[FI] New Act on Collective Management of Copyright

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The Finnish Act on Collective Management of Copyright (1494/2016; CMA) entered into force on 1 January 2017. The act implements the requirements of Directive 2014/26/EU on collective rights management and the multi-territorial licensing of rights in musical works for online use in the internal market (CMD).

The CMA covers issues such as the rights of rightsholders (Chapter 2) and members (Chapter 3) as well as their relations to users (Chapter 7). Management of rights revenue is regulated in Chapter 5, while transparency and informational duties are also covered (Chapter 8). Multi-territorial licensing of rights in musical works for online use is regulated in a dedicated Chapter 9. Collective management organisations are primarily covered by the CMA, but other complementary legislation also applies (section 3(1)), such as the Associations Act (503/1989) and the Foundations Act (487/2015). The CMA also does not affect the application of the Competition Act (948/2011) (section 3(2)).

According to the Act, the monitoring of collective management organisations and of the compliance of the CMA is allotted to the Finnish Patent and Registration Office (PRH) (section 54). The Office may be requested to take action in alleged breaches of the CMA, while it may also act on its own initiative (section 56). It will cooperate with the Finnish Competition and Consumer Authority (FCCA) where necessary, while also operating together with the Ministry of Economic Affairs and Employment and the Ministry of Education and Culture (section 55). Collective management organisations must notify the Patent and Registration Office prior to operation (section 53); whereas those already in operation had to submit a notification within one month of the entry into force of the CMA (section 69(1)). In Finland, seven organisations manage copyright and related rights, including Teosto and Gramex in the field of music, and Tuotos in the field of audiovisual production.

The CMA differentiates between “collective management organizations” and “independent management organisations” (subsections 2 and 4). As opposed to the former, the latter are for-profit organisations neither owned nor controlled by rightsholders. The provisions on the rights of rightsholders, relations to users, informational duties and monitoring, among others, are applied to independent management organisations (section 4(2)). With regard to the first two, the Finnish Act goes further than the minimum requirements of the CMD. Furthermore, the provisions on the multi-territorial licensing of rights in musical works for online

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use are applied only to collective management organisations representing rightsholders of musical works (section 4(1)). However, the CMA does not implement some of the CMD provisions related to members and auditors, among others, which are already included in other laws. Moreover, the current national alternative dispute resolution procedures were deemed such as to satisfy the requirements of the CMD and to surpass the minimum level.

Laki tekijänoikeuden yhteishallinnoinnista (1494/2016)

http://www.finlex.fi/fi/laki/alkup/2016/20161494

Act on Collective Management of Copyright (1494/2016)

Hallituksen esitys eduskunnalle laiksi tekijänoikeuden yhteishallinnoinnista ja eräiksi siihen liittyviksi laeiksi (HE 119/2016 vp)

https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Documents/HE_119+2016.pdf

Government bill for an Act on Collective Management of Copyright and Certain Related Acts

Finnish Patent and Registration Office to monitor copyright organisations from 1 January 2017

https://www.prh.fi/en/uutislistaus/2016/P_10404.html

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