[FI] Proposal concerning an Employer’s Right to Use Works of Employees

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Currently, the legal status of the employer’s right to use the works of his/her employees in Finland is unclear, as there are no written provisions in the relevant legislation. However, there is currently one exception: according to the Finnish Copyright Act, copyright in a computer programme is transferred to the employer if the programme was created while fulfilling work tasks.

The Finnish Ministry of Education drafted a proposal for an Act concerning the employer’s right to use works created as a result of an employment relationship. The introduction of an assumption was proposed according to which an employer would have the right to use such works unless something else was agreed between the parties. The right would work in parallel to the employee’s own right to use works. According to this proposal, the employer would also be granted a right to modify this kind of works and also the right to assign the right to the use of such works. The report was completed on 4 November 2009. It was fiercely supported by the Confederation of Finnish Industries EK and media firms. However, it was strongly opposed by several interest groups. Indeed, the proposal initiated a heated debate on artists’ and employers’ rights or lack thereof and become headline news in Finnish media.

Stefan Wallin, the Minister of Culture and Sport, decided on 17 December 2009 against bringing the proposal before Parliament due to the strong opposition and highly contrasting opinions expressed. According to Wallin, it was not possible to attain a reasonable compromise. Wallin also said that it was not viable to propose changes to the Finnish Copyright Act which weaken the rights of those working in the creative industries.

Luonnos hallituksen esitykseksi laiksi tekijänoikeuslain muuttamisesta

http://www.minedu.fi/export/sites/default/OPM/Tekijaenoikeus/tekijaenoikeuden_kehittaeminen/Tyxsuhdetekijxnoikeus/Hallituksen_esitys_laiksi_tekijxnoikeuslain_muuttamisesta__2_.pdf

Draft proposal for an amendment for the Finnish Copyright Act

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