[SE] Court of Appeals Judges on Good Practice for the Acknowledging of Authors

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On 25 February 2008, *Svea hovrätt* (the Svea Court of Appeals) delivered a judgment in a case regarding the demands of good practice in relation to the naming of authors on DVDs and VHSs. The case concerned the application of section 3 of *Upphovsrättslagen* (the Swedish Copyright Act), as well as contract law relating to copyright.

The issue at hand was initially based on an employment relationship. The plaintiff had been employed by the defendant as Vice CEO, Creative Producer and Head of the animations operations. During the course of his employment, the plaintiff created the animated series “Da Möb” in collaboration with another employee. The plaintiff *inter alia,* drew the three main characters.

The plaintiff entered into an agreement with the defendant regarding the production. The agreement regulated *inter alia* the right of attribution of these three main characters and the acknowledgement of the plaintiff as author.

After the agreement had been entered into, the defendant made “Da Möb” publicly available by issuing VHS and DVD editions of the series. It was also possible to buy images showing illustrations from “Da Möb” as background images for cell phones.

The plaintiff was only named in the credits run at the end of the DVDs and VHSs.

The plaintiff filed a suit against the defendant. The suit was based on the fact that the plaintiff had not been named as the author in accordance with good practice.

The Svea Court of Appeals, in making reference to the judgment from *Stockholms tingsrätt* (The Stockholm District Court), concluded the following:

The plaintiff’s claim was denied. After having reviewed VHS and DVD covers brought forth as evidence, the court stated that sometimes the author is named on the cover and sometimes the author is not. The court further stated that the plaintiff had not proved that there was an established good practice of naming the author on the covers of DVDs or VHSs or that such a practice had been established between the parties.

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Svea hovrätt 2008-02-25, mål nr T 2367-07, överklagat avgörande: Stockholms tingsrätts dom i mål nr T 10410-03 och T 10411-03, Magnus Carlsson m.fl. ./. Happy Life Animation AB

Svea Court of Appeals, 25 February 2008, case nr T 2367-07, appealed judgment: Stockholm District Court's judgment in case nr T 10410-03 and case nr T 10411-03, Magnus Carlsson et al v. Happy Life Animation AB

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