[SE] Copyright Act

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Michael Plogell and Erik Ullberg
Wistrand Advokatbyrå, Gothenburg

Swedish copyright regulation dates back to 1752 and the “Royal Act Regulating Book Printers”. The current Swedish Act on Copyright in Literary and Artistic Works (1960:729), as subsequently amended, entered into force in 1960.

The Copyright Act provides legal protection for literary and artistic works, which are the result of original creativity in any form or shape (see e.g. Article 1 of the Copyright Act). Furthermore, the Copyright Act protects neighbouring rights, such as those over databases or those of the producers of recordings of sound and of images (Articles 45-49).

Generally, copyright in Sweden lasts for 70 years after the author’s death (Article 43).

From Article 2 of the Copyright Act it follows that the author has the exclusive right to make copies of a work and to make a work available to the public. These are the so-called economic rights (Article 2).

Moreover, the Copyright Act protects authors’ moral rights, meaning that the author has the right to be named in connection with the work, as well as the right to refuse any changes to the work which are prejudicial to the author’s literary or artistic reputation or to his individuality (Article 3).

The economic rights in a work may be transferred entirely or partially (Article 27). However, an author may only waive his/her moral rights in relation to uses which are limited as to their character and scope (Article 3).

The Copyright Act has been modified quite extensively in the past few years due to, inter alia, the implementation of two EC Directives: Directive 2001/29/EC, otherwise known as the ‘Infosoc Directive’, and Directive 2004/48/EC, otherwise known as the ‘Enforcement Directive’.

The implementation of the Infosoc Directive included in particular the imposition of restrictions in relation to individuals’ ability to make copies for private purposes. Additionally, protection for technological measures was introduced, while it was also made illegal to circumvent measures which prevent copying or acts of making a work available to the public (see e.g. Article 52 d).

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The implementation of the Enforcement Directive strengthened the position of rightsholders (see also IRIS 2009-5: 19/32). For instance, if there is probable cause for an infringement, then rightsholders may apply for an order to provide information regarding the origin or distribution channels of the questioned goods. Such an order may be directed against anyone who has committed or contributed to the infringement, e.g. an Internet Service Provider, which, as a consequence, may be ordered to disclose the name of a person hiding behind a certain IP number.

Lag (1960:729) om upphovsrätt till litterära och konstnärliga verk

http://www.riksdagen.se/webbnav/index.aspx?nid=3911&bet=1960:729

Swedish Act on Copyright in Literary and Artistic Works

http://www.regeringen.se/content/1/c6/01/51/95/20edd6df.pdf

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