[SE] Television Companies Do Not Unfairly Acquire Music Publishing Rights

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The Swedish Market Court has issued a decision in a case involving the television channel TV4 and the composers' organisation SKAP (Svenska Kompositörer av Populärmusik). Since 1999 the TV-channel has published music that has been commissioned by the channel, such as the station's theme music and programme jingles. In 2004, the composers' organisation SKAP claimed that the contracts between TV4 and composers of commissioned music were unreasonable. SKAP claimed that the composers were forced to assign their publishing rights to the channel in order to gain the commission. TV4 claimed that it treats rights generally in the same way; though some rights are more important than others. Consequently the channel does not demand publishing rights in all commissioned music but in some of it.

The relevant law applicable to the case, the Law against Unfair Contracts, is fairly recent. This law is applicable when one of the parties is in a disadvantageous position and the contract is in whole or in part unfair to such party. However, the Market Court decided in favour of TV4 and ruled that the fact that TV4 demands publishing rights in contracts dealing with commissioned music, is not unreasonable. The question whether, in assigning the publishing rights, the composers were, or were not, properly compensated does not fall within the scope of the relevant law.

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http://www.marknadsdomstolen.se/avgoranden2006/Dom06-30.pdf

Decision of the Market Court of 15 November 2006, Case n. 2006:30

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