[FI] Implementing the AVMSD Resulted in Amending the Finnish Copyright Act

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The adoption of the AVMS Directive 2007/65/EC (codified version 2010/13/EU) in Finland brought about some changes to the Finnish Copyright Act (404/1961). These changes came into force on 1 May 2010. They relate to amendments of sections 25b and 48 of the Copyright Act due to Article 3k of the AVMSD (2010/13/EU Art. 15), which provides for a 'short reporting right': Member states have an obligation to ensure that any broadcaster established in the EU has access to events of high interest to the public which are transmitted on an exclusive basis. This access is to be ensured for the purpose of transmitting short news reports and can be guaranteed by allowing certain uses of a broadcaster's signal or by creating an equivalent system.

In Finland the short reporting right was established by amending Section 48 of the Copyright Act, which provides for the rights of broadcasting organisations (or the protection of broadcasting signals). The right is provided without prejudice to the rights of broadcasters in a new Paragraph 5. The Paragraph defines the scope and conditions of short reporting in accordance with the specific requirements of Article 3k and within the discretion left to Member States. Access to events of high interest to the public is ensured on a fair, reasonable and non-discriminatory basis: Other broadcasters may freely choose short extracts from the transmitting broadcaster's signal. However, the extracts are to be used solely for general news programmes, including, for example, such programmes as newscasts on sports channels. The extracts may be used in on-demand services only if the same programme is offered on a deferred basis by the same service provider. The maximum length of the extracts is 90 seconds. Identification of the source is required, whereas compensation is not. The short extracts can be used only after the event and they are not to be used after their newsworthiness is lost or in order to develop new business models.

Furthermore, a reference to section 48(5) was added in section 25b of the Finnish Copyright Act. In the latter it is stated that in presenting a current event in, for example, a TV transmission, a work audible or visible as part of the event may be included in the transmission to the extent required for informational purposes. According to a new second paragraph, works included in television transmissions may be incorporated in short extracts. In addition, section 25b is referred to in several provisions on related rights (i.e., sections 45, 46, 46a, 47, 49, and 49a of

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the Copyright Act).

Hallituksen esitys Eduskunnalle laeiksi televisio- ja radiotoiminnasta annetun lain muuttamisesta ja väliaikaisesta muuttamisesta sekä tekijänoikeuslain 25 b ja 48 §:n muuttamisesta (HE 87/2009 vp)

http://www.finlex.fi/fi/esitykset/he/2009/20090087.pdf

Government bill on amendments and temporary amendments to the Finnish Act on Television and Radio Operations as well as amendments to sections 25 b and 48 of the Copyright Act

Suomen säädöskokoelma 50/2010 (N:o 306 ja 307)

http://www.finlex.fi/fi/laki/kokoelma/2010/20100050.pdf

Statute Book of Finland 50/2010 (no. 306 and 307)

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