmission on radio or television for inclusion in its collections.

(2) The provisions of paragraphs 1 and 2 of subsection 1 shall not apply to a cinematographic work deposited by a foreign producer.

(3) A work in the collections of the National Audiovisual Archive, with the exception of a cinematographic work deposited by a foreign producer, may be used for purposes of research and higher education in cinematography.

(4) The provisions of subsections 1–3 shall also apply to material subject to legal deposit, stored in storage facilities approved in accordance with the Act on Deposit and Preservation of Cultural Material.

Section 16d

(1) An archive, and a library or a museum open to the public, to be determined in a Government Decree, may, by virtue of extended collective licence, as provided in Section 26:

1. make a copy of a work in its collections in cases other than those referred to in Sections 16 and 16a–16c;

2. communicate a work in its collections to the public in cases other than those referred to in Sections 16a–16c.

(2) The provisions of subsection 1 shall not apply to a work whose author has prohibited the reproduction or communication of the work.

Copyright Decree

According to section 1 and 2 of the Copyright Decree the following archives and libraries shall have the right to make and distribute to the public copies of material protected by the Copyright Act in the manner referred to in section 16, section 16a(1–2), and section 16d of the Copyright Act:

Archives: 1. collectors of archives as defined in paragraphs 1–3 and 5 of section 1(1) of the Archives Act (831/1994); 2. the Archives of the President of the Republic; 3. Government Archives; 4. War Archives; 5. National Archives; 6. Provincial Archives; 7. archives referred to in the Act on State-subsidised Private Archives (998/1974); 8. Archives of the Evangelical Lutheran Church; 9. archives of public authorities in the Province of Aaland.

Libraries: 1. the Library of Parliament; 2. libraries of universities referred to in the Universities Act (645/1997); 3. scientific libraries operating in connection with archives referred to in the Act on State-subsidised Private Archives; 4. other scientific libraries maintained by the State; 5. the Central Library of Public Libraries; 6. provincial libraries; 7. the Library for the Visually Impaired.

The following libraries shall have the right to make and distribute to the public copies of works protected by the Copyright Act in the manner referred to in section 16, section 16a(1), and section 16d: 1. the National Repository Library; 2. libraries of polytechnics referred to in the Polytechnics Act (351/2003).

53. Does your national statute contain any limitations or exceptions that permit copying by libraries and/or archives for purposes of preservation or replacement?

x Yes
 No

Please describe: [See the description in Document SCCR/17/2, page 192-194.](#)

54. What types of works may be reproduced for these purposes?

Please describe: [Any work from the collections of the institution.](#)

55. Does your national statute establish qualitative or quantitative limits for these purposes?

x Yes
 No

Please describe: [The purpose of reproduction must not be for direct or indirect financial gain.](#)

56. What other conditions must be met in order for such reproduction to be authorized?

Please describe: [See reply to question 52 \(conditions for eligible archives and public libraries, as well as public museums, Section 16e\).](#)

57. Does your national statute contain any limitations or exceptions that permit copying by libraries or archives for patron use?

x Yes
 No

Please describe: [See the description in Document SCCR/17/2, page 192-193.](#)

58. What types of works may be reproduced for these purposes?

Please describe:

- [Photocopying of single articles from collections, newspapers, or magazines in the institution's collection.](#)
- [Photocopying of short excerpts of published works.](#)

[NB: The use of works and other protected subject-matter on the basis of extended collective license of Section 16d may be based on whatever condition depending on the agreement between the user and the organization representing rightholders.](#)

59. Does your national statute include specific provisions regarding orphan works?

- Yes
x No

If yes, please describe: _____

NB: The agreement between the user and the organization representing rightholders, on the basis of extended collective license of Section 16d, covers the use of all works and other protected subject-matter in the collections of libraries and archives, including orphan works.

60. Does your country have plans to include or modify the specific exceptions and limitations related to the activities of libraries and archives?

- Yes
x No

If yes, please describe: _____

61. If not, what other limitations and exceptions for libraries and archives would be necessary?

Please describe: _____

62. Are there impediments to the use of limitations and exceptions related to the activities of libraries and archives (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

- x Yes
 No

If yes, please describe: **The constraints of the international treaties and the closed list of possible limitations and exceptions of Directive 2001/29/EC must be taken into consideration.**

63. Does your national statute establish qualitative or quantitative limits for these purposes?

- x Yes
 No

Please describe: **The purpose of reproduction must not be for direct or indirect financial gain.**

64. What other conditions must be met in order for such reproduction to be authorized?

Please describe:

The archives and public libraries must meet the following conditions of Section 16e:

(1) In cases referred to in Sections 16, 16a and 16d, provisions may be issued by Government Decree regarding the archives and the libraries and museums open to the public which are authorized under these Sections to use works, or who may apply the provisions on extended collective license, if

1. the activities or mission of the institution has been enacted by an Act;
2. the institution has been assigned a specific archival, preservation or service function in legislation;
3. the activities of the institution serve scientific research to a significant degree; or
4. the institution is owned by the State.

(2) Further provisions may be enacted by Government Decree concerning reproduction under Section 16 and Sections 16a–16c and the use of the copies thus made.

(3) Further provisions may be enacted by Government Decree concerning the communication of a work to a member of the public under Sections 16a–16c.

65. Does your national statute contain any limitations or exceptions that permit libraries to reproduce and/or distribute works (either reprographic and/or digital) for the purposes of interlibrary lending?

- Yes
 No

Please describe:

The provisions of the Copyright Act cover only reproduction by photocopying and making reproductions available to the public through lending, not digital copies.

NB: The use of works and other protected subject-matter on the basis of extended collective license of Section 16d may be based on whatever condition depending on the agreement between the user and the organization representing rightholders.

66. Does your national statute contain any limitations or exceptions that permit any other organizations (such as museums or educational institutions) to reproduce or distribute works for archival, preservation, or replacement purposes?

- x Yes
 No

Please describe: The provisions of Sections 16, 16a, and 16d (above) are applied also to museums open to the public.

Part IV: Limitations and Exceptions for Persons with Disabilities

67. If your national statute is included in the analysis of specific exceptions contained in Annexes 2 and 3 of the Study on Limitations and Exceptions for the Visually Impaired (document SCCR/15/7)⁴, do you consider that the analysis is correct?

Yes

No

The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

Section 17 of the Copyright Act covers the following cases for persons with visual impairments:

(1) Anyone may make copies

- Of a published literary work, a published musical work or a published work of fine art
- By means other than recording sound or moving images
- For use by people with visual impairments and others who, owing to a disability or illness, cannot use the works in the ordinary manner
- The copies may be used for communication to persons referred to above by means other than transmission on radio or television
- Subsection 1 applies only to reproduction or communication for non-commercial purposes

(2) Institutions issued in a Government Decree are entitled to make copies

- Of a published literary work
- By sound recording
- For use by visually impaired persons and others who, owing to a disability or illness, cannot use the works in the ordinary manner
- To be lent, sold or used in communication by means other than radio or television transmission
- The author shall have a right to remuneration for the making of copies for sale or the communication of a work so that the person will permanently have a copy of the work
- Subsection 2 applies only to reproduction or communication for non-commercial purposes

⁴ Document SCCR/15/7, page 138. Available at:
http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=75696

Analysis in Document SCCR/15/7, page 150, should be corrected as follows (underlined):

Finland

Scope regarding end beneficiary	Visually impaired people and, for lending of sound recordings , also people who, because of some other physical disability or illness, are unable to use books <u>and other works</u> in the conventional manner
Works that may be used	Published literary or musical works, <u>published works of fine art</u>
Profit/non-profit making activity	No limitation found <u>Only for non-commercial purposes</u>
Permitted/restricted acts covered	Reproduction – making copies; lending for sound recordings; <u>communication by means other than transmission on radio or television</u>
Restrictions on who may undertake activity	No restriction other than for making copies by sound recording which is limited to institutions defined by <u>a Government decree</u>
Special formats or any accessible formats	Text readable by visually impaired persons
Compulsory licence or exception	Exception; <u>remuneration only for the making of copies for sale or the communication of a work so that the person will permanently have a copy of the work</u>
Acknowledgement required	General requirement to name author on copies made and also source; name of the author and performer specifically required for talking books
Other conditions	The work must not be altered more than necessitated by the permitted use
Overridable by contract	No provision found

Interplay with DRMs	<p>No provision found <u>Where a work or access to a work protected by an effective technological measure has been lawfully acquired, the person has the right to use the work to the extent necessary in accordance with the specified copyright limitations (Section 50c, includes a reference to Section 17, making works available to persons with disabilities). The author and anyone who has been authorized by the author to make a work available to the public have the obligation to allow the uses. The obligation is to be fulfilled through voluntary means. Where this is not possible, an arbitration procedure exists.</u></p> <p><u>The obligation to provide the means to use a work does not apply to works made available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them.</u></p>
---------------------	--

Reference: Articles 17 and 11 of the Copyright Act, as amended on 14 October 2005

68. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with print disabilities⁵ or visually impaired persons, including the reading impaired?

x Yes
 No

Please describe:

Section 17 (Making works available to persons with disabilities):

(1) Copies of a published literary work, a published musical work or a published work of fine art may be made by means other than recording sound or moving images for use by people with visual impairments and others who, owing to a disability or illness, cannot use the works in the ordinary manner. The copies thus made may be used for communication to persons referred to above by means other than transmission on radio or television.

(2) A Government Decree shall be issued concerning the institutions entitled to make copies of a published literary work by sound recording for use by visually impaired persons and others who, owing to a disability or illness, cannot use the works in the ordinary manner, to be lent, sold or used in communication by means other than radio or television transmission.

⁵ A person with print disability is a person who cannot effectively read print because of a visual, physical, perceptual, developmental, cognitive, or learning disability.

(3) A Government Decree shall be issued concerning the institutions entitled to make copies of a published work in sign language for the deaf and persons with auditory impairments who cannot use the works in the ordinary manner, to be lent, sold or used in communication by means other than radio or television transmission.

(4) The author shall have a right to remuneration for the making of copies for sale under subsections 2 and 3 or the communication of a work to a disabled or other person so that the person will permanently have a copy of the work.

(5) The provisions of subsections 1–4 shall not apply to reproduction or communication for commercial purposes.

(6) The prerequisite in regard of an institution referred to in subsections 2 and 3 is that the institution, to be determined by Decree, does not seek commercial or economic gain, that the mission of the institution includes services to persons with disabilities and that the institution has the financial and operational facilities to pursue such activity. Further provisions may be enacted by Government Decree concerning the technical properties and labelling of the copies of works made and works communicated to the public under subsections 2 and 3.

69. Does your national statute specify the formats (for instance, Braille or large print) that fall under this exception?

Yes

No

Please describe:

Section 17(1) – by means other than recording sound or moving images

Section 17(2) – sound recording

70. What other conditions must be met in order for such uses to be authorized?

Please describe:

The copies made in accordance with Section 17(1) may be used for communication to persons referred to in that subsection by means other than transmission on radio or television.

Section 17(6): The prerequisite in regard of an institution referred to in subsections 2 and 3 is that the institution, to be determined by Decree, does not seek commercial or economic gain, that the mission of the institution includes services to persons with disabilities and that the institution has the financial and operational facilities to pursue such activity.

71. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with print disabilities or visually impaired persons, including the reading impaired?

Yes

No

Please describe: _____

72. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for deaf persons?

- Yes
 No

Please describe:

Section 17 of the Copyright Act covers the following cases for deaf persons and persons with auditory impairments:

(1) Anyone may make copies

- Of a published literary work, a published musical work or a published work of fine art
- By means other than recording sound or moving images
- For use by people with visual impairments and others who, owing to a disability or illness, cannot use the works in the ordinary manner
- The copies may be used for communication to persons referred to above by means other than transmission on radio or television
- Subsection 1 applies only to reproduction or communication for non-commercial purposes

(3) Institutions issued in a Government Decree are entitled to make copies

- Of a published work in sign language
- For the deaf and persons with auditory impairments who cannot use the works in the ordinary manner
- To be lent, sold or used in communication by means other than radio or television transmission
- The author shall have a right to remuneration for the making of copies for sale or the communication of a work so that the person will permanently have a copy of the work
- Subsection 3 applies only to reproduction or communication for non-commercial purposes

73. Does your national statute specify the formats that fall under this exception?

- Yes
 No

Please describe:

Section 17(1) – by means other than recording sound or moving images

Section 17(3) – sign language

74. What other conditions must be met in order for such uses to be authorized?

Please describe:

The copies made in accordance with Section 17(1) may be used for communication to persons referred to in that subsection by means other than transmission on radio or television.

Section 17(6): The prerequisite in regard of an institution referred to in subsections 2 and 3 is that the institution, to be determined by Decree, does not seek commercial or economic gain,

that the mission of the institution includes services to persons with disabilities and that the institution has the financial and operational facilities to pursue such activity.

75. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to the deaf persons?

- Yes
x No

Please describe: _____

76. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with any other disabilities?

- x Yes
 No

Please describe: **Section 17(1), see reply to question 68.**

77. Does your national statute specify the formats that fall under this exception?

- x Yes
 No

Please describe: _____

Section 17(1) – by means other than recording sound or moving images

78. What other conditions must be met in order for such uses to be authorized?

Please describe: _____

Section 17(1) and 17(5):

- Literary work, a musical work or a work of fine art must be published
- Copies may be made by means other than recording sound or moving images
- For use by people with visual impairments and others who, owing to a disability or illness, cannot use the works in the ordinary manner
- The copies thus made may be used for communication to persons referred to above by means other than transmission on radio or television
- The provisions shall not apply to reproduction or communication for commercial purposes

79. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with any other disabilities?

- Yes

x No

Please describe: _____

80. Does your country have plans to include or modify the specific exceptions related to persons with print disabilities, visually impaired persons or other persons with disabilities?

Yes

x No

If yes, please describe: _____

81. If not, what other the limitations and exceptions for persons with disabilities would be required?

Please describe: _____

82. Are there impediments to the use of the limitations and exceptions for persons with disabilities (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

x Yes

No

Please describe: **The constraints of the international treaties and the closed list of possible limitations and exceptions of Directive 2001/29/EC must be taken into consideration.**

Part V: Religious, social and cultural exceptions

83. Does your national statute provide limitations and exceptions for religious, social and cultural purposes?

- x Yes
 No

84. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

- x Religious activities
x Cultural Activities
x Social Activities

85. Does your national statute subject the exercise of limitations and exceptions for religious purposes to the condition of the nature of the religious activities?

- x Yes
 No

If yes, please describe:

Section 21(1)

A published work may be publicly performed in connection with divine services and education.

86. Does your national statute provide remuneration for the exercise of limitations and exceptions for religious purposes?

- Yes
x No

87. Does your national statute subject the exercise of limitations and exceptions for religious purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

- x Yes
 No

If yes, please describe: **The requirement is that a work must be published.**

88. Does your national statute subject the exercise of limitations and exceptions for cultural purposes to the condition of the nature of the cultural activities?

- Yes
 No

If yes, please describe:

Section 24 (Concert programmes)

When a musical work is performed with text, the text may be made available to the audience in a concert programme or a corresponding leaflet produced by printing, photocopying or by corresponding means.

Section 25 (Use of works of art)

(1) Works of art made public may be reproduced in pictorial form in material connection with the text:

1. in a critical or scientific presentation; and
2. in a newspaper or a periodical when reporting on a current event, provided that the work has not been created in order to be reproduced in a newspaper or a periodical.

(2) When a copy of a work of art has, with the consent of the author, been sold or otherwise permanently transferred, the work of art may be incorporated into a photograph, a film, or a television programme if the reproduction is of a subordinate nature in the photograph, film or programme.

Section 25a (Use of works of art in catalogues and in information and pictorial representation of a building)

(1) A work of art which is included in a collection or displayed or offered for sale, may be reproduced in pictorial form for the purpose of disseminating information about the exhibition or sale or for a catalogue produced by printing, photocopying or by other corresponding means.

(2) A work of art which is included in a collection, displayed or offered for sale may be reproduced by the maintainer of the collection, the exhibitor or the vendor by virtue of extended collective licence, as provided in Section 26, in cases other than those referred to in subsection 1, and the copies thus made may be used for communication to the public by means other than transmission on radio or television. The provisions of this subsection shall not apply to a work of art whose author has prohibited the reproduction or communication of the work.

(3) A work of art may be reproduced in pictorial form in cases other than those referred to in subsections 1 and 2 if the work is permanently placed at, or in the immediate vicinity of, a public place. If the work of art is the leading motive of the picture, the picture may not be used for the purpose of gain. A picture having a material connection to the text may, however, be included in a newspaper or a periodical.

(4) A building may be freely reproduced in pictorial form.

89. Does your national statute provide remuneration for the exercise of limitations and exceptions for cultural purposes?

- Yes
 No

90. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the limitations and exceptions for cultural purposes?

- Yes
 No

If yes, please describe:

NB: See reply to question 88.

91. Does your national statute subject the exercise of limitations and exceptions for social purposes to the condition of the nature of social activities?

- x Yes
 No

If yes, please describe: _____

Section 15 (Reproduction in certain institutions)

In hospitals, senior citizens' homes, prisons and other similar institutions, copies of works made public, included in radio and television transmissions, may be made by audio and video recording for temporary use in the institution within a short period from the recording.

Section 21(Public performance)

(2) A published work may also be publicly performed at an event in which the performance of works is not the main feature and for which no admission fee is charged and which otherwise is not arranged for the purpose of gain.

(3) The provisions of subsections 1 and 2 shall not apply to dramatic or cinematographic works. The public performance of a cinematographic work for purposes of research and higher education on cinematography is governed by Section 16c.

92. Does your national statute provide remuneration for the exercise of limitations and exceptions for social purposes?

- Yes
x No

93. Does your national statute subject the exercise of limitations and exceptions for social purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

- Yes
 No

If yes, please describe: _____

Part VI: Other questions on digital technology

94. Does your national statute provide any limitations or exceptions for reverse engineering?

- Yes
 No

If yes, please describe:

Section 25k

(1) The reproduction of the code of a program and the translation of its form shall be permissible if these acts are indispensable for obtaining information by means of which the interoperability of an independently created computer program with other programs can be achieved and that the following conditions are met:

1. these acts are performed by the licensee or by another person having the right to use a copy of the program or, on their behalf, by a person authorised to do so;
2. the information necessary for achieving interoperability has not previously been readily available to the persons referred to in paragraph 1; and
3. these acts are confined to the parts of the original program which are necessary for achieving interoperability.

(2) The information obtained under the provisions of subsection 1 shall not, by virtue of these provisions:

1. be used for purposes other than to achieve the interoperability of the independently created computer program;
2. be given to others, unless necessary for the interoperability of the independently created computer program; or
3. be used for the development, production or marketing of a computer program substantially similar in its expression, or for any other act which infringes copyright.

(3) Any contractual provision limiting the use of a computer program in accordance with this Section shall be without effect.

95. Does your national statute impose any kind of liability (direct, indirect, or secondary) according to which a party can be held liable for the copyright infringement of third parties under certain circumstances (such as when that party has the ability to control an infringer's actions or contributes to a third party's infringing actions)?

- Yes
 No

If yes, please describe: **Liability may follow from the general rules and principles of liability law.**

96. With respect to liability that arises from the infringing activities of third parties, does your national statute, for purposes such as to encourage online service providers to cooperate with rightsholders in deterring infringement, provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers in any way?

- Yes

No

If yes, please describe: _____

Act on provision of information society services (458/2002), Chapter 4, in accordance with Directive 2000/31/EC on electronic commerce, includes provisions on exempting service providers, acting as intermediaries, from liability.

97. With respect to liability that arises from the infringing activity of a third party, for which of the following activities, if any, does your national statute provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers?

x Acting as a conduit for infringing material (e.g., transmitting, routing, or supplying connections for material)

x Caching infringing material

x Storing infringing material at the direction of a user

Providing access by means of information search tools such as indices, references, hyperlinks and directories to infringing materials that users post

Others. Please specify: _____

98. What conditions, if any, must be met in order for an online service provider to qualify for the limitation of liability, exception to liability, or statutory safe harbor?

Please specify: _____

The Act on Provision of Information Society Services (458/2002) includes the following provisions which are in compliance with Directive 2000/31/EC on Electronic Commerce:

Section 13 (Exemption from liability in data transmission services and communication network services)

(1) When an information society service is provided, which consists of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network, the service provider is not liable for the content or transfer of the information transmitted if he/she:

1) does not initiate the transmission;

2) does not select the receiver of the transmission; and

3) does not select or modify the information contained in the transmission.

(2) The acts of transmission and of provision of access referred to in paragraph 1 include the automatic, intermediate and transient storage of the information transmitted in so far as this takes place for the sole purpose of carrying out the transmission in the communication network, and provided that the information is not stored for any period longer than is reasonably necessary for the transmission.

Section 14 (Exemption from liability when caching the information)

When an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, the service provider is not liable for the automatic, intermediate and temporary storage of that information, performed for the sole purpose of making more efficient the information's onward transmission to other recipients of the service upon their request, if he/she:

- 1) does not modify the information;
- 2) complies with the conditions on access to the information;
- 3) complies with rules regarding the updating of the information, specified in a manner widely recognised and used by industry;
- 4) does not interfere with the lawful use of technology, widely recognised and used by industry, to obtain data on the use of the information; and
- 5) acts expeditiously to remove or to disable access to the information it has stored upon obtaining actual knowledge of the fact that the information at the initial source of the transmission has been removed from the network, or access to it has been disabled, or that a court or an administrative authority has ordered such removal or disablement.

Section 15 (Exemption from liability in hosting services)

(1) When an information society service is provided that consists of the storage of information provided by a recipient (*content producer*) of the service, the service provider is not liable for the information stored or transmitted at the request of a recipient of the service if he/she acts expeditiously to disable access to the information stored:

- 1) upon obtaining knowledge of the order concerning it by a court or if it concerns violation of copyright or neighbouring right upon obtaining the notification referred to in Section 22;
- 2) upon otherwise obtaining actual knowledge of the fact that the stored information is clearly contrary to Section 8 of Chapter 11 or Section 18 of Chapter 17 of the Penal Code (39/1889).

(2) The provisions in paragraph 1 shall not apply if the content producer is acting under the authority or the control of the service provider.

Part VII: General questions to cover areas left out in Part I to VI

99. Are the following limitations or exceptions included in your national statute? (more than one option can be selected)

- x right of quotation
- x news reporting
- x ephemeral copies
- x incidental uses
- x government uses
- x non-voluntary license for broadcasting
- non-voluntary license for mechanical reproduction of musical works

Please describe: _____

Quotation:

Section 22 (Quotation)

A work made public may be quoted, in accordance with proper usage to the extent necessary for the purpose.

Section 25 (Use of works of art)

(1) Works of art made public may be reproduced in pictorial form in material connection with the text:

1. in a critical or scientific presentation; and
2. in a newspaper or a periodical when reporting on a current event, provided that the work has not been created in order to be reproduced in a newspaper or a periodical.

- - -

News reporting:

Section 23 (An article on a current topic)

(1) Articles in newspapers and periodicals on current religious, political, or economic topics may be included in other newspapers and periodicals, unless reproduction is expressly prohibited.

(2) The author's name and the source must always be indicated.

Section 25b (Presentation of a current event)

When a current event is presented in a radio or television broadcast or as a film, a work visible or audible in the current event may be included in the presentation to the extent necessary for the informational purpose.

Ephemeral copies:

Section 25 f (Original radio and television transmissions)

- - -

(2) If a broadcasting organisation is entitled to transmit a work, it may make a copy of the work for use in its own broadcasts for a maximum of four times during one year.

(3) For using a work more often or over a longer period than provided in subsection 2, a broadcasting organisation may make a copy or have a copy made of the work by virtue of extended collective licence, as provided in Section 26.

Incidental uses:

Section 25 (Use of works of art)

(2) When a copy of a work of art has, with the consent of the author, been sold or otherwise permanently transferred, the work of art may be incorporated into a photograph, a film, or a television programme if the reproduction is of a subordinate nature in the photograph, film or programme.

Section 25a (Use of works of art in catalogues and in information and pictorial representation of a building)

(3) A work of art may be reproduced in pictorial form in cases other than those referred to in subsections 1 and 2 if the work is permanently placed at, or in the immediate vicinity of, a public place. If the work of art is the leading motive of the picture, the picture may not be used for the purpose of gain. A picture having a material connection to the text may, however, be included in a newspaper or a periodical.

(4) A building may be freely reproduced in pictorial form.

Government uses (including public documents)

Section 25d (Public documents and administration of justice)

(1) Copyright shall not limit the statutory right to obtain information from a public document.

(2) A work may be used when the administration of justice or public security so requires.

(3) A work used pursuant to subsections 1 and 2 above may be quoted in accordance with Section 22.

(4) Works referred to in Section 9(2) of this Act may be reproduced or communicated to the public in connection with a document referred to in subsection 1 of said Section and used separately from the document for the administrative or other purpose to which the document relates.

(5) Anyone who communicates a work to the public by radio or television transmission or by other means may make a copy or have a copy made or retain a copy of the transmitted or communicated work for the purpose of discharging a statutory duty to record or store.

Non-voluntary license for broadcasting:

Section 25i (Retransmission of programmes based on the must carry obligation to transmit programmes)

A telecommunications enterprise providing a network service in a cable television network which is primarily used to transmit television and radio programmes and which a significant number of the end-users of the network use as their primary means of receiving television and radio programmes may retransmit by wire for reception by the public a work included in the television or radio broadcast referred to in Section 134 of the Communications Market Act (393/2003) simultaneously with the original transmission without altering the transmission.

100. Does your national statute include limitations and exceptions for any other activities that are not covered in the questionnaire so far?

x Yes
 No

If yes, please describe:

Section 21 (Public performance)

(2) A published work may also be publicly performed at an event in which the performance of works is not the main feature and for which no admission fee is charged and which otherwise is not arranged for the purpose of gain.

Section 25c (Use of public statements)

Oral or written statements made in a public representational body, before an authority or at a public consultation on a matter of public interest may be reproduced or communicated to the public without the author's consent. However, a statement and a written or similar work presented as evidence in a case or in a matter may be reproduced or communicated to the public only in the reporting of the case or matter and only to the extent necessary for the purposes of such reporting. The author shall have the exclusive right to publish a compilation of his statements.

Section 25e (Altering of buildings and utilitarian articles)

Buildings and utilitarian articles may be altered by the owner without the consent of the author, if required by technical or practical reasons.

101. Has your country signed, or is in the process of negotiating, a Free Trade Agreement (FTA) containing clauses on copyright and related rights exceptions and limitations?

Yes
 No

Please describe: **As a Member State of the European Union Finland is involved in activities of the Union.**

102. If so, with which country or group of countries?

Please describe: _____

103. Please add any further comments and information you deem interesting for this questionnaire.

The following uses of works and other protected subject-matter may be based on provisions of extended collective license and actual agreements between the user and the organization representing rightholders:

- photocopying
- use for internal communication

- reproduction for use in educational activities or in scientific research and use in this purpose for communication to the public
- use of works in archives, libraries and museums
- reproduction of a work of art included in collection, displayed or offered for sale
- original radio and television transmissions
- new transmission of a television programme stored in archives
- retransmission of a radio or television transmission

Copyright is further limited by excluding certain public documents from copyright protection:

Section 9 (Free works)

(1) There shall be no copyright:

1. in laws and decrees;
2. in resolutions, stipulations and other documents which are published under the Act on the Statutes of Finland (188/2000) and the Act on the Regulations of Ministries and other Government Authorities (188/2000);
3. treaties, conventions and other corresponding documents containing international obligations;
4. decisions and statements issued by public authorities or other public bodies;
5. translations of documents referred to in paragraphs 1–4 made by or commissioned by public authorities or other public bodies.

(2) The provisions of subsection 1 shall not apply to independent works contained in the documents referred to in the subsection.

[End of questionnaire]