

The answers to this questionnaire have been provided on behalf of:

Country: Sweden \_\_\_\_\_

by

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*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?

X Specific

Open

Mixed

Others, please describe: \_\_\_\_\_

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

Yes

X No

Partially, please describe: \_\_\_\_\_

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

X Yes

No

If yes, please describe:

- Limitations to copyright are dealt with in chapter two of the Swedish copyright Act (Act on Copyright in Literary and Artistic Works, Act 1960:729). When a work is being used in accordance with a provision in that chapter, there is – with some specific exceptions listed below– no need for prior authorization or payment. However, the provisions do not limit the moral rights of the author. When a work is used publicly on the basis of such a provision, the source shall be stated to the extent and in the manner required by proper usage, and the work may not be altered more than necessary for the use in question.

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

X Yes

No

If yes, please describe:

The Swedish copyright act contains limitations based on statutory licenses in relation to

- distribution or communication of copies of works to persons with a disability if made in such a way that those persons may keep a copy of the work (Art. 17),
- the making of composite Works for use in educational activities in certain cases (Art. 18),
- the use of works which form part of certain public documents (Art. 26 a), and
- the use of sound recordings for public performance and for communication to the public, except in cases where the communication occurs in such a way that members of the public may access the sound recordings from a place and at a time individually chosen by them (Art 47).

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:

With some exceptions, anybody is entitled to make, for private purposes, one or a few copies of works that have been made public. The copies must not be used for purposes other than private use (Art. 12).

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

Yes  
 No

If yes, please describe:

The Swedish copyright act, Art. 26k-m) provide for remuneration in relation to the manufacture and importation of material supports for the recording of sounds or moving images (copyright levies).

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:

With some exceptions (such as for computer programs under Art. 26 g-h) the provisions in the Swedish copyright act, including those on limitations, are non compulsory and the parties are therefore free to agree otherwise.

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)?

Yes  
 No

If yes, please describe:

According to Art. 12 the making of copies for private purposes does not confer a right to make copies of a work when the copy that constitutes the real master copy has unlawfully been prepared or made available to the public.

10. Does your national statute protect technological measures?

Yes  
 No

11. Does your national statute protect rights management information?

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?

Yes  
 No

If yes, please describe:

According to Art. 52 f of the copyright act, anyone who, pursuant to certain provisions (Art. 16,17, 26, 26 a or 26 e) is entitled to exploit a work shall, with certain exceptions, be entitled to make use of a copy of a work that he lawfully has access to as referred to in the relevant provision, notwithstanding the fact that the copy is protected by a technological measure.

This, for example, applies to the making of copies etc. for persons with a disability (Art. 17).

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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  
 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?

Yes  
 No

Please describe:

Some of the general provisions on limitations in the copyright act, chapter two, are not applicable in relation to computer programs. This is for example the case as regards the provision in Art. 12 on the making of copies for private purposes. The copyright act also, however, contains special provisions on computer programs (Art. 26 g-h), according to which, for example, anyone who has acquired the right to use a computer program is entitled to make such copies of the program and to make such adaptations of the program which are necessary in order for him to use the program for its intended purpose and to make back-up copies of the program, if this is necessary for the intended use of the program.

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

Yes  
 No

Please describe:

According to art. 11 a temporary forms of copies of works may, as a general rule, be made, if the making of the copies is an integral and essential part of a technological process and if the copies are transient or have only a secondary importance in that process. Such copies must not have any independent economic importance. Furthermore, the making of such copies is permissible only if the sole purpose is to enable 1. a transmission in a network between third parties by an intermediary, or 2. a lawful use, that is a use that occurs with the consent of the author or his successor in title or which is not un-permissible according to the copyright act.

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?

Yes  
 No

Please describe: Please see answer to question 17 above.

Furthermore, according to the **Act on electronic commerce and other information society services** (Act 2002:562), Art. 16, a service provider who transmits information provided by the recipient of the service in a communication network, or who provides access to such a network, shall not be liable (damages or sanction fee) for the information transmitted, on the condition that the provider does not 1. initiate the transmission, 2. select the receiver of the transmission, and 3. select or modify the information. Such transmission or provision of access include such automatic, intermediate and transient storage of the information that takes

place for the sole purpose of carrying out the transmission, provided that the information is not stored for any period longer than is reasonably necessary for the transmission.

According to the same Act, Art. 17, a service provider who transmits information provided by the recipient of the service in a communication network shall not be liable (damages or sanction fee) for such automatic, intermediate and temporary storage performed for the sole purpose of making more efficient the information's onward transmission to other recipients of the service, provided that the service provider 1. does not modify the information, 2. complies with current conditions on access to the information, 3. complies with rules (as widely recognized and used by industry) regarding the updating of the information, 4. interfere with technology (as widely recognized and used by the industry) to obtain data on the use of the information and 5. without delay hinder the further distribution of the information, as soon as obtaining knowledge of the fact that the information at the initial source has been removed or made inaccessible, or that a court or an administrative authority has so ordered.

According to Art. 18 of that same act a service provider who stores information provided by a recipient of the service, shall not be liable (damages or sanction fee) for the information stored provided that the service provider 1. does not have actual knowledge that the illegal activity or information exists and, as regards damages, is not aware of facts or circumstances making the illegal activity or information apparent, or 2. without delay upon obtaining such knowledge or awareness acts to prevent further distribution of the information. This is however not applicable when the recipient of the service is acting under the authority or control of the provider of the service.

Finally, and according to Art. 19 of the said act, a service provider who transmits or stores information on behalf of someone else may only be held criminally responsible for the content of the information in cases where the act is committed willfully.

The provisions in the Act on electronic commerce and other information society services are applicable in relation to services normally provided against payment.

In the 1998 **Act on Responsibility for Electronic Bulletin Boards** (Act 1998:112) there are further provisions on the *obligations* of suppliers of electronic bulletin boards (service for mediation of electronic messages).

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
- 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)<sup>1</sup>, 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:

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

Yes

No

Please list them:

Art. 14 contains provisions enabling teachers and pupils to make recordings of their own performances of works for educational purposes.

Art. 18 contains provisions on the reproduction of works in certain cases when preparing a composite work for use in educational activities.

Art 21. contains provisions on public performances in the course of educational activities.

*Extended Collective Licensing*

Art 42 c, which forms part of the system of extended collective licensing that is described in the WIPO document SCCR/19/8 and does **not constitute a limitation to copyright**, contains provisions on the making of copies within educational activities if an extended collective license applies. According to Art 42 a an extended collective license applies to the exploitation of works in a specific manner, when an agreement has been concluded

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<sup>1</sup> 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](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](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](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](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](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130393)



concerning such exploitation of works with an organization representing a substantial number of Swedish authors in the field concerned. The extended collective license confers to the user the right to exploit works of the kind referred to in the agreement despite the fact that the authors of those works are not represented by the organization. In order for a work to be exploited pursuant to the provisions on extended collective licenses for making copies within educational activities, the agreement must have been concluded with someone who carries out educational activities in organized forms. Furthermore, the conditions concerning the exploitation of the work that follow from the agreement apply. In respect of the remuneration deriving from the agreement and in respect of other benefits from the organization that are essentially paid for out of the remuneration, the author shall be treated in the same way as those authors who are represented by the organization. Authors not represented by the organization however always, and without prejudice to the foregoing, have a right to remuneration for the exploitation, provided he or she forwards such a claim within three years from the year in which the work was exploited. Such claims may be directed only towards the organization.

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
- Both, if applicable

Please list them: \_\_\_\_\_

*On performances*<sup>2</sup>

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?

Yes

No

If yes, please describe:

According to Art. 21 anyone is entitled to publicly perform works, with the exception of cinematographic works and works made for stage, that have been made public in the course of educational activities. This provision does, however, not confer a right to publicly perform, for commercial purposes, compilations in the course of educational activities. Furthermore the term “public performance” only covers such occasions where the audience is present at the place where the performance is made.

It should also be pointed out that in most cases performances, or any other form of communication, made to a limited number of persons, for example a school class, is not considered as “public”. This means that in many situations performances, or other non-copy-related activities, made in the course of educational activities are not hindered by the exclusive rights of the right holder/s.

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

Yes

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?

Yes

No

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<sup>2</sup> 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.

If yes, please describe:

Please see answer to question 24 above.

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)

- Teachers
- Students
- Educational institutions

X Others. Please describe:

As stated above under question 24, *anyone* is entitled to publicly perform works according to Art. 21 as long as it is done in the course of educational activities.

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
- Not-for-profit
- Public
- Private

X Others. Please describe:

There are no such conditions as regards the limitation set out in Art. 21.

*On reproduction*

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

Yes

No

If yes, please describe:

- According to Art. 14 teachers and pupils may make recordings of their own performances of works for educational purposes.
- According to Art. 18 anyone who, for use in educational activities, prepares a composite work consisting of works by a comparative large number of authors may reproduce minor portions of literary or musical works and such works of a limited scope, provided that five years have elapsed from the year in which the works were published. Works of fine art may be reproduced in connection with the text, provided that five years have elapsed from the year when they were made public. The authors have a right to remuneration. This provision however, do not apply to works that have been created for use in educational activities and does not confer a right to prepare composite works for commercial purposes.
- (Art 42 c, which forms part of the system of extended collective licensing that is described in the WIPO document SCCR/19/8 and does not constitute a limitation to copyright, contains provisions on the making of copies within educational activities if an extended collective license applies. Please see detailed explanation under question 22 above. This provision does however not apply if the author has filed a prohibition against the reproduction with any of the contracting parties.)

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

Reprography

Digital copying

Others. Please describe: The limitations in art. 14 and 18 are not limited to any specific kind of reproduction.

(In cases where an extended collective license is applied, reproduction can be made in accordance with the conditions in the agreement and may or may not be limited to certain kinds of reproduction).

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

Yes

No

If yes, please describe:

Please see regarding Art. 18 above (question 29).

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

- Yes  
 No

If yes, please describe: Art. 14: No  
Art. 18: Yes

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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?

- Yes  
 No

If yes, please describe:

As regards Art. 18 please see answer to question 29 above. Furthermore the limitation set out in Art. 18 is not applicable in relation to the related rights of performers, producers and broadcasters.

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)

Teachers

Students

Educational institutions

Others. Please describe: Art. 14: Teachers and students

Art. 18: Anyone, as long as it is for use in educational activities.

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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

Not-for-profit

Public

Private

X Others. Please describe:

There are no such conditions as regards the limitation set out in Art. 18

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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: \_\_\_\_\_

*On translations*

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

- Yes
- No

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

- Yes
- 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
- 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  
 No

However, as pointed out under question 24, when it comes to educational activities, the making available of works and other protected subject matter, is not considered as public, which means that it does not fall within the exclusive rights of the rightholder/s. This may also, depending on the circumstances in the specific case, apply to making available in digital networks.

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: \_\_\_\_\_

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: \_\_\_\_\_

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: \_\_\_\_\_

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

- Yes
- No

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

Please describe: \_\_\_\_\_

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.)?

- Yes
- No

If yes, please describe: \_\_\_\_\_

*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)<sup>3</sup>, 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:

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

Yes

No

Please describe:

According to Art. 16, certain archives and libraries (governmental and municipal archival authorities, scientific and research libraries operated by public authorities, public libraries and other libraries and archives that have been given such a permission by the Government) are entitled to make copies of works, with the exception of computer programs, for purposes of preservation.

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

Please describe:

The only type of work excluded from the scope of Art. 16 is computer programs.

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

Yes

No

Please describe:

The making of the copy must however be necessary for the purpose of preservation.

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

Please describe:

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<sup>3</sup> Document SCCR/17/2, page 72. Available at:  
[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=109192](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=109192)

See answer to question 55 above.

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

- Yes  
 No

Please describe:\_\_\_\_\_

According to Art. 16, certain archives and libraries (governmental and municipal archival authorities, scientific and research libraries operated by public authorities, public libraries and other libraries and archives that have been given such a permission by the Government) are entitled to make copies of works, in order to satisfy the wishes of library borrowers for single articles or short extracts of works, or for material which, for security reasons, must not be given away in original form. Such copies made on paper may be distributed to library borrowers.

*Extended collective licensing*

According to the provisions in Art. 42 d the libraries and archives may also, if an extended collective licensing agreement has been reached, communicate works, with the exception of computer programs, to library borrowers in so far as concerns single articles, short portions or material which, for security reasons should not be delivered in its original form, and distribute copies which have been prepared pursuant to Art. 16 [as described above] to library borrowers also in other cases than those permissible under Art. 16. The library may not, however, communicate or distribute works under a collective license to borrowers if the author has filed a prohibition against it.

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

Please describe:

All types of works, except for computer programs, may be copied in the way and under the conditions described above.

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

- Yes  
 No

If yes, please describe:\_\_\_\_\_

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

- Yes  
 No

If yes, please describe:

During 2008 the Swedish government appointed a Commission with the task to consider certain aspects of the Swedish Copyright Act. As far inter alia exceptions and limitations to copyright in relation to libraries and archives are concerned, the Commission delivered a report in april 2010. The report proposes a broadening of the extended collective license provision in Art. 42 d (described above) in order facilitate the digitization and the making accessible of the collections of libraries and archives. A further amendment to the Copyright Act is also proposed in order to improve opportunities for archives and libraries to make works contained in their collections available on their own premises. The report furthermore proposes the introduction of a general extended collective license, which would have extended effects also in areas other than those specified in the current Copyright Act. These proposals will now be subject to consultations among relevant stakeholders.

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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.)?

Yes

No

If yes, please describe: \_\_\_\_\_

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

Yes

No

Please describe: See above answer to question 57

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

Please describe: See above answer to question 57

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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:

In general, distribution from one library to another is not considered as an act of making available to the public and is therefore not hindered by the exclusive rights of the author. A library may request copies (reprographic or digital) - subject to the conditions in Art. 16 – from another library to satisfy the wishes of library borrowers.

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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?

Yes

No

Please describe: \_\_\_\_\_



*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)<sup>4</sup>, do you consider that the analysis is correct?

Yes

No

X The national statute was not included in the analysis (**Not included in the full analysis**)

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

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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 disabilities<sup>5</sup> or visually impaired persons, including the reading impaired?

X Yes

No

Please describe:

According to Art. 17 anyone is entitled to make, by means other than recording of sounds, such copies of literary and musical works which have been made public and of works of visual art which have been made public, that persons with a disability need in order to be able to enjoy the works. The copies may also be distributed to those persons.

Furthermore, and again under Art. 17, Libraries and organizations as decided by the Government in specific cases may also:

1. communicate copies of such works to persons with a disability who need the copies in order to be able to enjoy the work,
2. by means of sound recording make such copies of literary works that have been made public which persons with a disability need in order to be able to enjoy the works and to distribute and communicate such sound recordings to those persons, and
3. make such copies of works transmitted on sound radio or television, and of cinematographic works, that deaf or hearing-impaired persons need in order to be able to enjoy the works, and to distribute and communicate copies of the works to those persons.

Such making of copies, distribution and communication to the public as mentioned above, must not be carried out for commercial purposes, nor must the copies be used for purposes other than those mentioned in the article. Furthermore, when libraries and organizations distribute or communicate copies of works to persons with at disability in such a way that

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<sup>4</sup> Document SCCR/15/7, page 138. Available at:  
[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=75696](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=75696)

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

those persons may keep a copy of the work, the author has a right to remuneration. The same applies if anyone, on the basis of the provision, transmits more than a few copies made to persons with a disability.

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

Yes  
 No

Please describe:

Apart from what is said above (question 68) on sound recordings, the provision is not limited to any specific formats.

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

Please describe:

There are no further conditions specified in the Copyright Act than those mentioned above (question 68).

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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:

There are no specific regulations in the Copyright Act as regards importation and/or exportation in these cases.

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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:

The provisions in Art. 17 covers all disabilities. As regards deaf persons, as stated above under question 68, there is however a special provision in Art. 17, under which libraries and organisations as decided by the government in specific cases may also make such copies of works transmitted on sound radio or television, and of cinematographic works, that deaf or hearing-impaired persons need in order to be able to enjoy the works, and to distribute and communicate copies of the works to those persons.

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

- Yes  
 No

Please describe:

There are no limitations as to possible formats, apart from what has been described previously under question 68.

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

Please describe:

There are no further conditions specified in the Copyright Act than those mentioned above (question 68).

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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
- No

Please describe:

There are no specific regulations in the Copyright Act as regards importation and/or exportation in these cases.

---

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?

- Yes  
 No

Please describe: The provisions in Art. 17 are – in the manner described above – general and not limited to certain disabilities.

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

- Yes  
 No

Please describe:

There are no limitations as to possible formats, apart from what has been described previously under question 68.

---

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

Please describe:

There are no further conditions specified in the Copyright Act than those mentioned above (question 68).

---

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  
 No

Please describe: There are no specific regulations in the Copyright Act as regards importation and/or exportation in these cases.

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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  
 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.)?

Yes

No

Please describe: \_\_\_\_\_

*Part V: Religious, social and cultural exceptions*

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

- Yes  
 No

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

- Religious activities  
 Cultural Activities  
 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?

- Yes  
 No

If yes, please describe:

According to Art. 21 anyone is entitled to publicly perform works, with the exception of cinematographic works and works made for the stage, that have been made public, in the course of divine services.

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

- Yes  
 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?

- Yes  
 No

If yes, please describe:

Please see answer to question 85 above. Furthermore the limitation in Art. 21 is not applicable in relation to the related rights of photographers (Art 49 a).

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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:

There are no specific limitations for cultural (or social) activities. However, according to Art. 21, anyone may publicly perform works, with the exception of cinematographic works and works made for the stage, that have been made public on occasions where the performance of such works is not the main feature of the event, no admission fee is charged, and the event is not organized for commercial purposes.

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

- Yes  
 No,

There is no right to remuneration when publicly performing works subject to Art. 21 as described above.

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:

Please see answer to question 88 above.

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

- Yes  
 No

If yes, please describe:

Please see answer to question 88 above.

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



Yes  
 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:  
Please see answer to question 88 above.

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*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:

According to Art. 26 g, anyone who has the right to use a computer program is entitled to observe, study or test the function of the program in order to ascertain the ideas and principles which lie behind the various details in the program. This applies provided that the act is performed in connection with such loading, display on screen, processing, transmission or storing of the program that he is entitled to make.

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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:

A party can be held liable (criminal and civil liability) when contributing to (inciting, aiding or abetting) a copyright infringement of a third party.

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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: Please see answer to question 18 above. However, there are no specific rules the purpose of which is to encourage online service providers to cooperate with rightsholders in deterring infringement.

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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?

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:

Please see answer to question 18 above.

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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:

Please see answer to question 18 above.

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*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

government uses

non-voluntary license for broadcasting

non-voluntary license for mechanical reproduction of musical works

Please describe:

- Quotation: According to Art. 22 anyone may, in accordance with proper usage and to the extent necessary for the purpose, quote from works which have been made available to the public.
  - News reporting: According to Art. 25, works which are seen or heard in the course of an event may be used in connection with information concerning the event through sound radio, television, direct transmission or film. The works may, however, be used only to the extent justified by the informatory purpose.
  - Ephemeral copies: According to Art. 26 e a sound radio or television organization which has the right to broadcast a work is also entitled to record the work on a material support from which it can be perceived, if this act is made 1. for use in its own broadcasts on a few occasions during a limited time, 2. to ensure evidence concerning the content of the broadcast, or 3. in order to make it possible for a governmental authority to exercise supervision over the broadcasting activities. Such recordings mentioned under 2. and 3., may only be used for the purposes indicated there. If they however have a documentary value, they may be preserved in the Royal Library. Furthermore a government authority which has the task of supervising advertising in sound radio and television broadcasts is entitled to use broadcasts to the extent necessary for the purpose.
  - Incidental uses: According to Art. 20 a, anyone is entitled to prepare, by means of a film or a television program, and distribute, copies of works of fine art, publicly perform works of fine art and communicate works of fine art to the public, if the exploitation made of the work is incidental in relation to the contents of the film or the television program. Corresponding acts of exploitation may also be carried out of works of fine art that appear in the background, or otherwise form an insignificant part, of a picture. These exploitations may, however, take place only if the master copy for the copy made when the work of fine art is being included in the film, the television program or the picture is a copy that is covered by an act of publication or a copy that has been transferred by the author. If no making of a copy occurs, the same applies to the copy that is directly communicated to the public through the television program.
- 

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:

- According to Art. 9, copyright does not subsist in 1. laws and other regulations, 2. decisions by public authorities, 3. reports by Swedish public authorities, and 4. official translations of texts mentioned under 1—3. However, copyright subsists in works of the following kind when they form a part of such a document mentioned under 1-4 above: 1. maps, 2. works of drawing, painting or engraving, 3. musical works, or 4. works of poetry. However, according to Art. 26 a, anyone is entitled to use these latter kinds of works. In such a case the author is entitled to remuneration except when the use occurs in connection with 1. the activity of a public authority, 2. a report of a legal proceeding or a case in which the work appears and the work is used only to the extent necessary for the information purpose. For such documents that are prepared by Swedish authorities but do not fall into any of the categories for which copyright does not subsists according to Art. 9, anyone is entitled to use them. This however does not apply to 1. maps, 2. technical models, 3. computer programs, 4. works created for educational purposes, 5. works which are the result of scientific research, 6. works of drawing, painting or engraving, 7. musical works, 8. works of poetry, or 9. works copies of which are made available to the public through public authorities in connection with commercial activities.
- *Distribution of copies*: According to Art. 19, a copy of a work that has been transferred, with the consent of its author, within the European Economic Area, may be further distributed. This however does not confer a right to make available to the public 1. copies of works, with the exception of buildings and works of applied art, through rental or similar legal acts or 2. copies of computer programs in machine-readable form or of cinematographic works, through lending.
- *Display of copies*: According to Art 20, when a work has been published, the published copies may be publicly displayed. The same applies in respect to copies of works of fine art that the author has transferred.
- *On the use of Works of Fine Arts and of Buildings*: According to Art. 23, works of fine art which have been made public may be reproduced 1. in connection with the text in a scientific presentation which has not been prepared for commercial purposes, 2. in connection with the text in a critical presentation, except if it is in digital form, 3. in a newspaper and a periodical in connection with a report on a current news event, except if the work has been created for reproduction in such a publication. These provisions, however, only apply if the use of the reproduction is carried out in conformity with proper usage and to the extent called for by the information purpose. Furthermore, and according to Art 24, works of fine art may be reproduced in pictorial form 1. if they are permanently located outdoors on, or at, a public place, 2. if the purpose is to advertise an exhibition or a sale of the works of fine art but only to the extent necessary for the promotion of the exhibition or the sale or 3. if they form part of a collection, in catalogues, however not in digital form. Buildings may be freely reproduced in pictorial form.
- *On Public Debates, Public Documents etc*: According to Art 26 anyone is entitled to use oral or written statements made 1. before public authorities, 2. in government or municipal representative bodies, 3. in public debates on public matters, and 4. at public questionings on such matters. However it shall be observed 1. that writings cited as evidence, reports and similar works may be used only in connection with a report concerning the legal proceedings or case in which they have appeared and only

to the extent necessary for the purpose of such a report, 2. that the author has an exclusive right to publish compilations of his statements, and 3. that what is stated during questionings as mentioned above (item 4) must not be used, on the basis of that provision, in sound radio or television broadcasts.

• \_\_\_\_\_

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: \_\_\_\_\_

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 system of extended collective licensing applied in Sweden touches on many of the issues and uses addressed in this questionnaire, without constituting exceptions or limitations to copyright. Extended collective licensing applies to:

- the making of copies within public authorities, enterprises and organizations etc.,
- the making of copies within educational activities,
- communication of works to the public etc. by archives and libraries,
- use of works in sound radio or television broadcasts, and
- re-transmission of works contained in sound radio or television broadcasts.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[End of questionnaire]