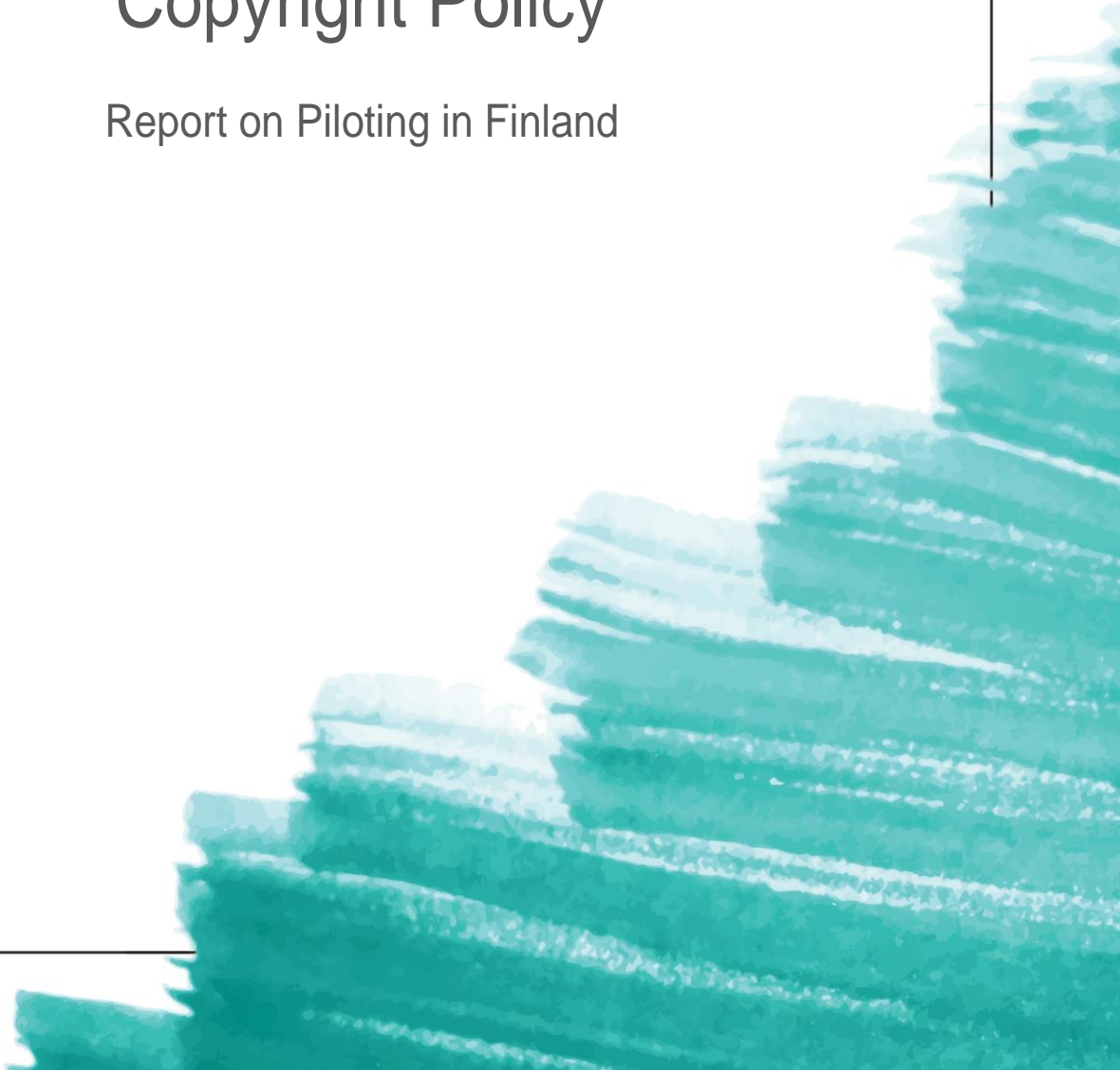


Assessing Copyright and Related Rights Systems

Copyright Policy

Report on Piloting in Finland





cupore

Assessing Copyright and Related Rights Systems: Copyright Policy. Report on Piloting in Finland.

This report is the result of the first pilot study implementing Description Sheet 6 – *Copyright Policy*, one of the 37 indicators constituting a methodology framework for assessing the operation of national copyright and related rights systems. The methodology framework has been developed at the Foundation for cultural policy research (Cupore) in Finland as part of a project financed by the Finnish Ministry of Education and Culture. The pilot study was conducted by Project Researcher Jukka Kortelainen between July and August 2014. The work was supervised by Professor Anita Kangas (University of Jyväskylä), the steering group of the project, as well as the core project team. The results were first published in December 2014 on the website of Cupore.

A handbook presenting the methodology framework is available on the website of Cupore at www.cupore.fi.

Cupore webpublications 39:10

Kulttuuripoliittisen tutkimuksen edistämissäätiö (Cupore)

Foundation for Cultural Policy Research (Cupore)

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Cover illustration: Oy Graaf Ab

ISBN 978-952-5573-82-4

ISSN 1796-9263

May 2016

Executive summary

This document presents data collected in application of a methodology framework to assess the operation of copyright and related rights systems. More precisely, the information and analysis below correspond to Description Sheet 6 presented in the methodology handbook, titled “Copyright Policy”. The description sheet provides guidelines to map and analyze the national copyright-related policies, programs and strategies. The data was collected through available national information sources and complemented by expert interviews.

In Finland, the Ministry of Education and Culture is responsible for preparing copyright policies and legislation, as well as strengthening the balanced operation of the copyright system. The work at the ministry usually takes place in ad hoc working groups. However, permanent bodies including the Copyright Committee (1976-1992), followed by the Copyright Commission (1992-2011) and the Advisory Board on Copyright issues (since 2012) have had a prominent role in the preparatory work as well as in supporting the ministry’s work on legislative drafting and policy development. The ministry has a regular interaction on copyright issues with the Ministry of Justice, the Ministry of Transport and Communications and the Ministry of Employment and the Economy.

The development of new technologies and the internet especially since the mid-1990s has significantly changed the operating environment of the copyright system and the markets for copyrighted works. In Finland, several copyright policy measures in the 2000s have aimed at ensuring the balanced operation of the copyright system and creating favorable conditions for business activities in the new environment. The “*Content Finland 2000-2004*” project during Prime Minister Lipponen’s Cabinet (1999-2003) was followed by the implementation of the Information Society Program and the adaptation of the National Knowledge Society Strategy (2006) during Prime Minister Vanhanen’s First Cabinet (2003-2007). The ministerial working group on intellectual property issues including the ministers of Culture and Sports, Employment and the Economy, Justice, and Communications was established during Vanhanen’s Second Cabinet (2007-2011). Moreover, the IPR strategy (2009) was drawn up to strengthen the national innovation policy during this period. The strategy was updated during Prime Minister Katainen’s Cabinet (2011-2014) and complemented with key policy measures promoting business and entrepreneurship in the creative industries, as well as with an updated national design program to constitute the Policy Program on Intangible Value Creation (2014-2020).

In addition to the information society and innovation policies, copyright has been an influential factor taken into account when drafting cultural, communication and competition policy documents. These include policy documents such as the “*Cultural Policy Strategy 2020*” (2009), the Government’s Report for the Parliament on the Future of Culture (2011), the Government Resolution on Improving the Accessibility and Promoting the Reuse of Public Information Resources in Digital Format (2011) and the Program for Promoting Healthy Competition (2012). The process of preparing an explicit copyright policy document for Finland has been ongoing since the 2000s. The goal is to draft the document taking into account the public discussion in the copyright field.

Finland has actively taken part in developing and reforming international treaties and agreements at WIPO (World Intellectual Property Organization), UNESCO and the OECD. Finland takes part in the decision making process at the EU institutions and participates in the preparation of directives at the Council of the European Union. Nordic cooperation between Finland, Sweden, Norway, Iceland and Denmark in copyright matters started in the 1930s and resulted in coordinated Nordic copyright legislation in 1960-1961.

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Introduction

A. CONTEXT OF THE PILOT STUDY

A methodology framework for assessing the operation of national copyright and related rights systems has been developed at the Foundation for cultural policy research (Cupore) in Finland. It is a collection of tools for achieving a systematic assessment of the functioning, performance and balanced operation of national copyright and related rights systems.

In the methodology, the assessment of the copyright and related rights system is determined through a framework consisting of so-called description sheets and methodology cards. The description sheets constitute guidelines to produce a comprehensive presentation and description of a country's copyright and related rights system and its operating environment. The methodology cards propose the collection of specific sets of data, either quantitative, descriptive or qualitative, that will be used as indicators of the functioning, performance and balanced operation of the system. Description sheets and methodology cards are accompanied by detailed information on the data to be collected, as well as analysis guidelines that will help connect them to each other.

The methodology framework is envisaged to be continuously improved through application feedbacks. For more information, see the Cupore website, www.cupore.fi/copyright.php.

This report presents data collected in application of Description sheet 6 of the methodology framework, titled "Copyright policy". It is the result of the first pilot study applying this indicator in Finland.

This study was conducted by Project Researcher Jukka Kortelainen between July and August 2014. The work was supervised by Professor Anita Kangas (University of Jyväskylä), the steering group of the project, as well as the core project team.

B. PRESENTATION OF THE INDICATOR

The indicator implemented here is intended to present one of the copyright system's elements. It is part of the second pillar of the methodology framework, "Functioning and performance of the elements of the copyright system", and its first area, "Law, policy and public administration". The indicator is presented in a description sheet and aims at describing national copyright-related policies in order to support the analysis of the operation of the national copyright and related rights system.

As explained in the methodology handbook, copyright law and policy can be seen as two fundamental elements of a national copyright system. Therefore, the process of assessing the operation of copyright laws and policies should include the mapping and description of the public measures and regulations that direct the operation of the system and specify its functions. When undertaken in several countries, this description can also help understanding the characteristics of, and differences in national copyright systems.

Considering the importance of public policies in the evolution of the national copyright and related rights system, Description sheet 6 suggests a presentation of policies directly related to copyright. The purpose of this description sheet is to provide an overview of all public policies, strategies and programs likely to influence the national copyright system. Besides policies in areas more distinctively related to copyright, such as intellectual property rights and culture, other policy areas that could have an

influence on the copyright system, such as competition and innovation, can be taken into account. All relevant administrative levels (including national, regional, provincial and others) should be considered.

In the context of Finland, the public policies, strategies and programs directly related to copyright are normally related to the following policy areas:

- intellectual property rights policies,
- innovation policy,
- cultural policy,
- competition policy, and
- information and communication policies.

The aim of this pilot study is to present all government policies, strategies and programs likely to influence the operation of the copyright system. This description will provide a basis for the interpretation of other indicators of the methodology framework and add to the international understanding of the Finnish copyright system. The study focuses on the national administrative level only.

This information can be complemented with the descriptive information on national laws likely to influence the operation of the copyright system (Description sheet 1) and the international treaties and regional agreements on copyright protection (Description sheet 2).¹ Interpretation of the results should take into account the possible influence of regional legislation and international agreements. Actors involved in the interpretation of copyright rules will be discussed in Description sheet 7 – *Public administration by government agencies*, and in the area “Enforcement”.

The description sheet presenting the indicator can be found in Appendix A of this report.

C. METHODS

The information collected for this indicator can be found through available national and international information sources. The method chosen was therefore desktop studies. This data was complemented by expert interviews. The time frame of the analysis is 1999-2014.

Lists of national and international information sources used for this report can be found in the Appendices.

¹ Description sheet 2 – *International and regional context* also provides useful information concerning the ratification of treaties on copyright protection.

SECTION 1. NATIONAL AND INTERNATIONAL PERSPECTIVES TO COPYRIGHT POLICY

As a background to a more comprehensive description of public policies related to copyright, this section first aims at presenting an overview of the political control over the creation of copyright policies at a national level, which is followed by a description of the work at the Ministry of Education and Culture and of the cooperation between ministries. The second part of this section focuses on describing the role of Finland in copyright policy development at the international level.

A. NATIONAL PERSPECTIVE

▪ POLITICAL CONTROL

In Finland the Parliament is the supreme decision-making authority. *“The 200 Members of Parliament are elected every four years using a direct proportional system. Parliament enacts legislation, approves the state budget, ratifies international treaties and oversees the Government. Parliament has three key arenas: the plenary session makes final decisions, the committees prepare matters and the parliamentary groups shape policy.”*² The Finnish Parliament has 15 permanent special committees and the Grand Committee, which focuses mainly on EU affairs. *“The special committees prepare Government bills, legislative initiatives, Government reports and other matters for handling in plenary session. Committees also issue statements when requested to do so.”*³ Copyright issues have been primarily dealt in the Education and Culture Committee⁴ but several other committees have participated to the preparation or commented the legislative proposals as well.⁵

The Government has a crucial role in preparing and proposing legislative changes. *“The Government is to be understood, on the one hand, as the body which convenes for the general governing of the country, consisting of the Prime Minister and other ministers, and, on the other hand, the decision-making body for governmental and administrative matters consisting of the Government plenary session and the ministries.”* Currently, the Government includes 12 ministries responsible for the preparation of matters within their field of competence.⁶ The responsibility areas of the Ministry of Education and Culture include education, culture, sports, youth, copyright, student financial aid and church affairs.⁷ The first minister responsible for cultural issues in Finland was chosen in 1970 and was granted the official title of *Minister in the Ministry of Education*. The following table presents the ministers responsible for culture in Finland since 1970.

² Source: Website of the Finnish Parliament, available in English at <http://web.eduskunta.fi/Resource.phx/parliament/aboutparliament/howparliamentworks.htx>. Visited on 18.8.2014.

³ Source: Website of the Parliament of Finland, available in English at <http://web.eduskunta.fi/Resource.phx/parliament/committees/index.htx?lng=en>. Visited on 15.9.2014.

⁴ “Sivistysvaliokunta” in Finnish.

⁵ Source: Website of the Finnish Parliament, available in Finnish at <http://web.eduskunta.fi/Resource.phx/eduskunta/tervetuloa/valiokunta/valiokunta.htx>. Visited on 15.8.2014.

⁶ Source: Website of the Finnish Government, available in English at <http://valtioneuvosto.fi/tietoa-valtioneuvostosta/perustietoa/en.jsp>. Visited on 18.8.2014.

⁷ Source: Website of the Finnish Government, available in English at <http://valtioneuvosto.fi/ministeriot/opm/en.jsp>. Visited on 18.8.2014.

Table 1. The ministers responsible for culture in Finland			
Minister	Party	Time Period	Cabinet
Minister in the Ministry of Education⁸			
Meeri Kalavainen	The Social Democratic Party of Finland	15.07.1970 – 29.10.1971	Karjalainen's Second Cabinet
Jouko Tyyri	Official	29.10.1971 - 23.02.1972	Aura's Second Cabinet
Pentti Holoppa	The Social Democratic Party of Finland	23.02.1972 – 04.09.1972	Paasio's Second Cabinet
Marjatta Väänänen	The Centre Party of Finland	04.09.1972 – 13.06.1975	Sorsa's First Cabinet
Kalevi Kivistö	The Finnish People's Democratic League (SKDL)	30.11.1975 – 29.9.1976	Miettunen's Second Cabinet
		15.05.1977 – 26.05.1979	Sorsa's Second Cabinet
		26.05.1979 – 19.02.1982	Koivisto's Second Cabinet
Kaarina Suonio Arvo Salo	The Social Democratic Party of Finland	19.02.1982 – 31.12.1982	Sorsa's Third Cabinet
		31.12.1982 – 06.05.1983	
Gustav Björkstrand	Swedish People's Party of Finland	06.05.1983 – 30.04.1987	Sorsa's Fourth Cabinet
Anna-Liisa Kasurinen	The Social Democratic Party of Finland	30.04.1987 – 26.04.1991	Holkeri's Cabinet
Tytti Isohookana-Asunmaa	The Centre Party of Finland	26.04.1991 – 13.04.1995	Aho's Cabinet
Claes Andersson	The Left Alliance of Finland	13.04.1995 – 04.09.1998	Lipponen's First Cabinet
Suvi-Anne Siimes		04.09.1998 - 15.04.1999	
Minister of Culture⁹			
Suvi Lindén	The National Coalition Party of Finland	15.04.1999 – 05.06.2002	Lipponen's Second Cabinet
Kaarina Dromberg		05.06.2002 – 17.04.2003	
Tanja Saarela	The Centre Party of Finland	17.04.2003 – 24.06.2003	Jäätteenmäki's Cabinet
		24.06.2003 – 19.04.2007	Vanhanen's First Cabinet
Minister of Culture and Sports¹⁰			
Stefan Wallin	Swedish People's Party of Finland	19.04.2007 - 22.06.2010	Vanhanen's Second Cabinet
		22.06.2010 – 22.06.2011	Kiviniemi's Cabinet
Paavo Arhinmäki	The Left Alliance of Finland	22.06.2011 – 04.04.2014	Katainen's Cabinet
Minister of Culture and Housing¹¹			
Pia Viitanen	The Social Democratic Party of Finland	04.04.2014 – 24.06.2014	Katainen's Cabinet
		24.06.2014 –	Stubb's Cabinet

▪ THE WORK ON COPYRIGHT ISSUES AT THE MINISTRY OF EDUCATION AND CULTURE

The Finnish Ministry of Education and Culture is responsible for preparing and drafting the copyright legislation, as well as ensuring the balanced operation of the copyright system¹². The ministry also

⁸ Source: Website of the Finnish Government, available in Finnish at http://valtioneuvosto.fi/tietoa-valtioneuvostosta/hallitukset/vuodesta-1917/tulokset/fi.jsp?report_id=V9L&multivalue.selectedCriterion.nimike_id=31. Visited on 14.8.2014.

⁹ Source: Website of the Finnish Government, available in Finnish at http://valtioneuvosto.fi/tietoa-valtioneuvostosta/hallitukset/vuodesta-1917/tulokset/fi.jsp?report_id=V9L&multivalue.selectedCriterion.nimike_id=43. Visited on 14.8.2014.

¹⁰ Source: Website of the Finnish Government, available in Finnish at http://valtioneuvosto.fi/tietoa-valtioneuvostosta/hallitukset/vuodesta-1917/tulokset/fi.jsp?report_id=V9L&multivalue.selectedCriterion.nimike_id=70. Visited on 14.8.2014.

¹¹ Source: Website of the Finnish Government, available in Finnish at <http://valtioneuvosto.fi/ajankohtaista/tiedotteet/tiedote/fi.jsp?oid=413050>. Visited on 14.8.2014.

directs funds to projects aiming at developing the copyright system and holds a prominent informative role on the application of copyright legislation through the statements provided by the Copyright Council.¹³ Within the Ministry of Education and Culture, the work takes place at the Division for Copyright Policy and the Economy of Culture at the Department for Art and Cultural Policy. The preliminary preparation and legislative drafting at the division is usually conducted in ad hoc working groups¹⁴. However, the permanent bodies (the Advisory Board on Copyright Issues, and previously the Copyright Committee and the Copyright Commission) have had a prominent role in the ministry's preparatory work on legislative drafting and policy development.

The Copyright Committee operated during the years 1976-1992 in a close Nordic cooperation¹⁵. The Copyright Committee was replaced by the Copyright Commission in 1992 operating in two-year terms until the end of 2011¹⁶. The Copyright Commission's goals were more or less the same in every operating period. During the term 2010-2011 its mission was to (1) assess the needs for copyright law amendments, as well as proceed with the copyright policy development taking into account the societal, economic, technical and international development trends, (2) consider the legislative drafting process at the European Union and treaty drafting in the international organizations to support the Finnish government's decision making and (3) act as an expert forum in other current copyright-related issues.¹⁷ During the years between 1992 and 2007, the Copyright Commission was comprised of seven members; five representatives from ministries¹⁸ and two academics¹⁹. The Copyright Commission was extended to comprise 20 persons for the 2008-2009²⁰ term by decision of the Government²¹. The Copyright Commission was at the time chaired by Professor Niklas Bruun from the University of Helsinki and its other members included four representatives from the ministries²², 13 representatives of authors and

¹² The long-term objective of ensuring the balance of the copyright system has included target areas such as incentives for creation, access to and accessibility of the works, the operation of the markets, public acceptance of the system and elimination of the illicit use of copyrighted works. Source: "Copyright Policy 2012" report, available in Finnish at http://www.minedu.fi/export/sites/default/OPM/Tekijanoikeus/tekijanoikeuspolitiikka/tekijanoikeus__Keskustelumuistio_18062012.pdf. Visited on 29.8.2014.

¹³ The information was provided by Viveca Still, Copyright Counselor at the Division for Copyright Policy and the Economy of Culture at the Ministry of Education and Culture (interviewed on 16.6.2014).

¹⁴ The information was provided by Viveca Still, Copyright Counselor at the Division for Copyright Policy and the Economy of Culture at the Ministry of Education and Culture (interviewed on 16.6.2014).

¹⁵ Source: Page 11 of the Report of the Copyright Commission. Copyright in the Information Society (2002), available in Finnish at http://www.minedu.fi/OPM/Julkaisut/2002/tekijanoikeustoimikunnan_mietinto_tekijanoikeudet_tietoyhteisku?lang=fi&extra_locale=fi

¹⁶ The information was provided by Anna Vuopala, Counsellor of Government the Division for Copyright Policy and the Economy of Culture at the Ministry of Education and Culture (interviewed on 16.6.2014)

¹⁷ Source: Description of the tasks of the Copyright Commissions in the term 2010-2011, available in the Government's project database (HARE) in Finnish at http://www.hare.vn.fi/mHankePerusSelaus.asp?h_iId=16398. Visited on 11.8.2014.

¹⁸ The Ministry of Education, the Ministry of Justice, the Ministry of Transport and Communications and the Ministry of Trade and Industry.

¹⁹ The information was provided by Anna Vuopala, Counsellor of Government at the Ministry of Education and Culture (interviewed on 16.6.2014).

²⁰ See the report on the extended Copyright Commission on the website of the Ministry of Education and Culture, available in Finnish at <http://www.minedu.fi/OPM/Tiedotteet/2008/02/tekijanoikeus.html?lang=fi>. Visited on 5.8.2014.

²¹ The memorandum can be found in Finnish at <http://valtioneuvosto.fi/tiedostot/julkinen/tiedotteet/fi210837.pdf>. Visited on 5.8.2014.

²² The Ministries of Justice, Education and Culture, Transport and Communications, Employment and the Economy.

performers and/or professional copyright users²³ and two representatives from other groups^{24, 25}. The Copyright Forum, organized every year, was established in this context to promote discussion and information exchange. Representatives of authors and performers, professional copyright users, intermediaries and end-users were invited to the forum.²⁶

The new Advisory Board on Copyright issues was set up to replace the Copyright Commission in 2012. According to the former Minister of Culture and Sports, Paavo Arhinmäki, the transparency of the copyright system would improve by better taking into account the opposing interests of different stakeholder groups²⁷. The advisory board does not prepare amendments to the Copyright Act or draft copyright policy²⁸, but (1) acts as an advisory expert body for the Ministry of Education and Culture, (2) discusses national copyright policy and the development of copyright system and legislation, (3) follows the development of copyright issues at the European Union and international organizations and evaluate the trends from the perspective of Finland, (4) promotes the cooperation of the different actors in copyright field and (5) disseminates knowledge on copyright issues.²⁹ During its first two-year term in 2012-2013, the board included 40 representatives from the following stakeholder categories: Ministries (7)³⁰, authors and performers and/or professional copyright users (22)³¹, experts (5)³², intermediaries (3)³³, end-users (2)³⁴ and one group promoting the interests of entrepreneurs in

²³ Finnish Musicians Union (Suomen Muusikkojen Liitto ry), Confederation of Finnish Industries (Elinkeinoelämän keskusliitto EK), Finnish Union of Journalists (Suomen Journalistiliitto ry), Theatre and Media Employees in Finland (Teatteri- ja mediatyöntekijät ry), Teosto ry, Gramex ry and creative sector artists, employees, and entrepreneurs in Finland (Lyhty -Luovan työn tekijät ja yrittäjät), The association of Finnish television broadcasters (Suomen Televisioiden Liitto), Finnish Broadcasting Company (Yleisradio), IFPI Finland (Suomen Ääni- ja kuvatalennetuottajat ÄKT ry), The Union of Finnish Writers (Suomen Kirjailijaliitto ry), The Federation of Finnish Media Industry (Viestinnän keskusliitto ry), Sanoma WSOY Oy, Sulake Oy.

²⁴ Representatives of Finnish Entrepreneurs and the law firm Borenus & Kempinen.

²⁵ In 2008, Electronic Frontier Finland, an organization promoting users' rights, criticized the member structure of the commission and refused to further cooperate with the Ministry of Education and Culture on copyright issues. According to Electronic Frontier Finland, authors and performers and professional copyright users were over-represented at the commission and several groups such as copyright users, libraries, programmers and academics were not represented. See the statement of Electronic Frontier Finland in Finnish at <https://www.effi.org/julkaisut/tiedotteet/lehdistotiedote-2008-02-25.html>. Visited on 6.8.2014. During the 2012-2013 and 2014-2015 terms, Electronic Frontier Finland has participated to the work of the Advisory Board on Copyright Issues at the Ministry of Education and Culture.

²⁶ Government's project database (HARE), http://www.hare.vn.fi/mHankePerusSelaus.asp?h_id=14134

²⁷ Source: Report of the Ministry of Education and Culture, available in Finnish at http://www.minedu.fi/OPM/Tiedotteet/2011/11/arhinmaki_puhetiedote_tekijanoikeusfoorumi.html?lang=fi&extra_locale=fi. Visited on 13.8.2014.

²⁸ The information was provided by Viveca Still, Copyright Counselor at the Division for Copyright Policy and the Economy of Culture at the Ministry of Education and Culture (interviewed on 16.6.2014).

²⁹ Government's project database (HARE), http://www.hare.vn.fi/mHankePerusSelaus.asp?h_id=18404. Visited on 6.8.2014.

³⁰ Three representatives from the Ministry of Education and Culture including the chair, the vice-chair and the secretary, as well as one member from each of the following organizations: the Ministry of Justice, Ministry of Transport and Communications, Ministry of the Foreign Affairs, the Ministry of Employment and the Economy. In addition, officials responsible for copyright issues at the Ministry of Education and Culture have been invited to board meetings.

³¹ Collective management organizations Kopiosto, Sanasto, Teosto and Tuotos, The Finnish Chamber of Films (Suomen filmikamari), Artists' Association of Finland (Suomen taitelijaseura), Lyhty (a joint project of creative sector artists, employees, and entrepreneurs in Finland), Sanoma WSOY Oyj, The Union of Finnish Actors (Suomen näyttelijäliitto), Finnish Union of Journalists (Suomen Journalistiliitto), The Federation of Finnish Media Industry (Viestinnän keskusliitto), the Union of Finnish Writers (Suomen Kirjailijaliitto), the Finnish Broadcasting Company (Yleisradio), Screenwriter Jarmo Puskala, Nokia, The Finnish National Group of IFPI (Musiikkituottajat), the Finnish Playwrights and Screenwriters Guild (Suomen Näytelmäkirjailijat ja käsikirjoittajat), Theatre and Media Employees in Finland (Teatteri ja mediatyöntekijät), the Confederation of Finnish Industries (Elinkeinoelämän keskusliitto), the Finnish Musicians Union (Suomen Muusikkojen liitto), Mtv Media and the Finnish association of Non-fiction Writers (Suomen tietokirjailijat r.y)

³² The Data Protection Ombudsman (Tietosuoja baltuutetun toimisto), TIEKE - Finnish Information Society Development Centre, PhD Juha Lindman, the IPR University Center and the Copyright Council of Aalto University.

³³ The National Library of Finland (Kansalliskirjasto), the National Audiovisual Institute (Kansallinen audiovisuaalinen arkisto), Ficom – the Finnish Federation for Communications and Teleinformatics.

general^{35, 36}. During the 2014-2015 term, the board member structure has remained the same for the most part³⁷.

■ COOPERATION BETWEEN MINISTRIES

The Ministry of Education and Culture has regular interactions with the Ministry of Justice, the Ministry of Transport and Communications and the Ministry of Employment and the Economy regarding copyright issues. The cooperation between the Ministry of Education and Culture and other ministries is usually conducted in ad hoc groups but the officials of the Ministry of Education and Culture also participate in the meetings of certain permanent groups such as the working group on industrial property rights at the Ministry of the Employment and the Economy³⁸. The ad hoc working groups concerning copyright-related issues usually include officials from the Ministry of Education and Culture, the Ministry of Justice, the Ministry of Transport and Communications and the Ministry of Employment and the Economy with varying formations. These ministries have their own responsibility areas in the legislative drafting^{39, 40}. In addition, if the legislative initiatives or policies in the administrative branches of these ministries include copyright-related issues, materials or comments are requested from the Ministry of Education and Culture. Sometimes legislative initiatives of other ministries require changes to the Copyright Act and in these cases, a permission to propose changes is requested from the Ministry of Education and Culture or vice versa⁴¹.

The intensity of the cooperation between the ministries has varied over the time. In the 1980s and 1990s, the Ministry of Education and the Ministry of Transport and Communications had dozens of mutual committees or working groups in areas requiring cooperation, before a period of more limited collaboration between ministries in the 2000s.^{42, 43} However, during the government period of Prime

³⁴ The Finnish Competition and Consumer Authority (Kilpailu- ja kuluttajavirasto), EFFI - Electronic Frontier Finland.

³⁵ The Federation of Finnish Enterprises (Suomen yrittäjät).

³⁶ Source: The list was provided by Tiina Kautio, project leader at the Ministry of Education and Culture (consulted on 15.9.2014). The founding document of the Copyright Advisory Board, available in Government's project database (HARE) in Finnish at http://www.hare.vn.fi/upload/Asiakirjat/18404/181774_Tekij%C3%A4noikeusasioiden_neuvottelukunta.pdf. Visited on 11.8.2014.

³⁷ See the members of the Advisory board in the term 2014-2015, available in Finnish at http://www.hare.vn.fi/mHankePerusSelaus.asp?h_id=20160. Visited on 18.8.2014.

³⁸ The working group on industrial property rights meets two or three times a year to address and consider IPR related projects. The information was provided by Mikko Huuskonen, the Special Government Advisor at the Ministry of the Employment and the Economy (phone interview on 27.8.2014).

³⁹ For example when implementing the Audiovisual Media Services without frontier "Audiovisual Media Services without frontiers" Directive (2007/65/EC), the Ministry of Education was responsible for amendments of the Copyright Act regarding to the use of snippets of sporting events in broadcasts. Besides this responsibility area, the Ministry of Education and Culture contributed to the definitions of the concepts in the legislative drafting process. Source: Jukka Liedes, director at the Ministry of Education and Culture, interviewed on 16.6.2014).

Another example is the preparation of the Finnish Information Society Code, a complete reform of legislation applying to electronic communications to which the Ministry of Education and Culture participated. The process was led by the Ministry of Transport and Communications and proposal for Information Society Code was submitted by Finland's Government to Parliament on 30 January 2014. (Source: Website of the Ministry of Transport and Communications, available in Finnish at <http://www.lvm.fi/web/hanke/tietoyhteiskuntakaari>. Visited on 21.8.2014. The information was provided by Viveca Still, Copyright Counselor at the Division for Copyright Policy and the Economy of Culture at the Ministry of Education and Culture (interviewed on 16.6.2014).

⁴⁰ The information was provided by Jukka Liedes, director at the Division for Copyright Policy and the Economy of Culture at the Ministry of Education and Culture (interviewed on 16.6.2014).

⁴¹ For example, the Ministry of Transport and Communications may request permission to propose changes to the Copyright Act when drafting amendments to the Communications Market Act or the Ministry of Justice may request permission to include references or provisions to the Copyright Act.

⁴² The information was provided by Jukka Liedes, director at the Ministry of Education and Culture (interview on 16.6.2014).

Minister Vanhanen's Second Cabinet (2007-2010) there was a ministerial working group on intellectual property issues including the Ministers of Culture and Sports, Employment and the Economy, Justice and Communications. There were also several working groups focusing on copyright issues including representatives of these ministries at the time. The working groups considered issues such as taxation of copyright revenue, copyright in employment, multi-channel distribution, illicit file-sharing and the evaluation of the copyright system. The cooperation at the level of ministries became less apparent after the government period of the Prime Minister Vanhanen's Second Cabinet when the work of the ministerial group on intellectual property rights was brought to an end.⁴⁴

B. INTERNATIONAL PERSPECTIVE⁴⁵

▪ **PREPARATION OF INTERNATIONAL TREATIES**

Finland's copyright policy has been heavily influenced by several international conventions and treaties. Finland is a party of all WIPO treaties on copyright and a member of the World Trade Organization (WTO), therefore bound by the WTO agreements such as the agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) and subject to the process and opinions of the (WTO) Dispute settlement body.⁴⁶ In Finland, the Ministry of Education and Culture is responsible for participating in the preparation and negotiations of copyright-related international agreements⁴⁷ and assists the Ministry of Foreign Affairs in copyright issues regarding the negotiations of trade agreements⁴⁸. Finland has actively been involved in the development work within the WIPO (World Intellectual Property Organization), the Council of Europe, the UNESCO and the OECD. The Finnish Ministry of Education and Culture's current policy is to support the continuation of several contractual reform processes that have been put on hold at WIPO⁴⁹.

▪ **PREPARATION OF THE EUROPEAN UNION COPYRIGHT POLICY**

Every member state of the European Union has its own copyright legislation and central aspects of the national laws have been harmonized through copyright directives.⁵⁰ *"In accordance with the principle of EU law's primacy, Finnish legislative acts conflicting with EU norms must be interpreted in the light of the EU norms. Where this is not possible, Finnish law must be set aside in favor of directly effective EU*

⁴³ In 2006, the Ministry of Transport and Communications and the Ministry of Trade and Industry called for more close cooperation between the ministries recalling that copyright issues in contemporary society intersect in several areas. Source: News article in "Digitoday.fi", available in Finnish at <http://www.digitoday.fi/viihde/2006/03/06/jukka-liedes-opetusministerio-on-tasapuolinen-tekijanoikeusasioissa/20065410/66>. Visited on 12.8.2014.

⁴⁴ The information was provided by Mikko Huuskonen, the Special Government Advisor at the Ministry of Employment and Economy (phone interview on 27.8.2014).

⁴⁵ For more information on the international copyright environment, see the pilot report of Description Sheet 2 – *International and Regional Context*.

⁴⁶ For more information, see Pilot report of the Description sheet 5 – *Copyright Law*.

⁴⁷ Source: The "Industrial rights and Copyright" study, prepared by the Prime Minister's Office, available in Finnish at <http://valtioneuvosto.fi/tiedostot/julkinen/pdf/teollis-ja-tekijanoikeudet/selvitys.pdf>. Visited on 5.8.2014. Page 5.

⁴⁸ The information was provided by the officials of the Ministry of Education and Culture, Jukka Liedes and Viveca Still (interviewed on 16.6.2014).

⁴⁹ Source: "Copyright Policy 2012" report. Available in Finnish at http://www.minedu.fi/export/sites/default/OPM/Tekijanoikeus/tekijanoikeuspolitiikka/tekijanoikeus__Keskustelumuistio_18062012.pdf. Visited on 28.8.2014.

⁵⁰ Source: Website of the Ministry of Education and Culture, available in Finnish at <http://www.minedu.fi/OPM/Tekijanoikeus/eu-yhteistyoe/?lang=fi>. Visited on 19.8.2014.

*norms. Finland is also bound by the decisions of the Court of Justice of the European Union.*⁵¹ Finland contributes to the relevant decision making in EU institutions⁵² and participates to the preparation process of directives and other co-regulation mechanisms at the Council of the European Union⁵³. Finland held the presidency of the Council in 1999 and 2006. Important policy drafting and essential decisions regarding the EU's Copyright Directive⁵⁴ were made during Finland's term in office in 1999.⁵⁵

*"The preparation and monitoring of EU affairs in Finland is the responsibility of the Government and the ministries, which also formulate Finland's position on these issues. The Ministry of Education and Culture is responsible for preparing affairs which have to do with education and training, research, youth, culture, sport, copyright and the audiovisual field."*⁵⁶ The Finnish Committee for EU affairs⁵⁷ has appointed 37 sector-specific preparative sub-committees, which assist the ministries in formulating Finland's position on European Union issues⁵⁸. The most relevant sub-committees from the copyright perspective are the Sub-Committee for Culture and Audio-visual Affairs⁵⁹ and the Internal Markets Sub-Committee^{60, 61}.

■ NORDIC COOPERATION

Cooperation between Nordic Countries (Finland, Sweden, Norway, Denmark and Iceland) regarding the development of copyright legislation started in 1930s and resulted in coordinated Nordic copyright legislation in 1960-1961^{62, 63}. The political discussion on copyright issues was largely initiated by the Swedish Social Democratic Party in 1974 and the discussion broadened to Finland's political sphere

⁵¹ Source: Pilot report of the Description sheet 5 – *Copyright Law*.

⁵² According to the Ministry of Education and Culture, Finland contributes to the European Union's decision making in all of its levels: (1) Contribution to the European Commission and commissioners during the legislative drafting process and reading stages, (2) Contribution to the other Member States and alliance with the like-minded countries, (3) Contribution to the members of the European Parliament (Finnish members of the European Parliament and like-minded members of other states) Source: Page 15 of the "Copyright Policy 2012" report.

⁵³ Source: "Industrial rights and Copyright"-study, prepared by the Prime Minister's Office, available in Finnish at <http://valtioneuvosto.fi/tiedostot/julkinen/pdf/teollis-ja-tekijanoikeudet/selvitys.pdf>. Visited on 5.8.2014. Page 5.

⁵⁴ Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society

⁵⁵ The information was provided by Jukka Liedes, director at the Ministry of Education and Culture (interviewed on 16.6.2014).

⁵⁶ Source: Website of the Ministry of Education and Culture, available in English http://www.minedu.fi/OPM/EU-asiat/eu-asioiden_valmistelu/?lang=en. Visited on 15.8.2014.

⁵⁷ The Committee for EU Affairs serves as an advisory and mediatory body in the coordination of EU affairs. It discusses broad issues involving several policy areas and also those issues that have not been resolved in its sub-committees. "In addition, the Committee for EU Affairs handles issues related to EU courts and enforcement as well as nominates national experts to EU institutions." See the website of the Finnish Government in English at <http://valtioneuvosto.fi/eu/suomi-ja-eu/asioiden-kasittely/en.jsp>. Visited on 15.8.2014.

⁵⁸ Sources: The website of the Ministry of Education and Culture, available in Finnish at http://www.minedu.fi/OPM/EU-asiat/eu-asioiden_valmistelu/?lang=fi and the website of the Finnish Government available in English at <http://valtioneuvosto.fi/eu/suomi-ja-eu/asioiden-kasittely/fin.jsp>. Visited on 15.8.2014.

⁵⁹ "Kulttuuri- ja av-palvelut" -jaosto in Finnish

⁶⁰ "Sisämarkkinat" -jaosto in Finnish.

⁶¹ The information was provided by Viveca Still, Copyright Counselor at the Ministry of Education and Culture (interviewed on 16.6.2014).

⁶² Iceland was an exception, its Copyright Act came into force later in 1972. Source: Screening report by the European Commission, available in English at http://ec.europa.eu/enlargement/pdf/iceland/key-documents/screening_report_07_is_internet_en.pdf. Page 4.

⁶³ Source: "Copyright Policy 2012" report, available in Finnish at http://www.minedu.fi/export/sites/default/OPM/Tekijaenoikeus/tekijaenoikeuspolitiikka/tekijanoikeus__Keskustelumuistio_18062012.pdf. Visited on 29.8.2014.

primarily through the Social Democratic Party of Finland.⁶⁴ As a result, in 1976 the Nordic countries set national committees for copyright issues and the chairmen of the committees constituted the cooperative Nordic committee established by the decision of the Nordic Council of Ministers⁶⁵. The Nordic cooperation at the committee lasted until the beginning of the 1990s⁶⁶ and the amendments made to the Finnish Copyright Act between 1970 and 1990 were usually considered in cooperation with the other Nordic countries⁶⁷. Since Finland's accession to the EU in 1995, Nordic cooperation has focused mainly on assessing the requirements of the European Union directives. Although the cooperation of the Nordic Countries has remained quite intense, there has been a discernible trend towards diverse national legislative solutions in the Nordic countries since Finland's national implementation of the EU Copyright Directive⁶⁸ in 2005.⁶⁹

SECTION 2. NATIONAL COPYRIGHT POLICIES, PROGRAMS AND STRATEGIES 1999-2014

For the purposes of this pilot study, Finnish government programs⁷⁰ and related strategy documents since the independence of Finland in 1917 were studied. The number of sections including copyright-related issues in each document was analyzed. Information on other relevant policy programs and strategies was collected through interviews and by analyzing relevant official documents: programs and strategies concerning cultural, innovation and communication policy referenced in government programs were searched for the word "copyright". In addition, the operation and financial plans of the Ministry of Education and Culture in the time period of 2001-2014, as well as two reports, "*Guidelines for copyright - memorandum on outlining the copyright policy and development of the system*" (2011)⁷¹ and the "*Copyright Policy 2012*" report⁷² were searched for mentions of national copyright-related programs and strategies.

The comprehensiveness and extent of Finnish government programs have increased gradually since the 1980's. The government programs drawn between 1917 and 1970s usually contained only 2-10

⁶⁴ Source: Jukka Liedes, director at the Ministry of Education and Culture (interviewed on 16.6.2014). For more information, see the news article on the website of the Teosto, available in English at <http://www.teosto.fi/teosto/blogi/tekijanoikeudesta-keskusteltua>. Visited on 11.8.2014.

⁶⁵ The information was provided by Jukka Liedes, director at the Ministry of Education and Culture (interviewed on 16.6.2014).

⁶⁶ The information was provided by Jukka Liedes, director at the Ministry of Education and Culture (interviewed on 16.6.2014).

⁶⁷ For example, the Nordic committee for auditing copyright laws in Finland, Sweden, Norway and Denmark was set in 1970. The committee focused on issues related to new technologies such as reproduction of the materials in teaching, research, administration and business. Source: The report of the Nordic Copyright Audit Committee, Committee report ("Komiteanmietintö" in Finnish) 1974:21, Helsinki.

⁶⁸ Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society.

⁶⁹ Sources: Viveca Still, Copyright Counselor at the Division for Copyright Policy and the Economy of Culture at the Ministry of Education and Culture (interviewed on 16.6.2014) and Page 17 of the Copyright Commission's "Copyright Policy 2012"-report.

⁷⁰ The shorter programs were analyzed entirely. The more extensive programs were analyzed in their relevant sections from the copyright perspective. These relevant sections included areas such as cultural policy, innovation policy, information society policy, technology policy and communications policy. In addition the search with keyword of "copyright", "intellectual property" and "IPR" was performed for more extensive programs. The programs can be found in Finnish at <http://valtioneuvosto.fi/tietoavaltioneuvostosta/hallitukset/hallitusohjelmat/fi.jsp>. Visited on 7.8.2014.

⁷¹ Translation by the researcher, original title in Finnish: "Tekijänoikeuden suuntaviivoja - keskustelumuistio politiikan muodostamisesta ja järjestelmän kehittämisestä". The report is available in Finnish at http://www.minedu.fi/OPM/Julkaisut/2007/Tekijanoikeuden_suuntaviivoja.html?lang=fi&extra_locale=fi. Visited on 30.7.2014.

⁷² The report is available in Finnish at http://www.minedu.fi/export/sites/default/OPM/Tekijanoikeus/tekijanoikeuspolitiikka/tekijanoikeus__Keskustelumuistio_18062012.pdf. Visited on 21.8.2014.

paragraphs of text outlining the policy at a general level, whereas the government programs drawn in the 2000s are 50-150 pages long documents which cover the goals and future policy actions in detail. The older programs also placed a high priority on economic, social and foreign policy; cultural issues were covered very briefly, in some programs not at all. The amount of cultural issues covered increased after the Second World War, but these issues were mainly related to the promotion of arts in general, as well as the development of cultural services and their accessibility.

The first time copyright issues are mentioned in Government Programs is during Prime Minister Vennola's First Cabinet (15.8.1919 - 15.3.1920), the fifth government of Finland: "*The government is also aware of the dilemma between the requirements and livelihood of the intellectual creative work and will pay attention to it*"⁷³. However, the word "*copyright*" was introduced for the first time as late as in 1999 in the Government Program of Prime Minister Lipponen's Second Cabinet (15.4.1999 - 17.4.2003). The amount of copyright-related mentions in government programs has gradually increased since then. The introduction and increasing importance of copyright-related issues in government programs in the late 1990s and 2000s may have been caused by two overlapping phenomena - the expansion of the government programs' comprehensiveness and the rapid development of digital technology and the Internet which has led to a certain amount of politicization of copyright-related issues. The following table summarizes the number of sections including copyright-related mentions in government programs since Prime Minister Lipponen's Second Cabinet as well as the most relevant policy programs, strategies and projects from the copyright perspective. A detailed overview of all copyright-related sections in the Finnish government programs can be found in Appendix B of this report.

⁷³ Translation by the researcher, original text in Finnish: "Hallitus on myöskin tietoinen siitä, että henkisen kulttuurityön alalla ei vallitse sopusointu sen vaatimusten ja aineellisen toimeentulon välillä ja tulee hallitus sen tähden erityisesti kiinnittämään huomiota tähän seikkaan."

Table 2. Summary of copyright-related programs, projects and strategies of each government	
Prime Minister Lipponen's Second Cabinet (15.4.1999 - 17.4.2003)	<p>Number of sections including copyright-related mentions in the government program: 2</p> <p>Copyright-related projects: "Content Finland 2000-2004" project</p>
Prime Minister Jäätteenmäki's Cabinet and Prime Minister Vanhanen's First Cabinet (24.6.2003 - 19.4.2007)	<p>Number of sections including copyright-related mentions in the government program: 3</p> <p>Copyright-related programs and strategies: The information Society Program (2003-2007): The National Knowledge Society Strategy for years 2007-2015, published in 2006 The National Broadband Strategy (2004)</p>
Prime Minister Vanhanen's Second Cabinet and Prime Minister Kiviniemi's Cabinet (19.4.2007 - 22.6.2011)	<p>Number of sections including copyright-related mentions in the government program: 4</p> <p>Copyright-related programs and strategies: The Policy Program for Employment, Entrepreneurship and Working Life (2007-2011): The National Innovation Strategy (2009) The IPR strategy (2009) Cultural Policy Strategy 2020 (2009) and the Government's Report on the Future of Culture (2011) Government Resolution on Improving the Accessibility and Promoting the Reuse of Public Information Resources in Digital Format (2011)</p>
Prime Minister Katainen's Cabinet and Prime Minister Stubb's Cabinet (22.6.2011 -)	<p>Number of sections including copyright-related remarks in the government program: 5</p> <p>Copyright-related programs and strategies: The Policy Program on Intangible Value Creation (2014-2020) The Program for Promoting Healthy Competition (2012)</p>

A. PRIME MINISTER LIPPONEN'S SECOND CABINET (1999-2003)

The Government Program of Lipponen's Second Cabinet (15.4.1999 - 17.4.2003)⁷⁴ included the objective of amending the Copyright Act. The Ministry of Education further defined copyright-related objectives for the years 2001-2004: "The goal of the amendments is to update copyright provisions to match the requirements of the digital technology and network environment by taking into account the economic conditions of the authors' work and cultural content production, as well as conditions of communication and interests of the users of protected content. The special emphasis is placed on education, research and operations of the libraries, as well as citizens' access to information."⁷⁵

⁷⁴ The Government Program of Prime Minister Lipponen's Second Cabinet is available in Finnish at <http://valtioneuvosto.fi/tietoa-valtioneuvostosta/hallitukset/hallitusohjelmat/vanhat/lipponenII/fi.jsp>. Visited on 24.7.2014.

⁷⁵ Translation by the researcher, original text in Finnish: "Uudistusten tavoitteena on saattaa tekijänoikeuslain säännökset vastaamaan digitaalitekniikan ja erityisesti verkkoympäristön vaatimuksia ottaen huomioon tekijöiden työn ja kulttuurituotteidentuotannon taloudelliset edellytykset sekä tiedonvälityksen ja suojatun aineistonkäyttäjän edut. Koulutuksen, tutkimuksen ja kirjastojen toiminnan sekä kansalaisten tiedonsaannin edellytyksiin kiinnitetään erityistä huomiota." Source: The Operating and Financial Plan 2001-2004 of the Ministry of Education, available in Finnish at <http://www.minedu.fi/export/sites/default/OPM/Julkaisut/2001/liitteet/toimintajatalous01-04pdf.pdf?lang=fi>. Visited on 26.8.2014.

Prime Minister Lipponen's Second Cabinet launched a broad-based and cross-sectoral project titled "Content Finland 2000-2004". The project aimed at developing the Finnish content and cultural industries into an internationally competitive branch alongside telecommunications technology.⁷⁶ The project was implemented through a number of measures that were prepared by the Working Group on Cultural Industry, coordinated by the Ministry of Education⁷⁷. Copyright issues in the digital environment were part of the project's top priorities in the area of cultural policy⁷⁸.

B. PRIME MINISTER JÄÄTTEENMÄKI'S CABINET AND PRIME MINISTER VANHANEN'S FIRST CABINET (2003-2007)

The government programs of Prime Minister Jäätteenmäki's Cabinet and Prime Minister Vanhanen's First Cabinet (24.6.2003 - 19.4.2007)⁷⁹ introduced the more specific copyright-related objectives of

- improving protection against computer-related crime
- promoting e-commerce
- Improving access to information and culture and developing libraries to fit the requirements of the information society.

The Ministry of Education defined the more specific copyright-related objectives for the years 2005-2008: *"Partial reforms are made to the Copyright Act and a technical overall reform is executed to clarify the legislation. The amendments made to the Copyright Act in connection with the national implementation of the European Union's Copyright directive are monitored and provisions are reviewed when needed. (...) The copyright system is developed to meet the requirements of the information society. Copyright-related skills and knowledge are increased by education and dissemination of knowledge. This will have an effect on citizens' attitudes, for example regarding harmfulness of piracy."*⁸⁰

⁷⁶ Translation by the researcher, original text in Finnish: "Hallitus käynnistää laajapohjaisen ja poikkialueellisen tietoyhteiskunnan sisältöjä kehittävä hankkeen, jonka tarkoituksena on luoda edellytykset Suomen nousemiseksi tietoliikenneteknologian ohella merkittäväksi sisältöteolliseksi maaksi." The text of the "Review 2000: The Challenge of Knowledge and Know-How", published by the Science and Technology Policy Council of Finland was used to translate the text. The document is available in English at http://www.minedu.fi/export/sites/default/OPM/Tiede/tutkimus-ja_innovaationeuvosto/julkaisut/liitteet/Review_2000.pdf. Visited on 26.8.2014.

⁷⁷ The report of the working group can be found in Finnish at http://www.minedu.fi/OPM/Julkaisut/1999/kulttuuriteollisuuden_kehittaminen_suomessa__kulttuuriteollisuus?lang=en&extra_locale=fi. Visited on 26.8.2014.

⁷⁸ Source: The Operating and Financial Plan 2001-2004 of the Ministry of Education, available in Finnish at <http://www.minedu.fi/export/sites/default/OPM/Julkaisut/2001/liitteet/toimintajatalous01-04pdf.pdf?lang=fi>. Visited on 26.8.2014.

⁷⁹ The government program of the Prime Minister Vanhanen's First Cabinet is available in English at <http://valtioneuvosto.fi/tietoarkisto/aiemmat-hallitukset/vanhanen/hallitusohjelma/en.jsp>. Visited on 7.8.2014. Prime Minister Vanhanen's First Cabinet proceeded with the implementation of Prime Minister Jäätteenmäki's Cabinet (17.4.2003 - 24.6.2003).

⁸⁰ Translation by the researcher, original text in Finnish: "Tekijänoikeuslain osittaisuudistuksia jatketaan ja tekninen kokonaisuudistus lain selventämiseksi toteutetaan. Tietoyhteiskunnan tekijänoikeuksia koskevan direktiivin edellyttämien lainsäädännön muutosten toivuutta seurataan ja tarvittaessa tarkistetaan säännöksiä. (...) Tekijänoikeusjärjestelmää kehitetään tietoyhteiskunnan vaatimuksia vastaavaksi. Tekijänoikeudellista osaamista ja tietämystä lisätään koulutuksella ja tekijänoikeuden tunnetuksi tekemisellä. Tekijänoikeuden tunnetuksi tekemisellä vaikutetaan kansalaisten asenteisiin, esimerkiksi suhtautumiseen tallenne ja verkkopiratismin haitallisuuteen." Source: Page 57 of the The Operating and Financial Plan 2005-2008 of the Ministry of Education, available in Finnish at http://www.minedu.fi/export/sites/default/OPM/Julkaisut/2004/liitteet/opm_175_TTS2005-2008.pdf?lang=fi. Visited on 26.8.2014.

▪ INFORMATION SOCIETY POLICY PROGRAM AND NATIONAL KNOWLEDGE SOCIETY STRATEGY (2006)

Prime Minister Jäätteenmäki's Cabinet and Prime Minister Vanhanen's First Cabinet (2003-2007) adopted four national policy programs⁸¹ including the Information Society Policy Program, the Citizen Participation Policy Program, the Employment Policy Program and the Entrepreneurship Policy Program.⁸² The Information Society program's⁸³ area of Electronic Commerce and Digital Contents and Services involves the objective of "*Launching the work to develop the copyright system and knowledge base so that it is in accordance with the requirements of the information society (...) The copyright system will be developed in a balanced fashion and attention paid to the interests of the industry, users, research and education, consumers and the actors concerned.*"⁸⁴

The "*National Knowledge Society Strategy*"⁸⁵ for the years 2007-2015 was drawn as a part of the Information Society Policy Program. As a part of the strategy, the strengths and weaknesses of the Finnish information society were evaluated. Copyright questions concerning digital content including copyright in employment and multi-channel issues were considered as weaknesses of the information society.⁸⁶ One of the strategy's main projects for 2007-2011 was the "*further development of the copyright system*"⁸⁷. The strategy defines the copyright-related targets for the year 2015: "*There is a comprehensive offering of commercial digital content, and services and functional business models have been created for them. The copyright system has been reformed in a manner that benefits all actors. In particular, the requirements for information society development and making business electronic, such as multi-channel distribution, have been taken into consideration. Finland has a strong content production and copyright industry, the development of which is ensured through close cooperation between content producers and service providers, and which is a significant employer. The operating prerequisites for small and medium-sized content production enterprises have been reinforced. Finland is also home to several new internationally important content formats, some of which have been successfully exported.*"⁸⁸

The objective of matching the copyright legislation with the requirements of the information society was also mentioned as a part of the National Broadband Strategy⁸⁹ adopted on 29 January 2004⁹⁰.

⁸¹ "The Policy Programmes are broad-based intersectoral subject matters that are specified in the Government Programme in order to reach the objectives set by the Government. The policy programmes comprise the measures, projects and appropriations falling within the mandates of various ministries. Societal impact objectives are defined for the policy programmes." Source: The website of the Finnish Government, available in Finnish at http://valtioneuvosto.fi/tietoarkisto/politiikkaohjelmat_2003-2007/fi.jsp.

⁸² Source: The website of the Finnish Government, available in English at http://valtioneuvosto.fi/tietoarkisto/politiikkaohjelmat_2003-2007/en.jsp. Visited on 28.7.2014.

⁸³ "The aim of the Government Information Society Programme is to boost competitiveness and productivity, to promote social and regional equality and to improve citizens' well-being and quality of life through effective utilisation of information and communications technologies. The Information Society Policy Programme aims to maintain Finland's status as one of the leading producers and users of information and communications technology. At the same time, the objective is to coordinate the measures taken by state administration at the horizontal level in order to ensure, e.g., that the measures to be implemented are neither overlapping nor inconsistent in nature." Source: Page 1 of the Information Society Program, available in English at: http://valtioneuvosto.fi/tietoarkisto/politiikkaohjelmat_2003-2007/tietoyhteiskuntaohjelma/en.jsp

⁸⁴ Source: The pages 9 and 11 of the Information Society program.

⁸⁵ See the National Knowledge Society Strategy 2007-2015 - a renewing, human-centric and competitive Finland. Available in English at http://www.tietoyhteiskuntaohjelma.fi/esittely/en_GB/introduction/index.html. Visited on 28.7.2014.

⁸⁶ See the page 9 of the National Knowledge Society Strategy.

⁸⁷ See the page 5 of the National Knowledge Society Strategy.

⁸⁸ See the page 18 of the National Knowledge Society Strategy.

⁸⁹ Source: Page 8 of the proposal for the National Broadband Strategy, available in Finnish at http://www.lvm.fi/files/50_2003.pdf

C. PRIME MINISTER VANHANEN'S SECOND CABINET AND PRIME MINISTER KIVINIEMI'S CABINET (2007-2011)

The government programs of Prime Minister Vanhanen's Second Cabinet and Prime Minister Kiviniemi's Cabinet (19.4.2007 - 22.6.2010)⁹¹ stated that *"The transfer of intellectual rights and copyrights to the new Ministry of Labour and Industry will be considered in conjunction with preparation of the organization for the new ministry"*. The issue sparked an intense debate in Finland⁹²; the government established a group to investigate the transfer⁹³ and decided to maintain copyright issues in the administrative branch of the Ministry of Education. The government however established a ministerial group on intellectual property rights⁹⁴ and published a memorandum which provided guidelines for the administration of copyright.⁹⁵ In addition to the objective of amending the Copyright Act, the government program included several copyright-related objectives such as

- preparing a national innovation strategy and the IPR strategy
- reforming the tax treatment of royalties
- assessing the operation of the copyright system
- assigning the intellectual property related cases to specialist courts.

In addition, the Ministry of Education and Culture further defined the following copyright-related objectives in the Operating and Financial Plan for the years 2009-2012⁹⁶:

- Increasing cooperation in the copyright-related legislative drafting process

⁹⁰ See the final report on the implementation of the strategy in English at <http://www.lvm.fi/filesserver/national%20broadband%20strategy.pdf>. Visited on 1.9.2014.

⁹¹ See the program of the Prime Minister Vanhanen's Second Cabinet in English at <http://valtioneuvosto.fi/tietoarkisto/aiemmat-hallitukset/vanhanenII/hallitusohjelma/en.jsp>. Visited on 25.7.2014. Kiviniemi's government proceeded with the implementation of the government program of Prime Minister Vanhanen's Second Cabinet.

⁹² The debate was connected to copyright in employment. Some politicians and stakeholder groups felt that the Ministry of Education was focusing too much on the rights of authors and performers at the expense of the financial interests. According to these critics, the new Ministry of Labour and Industry would address these different interests more equally. (Source: Jukka Liedes, Anna Vuopala, Viveca Still, Ministry of Education and Culture. Interviewed on 16.6.2014) The critics stated that in a converging information society copyright should be seen as part of the broader societal context. Some supporters of the existing system argued that copyright on a fundamental level is a protection for natural persons and not for companies. According to the supporters, the actors in the field of copyright are for the most parts the same as in the field of culture and the Ministry of Education already has an expertise and networks in this area. For more information on the arguments of the both sides, see pages 7 and 8 of the "Industrial rights and Copyright" study, prepared by the Prime Minister's Office, available in Finnish at <http://valtioneuvosto.fi/tiedostot/julkinen/pdf/teollis-ja-tekijanoikeudet/selvitys.pdf>.

⁹³ The investigation was led by officials at the Prime Minister's Office and the members of the group were permanent secretaries of the Ministry of Education and Culture, Ministry of Trade and Industry and Ministry of Employment. The investigation report prepared by the group listed the pros and cons of transfer and the report was circulated to 180 stakeholder or other groups which resulted in 141 statements. The existing system, in which the copyright issues are in the responsibility area of the Ministry of Education, was supported in the majority of the statements. Sources:

- The "Industrial rights and Copyright" study, prepared by the Prime Minister's Office, available in Finnish at <http://valtioneuvosto.fi/tiedostot/julkinen/pdf/teollis-ja-tekijanoikeudet/selvitys.pdf>
- The Website of the Government, in Finnish at <http://valtioneuvosto.fi/ajankohtaista/tiedotteet/tiedote/en.jsp?toid=2213&c=0&moid=2208&oid=208941>. Visited on 4.8.2014.

⁹⁴ Source: Website of the Government, available in Finnish at <http://valtioneuvosto.fi/ajankohtaista/tiedotteet/tiedote/fi.jsp?oid=210863>. Visited on 26.8.2014.

⁹⁵ For example, cooperation and consideration of varying interests in legislative drafting process was aimed to be improved by increasing the size of the Copyright Commission. Source: The memorandum by the Government, available in Finnish at <http://valtioneuvosto.fi/tiedostot/julkinen/tiedotteet/fi210837.pdf>. Visited on 5.8.2014.

⁹⁶ Sources: The Operating and Financial Plan of the Ministry of Education and Culture for the years 2009-2012 http://www.minedu.fi/OPM/Julkaisut/2008/toiminta_ja_taloussuunnitelma.html?lang=fi. Pages 55-57 and the Review of the Future 2010 by the Ministry of Education and Culture. Visited on 26.8.2014.

- Increasing copyright-related awareness and skills by education and dissemination of knowledge
- Increasing public counselling and education services for professionals
- Assessing and monitoring the operation of the copyright system and legislation
- Partially amending the Copyright Act
- Considering the questions of the copyright in employment and copyright issues of multichannel distribution in connection with the amendments
- Developing the systems of fair compensation for private copying and extended collective licensing
- Promoting the development of contract making and good practices
- Preparing a forward-looking copyright policy
- Participating to the preparation of the IPR-strategy
- Preparing to increase in the remunerations for copying and recording caused by the increasing use of the protected materials
- Organizing preparations for a prospective increase of the public lending remuneration and considering an extension of the system to libraries serving education or research.

▪ THE NATIONAL INNOVATION STRATEGY (2009) AND THE IPR STRATEGY (2009)

The National Innovation Strategy and IPR Strategy were set to be drawn as part of the Policy Program for Employment, Entrepreneurship and Working life.⁹⁷ *“The national innovation strategy”⁹⁸ is intended to create prerequisites for a broad-based innovation policy in Finnish society, to ensure the international competitiveness of our innovation environment, and to promote the creation and utilization of innovations. A national strategy on industrial property rights and copyright will be drawn up as part of the measures to strengthen innovation policy.*⁹⁹

The Government's Resolution for a strategy concerning intellectual property rights (IPR strategy)¹⁰⁰ prepared by the Ministry of Employment and the Economy in cooperation with the Ministry of Education was published on 26.3.2009. According to the strategy, the following key development trends have significant impact on intellectual property related issues: globalization, digitalization and convergence, politicization of intellectual property rights and expansion of the scope of intellectual property rights.¹⁰¹ The strategy's goal for the year 2015 is Finland to have an operational IPR system and legislation supporting efficiently innovation and creativity. The strategy defines five target areas for development (which include several goals and 60¹⁰² measures for implementation): (1) IPR-related skills, (2) the efficiency and clarity of the rights, (3) competition policy and functionality of markets based on intellectual property rights, (4) functional and economic efficiency of the system and (5) activities related to international and EU intellectual property rights policy. The measures based on the *“IPRs to Efficient Use - Background material for the strategy concerning industrial property rights and copyright”¹⁰³* were set to be implemented in the responsibility areas of the ministries of the Economy

⁹⁷ The program is available in English at <http://valtioneuvosto.fi/tietoarkisto/politiikkaohjelmat-2007-2011/tyo-yrittaminen-tyoelama/en.jsp>. Visited on 28.7.2014. Two other policy programs were Policy program for health promotion and Policy program for well-being of children, youth and families.

⁹⁸ The Governments communication on national innovation strategy is available in English at https://www.tem.fi/files/21010/National_Innovation_Strategy_March_2009.pdf. Visited on 28.7. 2014.

⁹⁹ See the pages 18, 19 and 63 of the Government Strategy Document of Vanhanen's Second Cabinet, available in English at <http://vnk.fi/julkaisut/julkaisusarja/julkaisu/en.jsp?oid=225542>. Visited on 28.7.2014.

¹⁰⁰ The Government's resolution on the strategy concerning intellectual property rights is available in English at http://www.tem.fi/files/22788/vn_periaatepaatos_ipr_strategia_en.pdf. Visited on 27.7.2014.

¹⁰¹ Source: The Government's resolution on the strategy concerning intellectual property rights is available in English at http://www.tem.fi/files/22788/vn_periaatepaatos_ipr_strategia_en.pdf. Visited on 27.7.2014.

¹⁰² Source: The report on the evaluation of the implementation of the IPR strategy. Available in Finnish at http://www.tem.fi/files/31838/TEMraportti_1_2012.pdf. Visited on 7.8.2014.

¹⁰³ The report is available in English at https://www.tem.fi/files/26944/TEM_27_2010_netti.pdf. Visited on 7.8.2014.

and the Employment and the Ministry of Education and Culture. The steering board and the project group, established for the implementation of the program, included representatives from the Ministry of Employment and the Economy and the Ministry of Education and Culture, as well as from the Finnish Patent and Registration Office.¹⁰⁴

According to an audit report on the implementation of the strategy published in 2012, the IPR strategy was well prepared and its goals and measures are still relevant¹⁰⁵. However, the implementation of the strategy has been seen as lacking effective coordination.¹⁰⁶ Officials of the Ministry of Education and Culture recognized the shortcomings in the implementation of the strategy.¹⁰⁷ Some of the copyright-related measures have been implemented, but the ministry has not reached a stage at which it would have systematically, point by point, implemented the measures of the strategy¹⁰⁸.

▪ COPYRIGHT ISSUES IN CULTURAL AND COMMUNICATION POLICY DOCUMENTS

The Government's "*Cultural Policy Strategy 2020*"¹⁰⁹, prepared by the Ministry of Education and Culture, was published on 20.4.2009. Copyright issues were covered as a part of the strategy but no explicitly copyright-related actions were proposed in the strategy. The Government also submitted a report to the parliament on the future of the culture in 2011¹¹⁰. The report proposed several copyright-related actions. These included:

- developing the copyright system to better respond to changes in the operating environment
- developing the copyright system to provide better and more efficient access to materials through libraries, archives, education and research institutions, museums and archives¹¹¹
- developing the copyright-related skills

The Government Resolution on improving the accessibility and promoting the reuse of public information resources in digital format¹¹², prepared by the Ministry of Transport and Communications,

¹⁰⁴ In addition, the steering group included representative of Tekes. Source: the evaluation report. http://www.tem.fi/files/31838/TEMraportti_1_2012.pdf. Page 33.

¹⁰⁵ Page 6 of the IPR strategy's evaluation report, available in Finnish at http://www.tem.fi/files/31838/TEMraportti_1_2012.pdf. Visited on 7.8.2014.

¹⁰⁶ The ministries have implemented the measures separately, although the starting point of the strategy was to consider all intellectual property rights together. According to the evaluation document on the implementation of the strategy: "The interviewees' comments on the resources and cooperation between the ministries in the implementation of the IPR strategy are occasionally similar to the observations regarding policy programs made by the National Audit Office. According to the National Audit Office, the influence of the policy programs in the coordination of the administration has been quite limited and the programs have not been able to substantially bring together parallel and overlapping preparation and coordination activities." Translation by the researcher, original text in Finnish: "Haastateltujen kommentit IPR-strategian toimenpideohjelman toteuttamisen resursoinnista ja yhteistyöstä ministeriöiden välillä ovat kuin suoraan valtiontalouden tarkastusviraston (VTV) politiikkaohjelmia koskevasta havainnoista. VTV:n mukaan politiikkaohjelmien merkitys." hallinnonalojen ohjaustoiminnassa on jäänyt melko vähäiseksi eivätkä ohjelmat ole onnistuneet merkittävästi kokoamaan rinnakkaisia ja limittäisiä valmistelu- ja ohjaustoimia." Source: The IPR strategy's evaluation report, available in Finnish at http://www.tem.fi/files/31838/TEMraportti_1_2012.pdf. Page 16.

¹⁰⁷ The information was provided by the officials of the Ministry of Education and Culture, Jukka Liedes, Viveca Still and Anna Vuopala (interviewed on 16.6.2014)

¹⁰⁸ The information was provided by Jukka Liedes, director at the Division for Copyright Policy and the Economy of Culture at the Ministry of Education and Culture (interviewed on 16.6.2014).

¹⁰⁹ The Cultural Policy Strategy 2020 is available in Finnish at http://www.minedu.fi/OPM/Julkaisut/2009/Kulttuuripolitiikan_strategia_2020. Visited on 12.8.2014.

¹¹⁰ The report is available in Finnish at http://www.minedu.fi/OPM/Julkaisut/2011/Valtioneuvoston_selonteko_kulttuurin_tulevaisuudesta. Visited on 12.8.2014.

¹¹¹ See page 22 of "The Government's report for the parliament on the future of the culture".

¹¹² The resolution is available in English at <http://www.lvm.fi/tiedote/-/view/1234053>. Visited on 1.9.2014.

was adopted on 3.3.2011. One of the measures of the resolution included: “Assess, from the point of view of copyright legislation, how and to what extent the public domain use of information resources can be speeded up and in which situations it is in the national interest to protect material with copyrights.”

D. PRIME MINISTER KATAINEN’S AND PRIME MINISTER STUBB’S CABINET (2011-2014)

The Government Program of Prime Minister Katainen’s Cabinet (22.6.2011 - 24.6.2014)¹¹³ included several general-level and specific copyright-related objectives. The program also stated that the copyright legislation will be preserved under the Ministry of Education and Culture and the consideration of cases related to intellectual property rights are concentrated in the Market Court. The program proceeded with developing the IPR strategy and introduced the following specific objectives regarding the copyright system and legislation:

- revision of the system of fair compensation for private copying
- development of the legislation to eliminate illegal use of creative materials
- promotion of public access to digitized materials in libraries, museums and public arts institutions
- specification of reasonable terms and conditions, as well as remunerations related to the transfer of copyright
- dissemination of copyright-related knowledge by training, research and counselling
- introduction of open source software solutions in the public sector

According to the Operating and Financial Plan of the Ministry of Education and Culture for the years 2015-2018, digitalization and network-based production and operation models require new kinds of copyright skills. The following objectives are mentioned¹¹⁴:

- developing the copyright system such as increasing the possible uses of extended collective licensing extended collective licensing to support the creative economy and legal exploitation of creative contents
- separating the remunerations of copying and recording in teaching and the remunerations of copying and recording in government administration.

▪ UPDATE OF THE IPR STRATEGY AND THE POLICY PROGRAM ON INTANGIBLE VALUE CREATION

The continuation and update of the IPR strategy was part of the Government Program of Jyrki Katainen’s Cabinet (22.6.2011 - 24.6.2014): “*The implementation of the intellectual property rights (IPR) strategy will continue, and the action plan included in the strategy will be reformed on the basis of the changes that have taken place in the operating environment and the Government priorities.*”¹¹⁵ Several measures of the strategy’s action plan were removed and some added in connection with the update to make the strategy more compact¹¹⁶. “*The updated action program for the IPR strategy emphasises the strengthening of the management and commercial utilisation of intellectual property rights, preparing*

¹¹³ The government program of Prime Minister Jyrki Katainen’s Government is available in English at <http://valtioneuvosto.fi/tietoarkisto/aiemmat-hallitukset/katainen/hallitusohjelma/en.jsp>. Visited on 25.7.2014. Stubb’s cabinet proceeded with the implementation of the government program of the Prime Minister Katainen’s Cabinet. The supplementary Government Program of the Prime Minister Stubb’s Cabinet is available in English at <http://valtioneuvosto.fi/hallitus/hallitusohjelma/en.jsp>. Visited on 25.7.2014.

¹¹⁴ The Operating and Financial Plan of the Ministry of Education and Culture for the years 2015-2018. Source: <http://www.minedu.fi/export/sites/default/OPM/Julkaisut/2014/liitteet/okm03.pdf?lang=fi>. Page 50. Visited on 29.7.2014.

¹¹⁵ Source: Page 64 of the government program of the Prime Minister Jyrki Katainen’s Government.

¹¹⁶ The information was provided by Mikko Huuskonen, the Special Government Advisor at the Ministry of the Employment and the Economy (phone interview on 27.8.2014).

for changes in the European industry-justice system and the updating of regulation and taxation.”¹¹⁷ The working group on industrial property rights at the Ministry of Employment and the Economy¹¹⁸ proceeded with monitoring the implementation of the IPR strategy.

In addition, the IPR strategy was combined with key policy measures promoting business and entrepreneurship in the creative industries and the updated national design program to constitute the Policy Program on Intangible Value Creation (2014)¹¹⁹. The program was prepared by the Enterprise and Innovation Department at the Ministry of Employment and the Economy¹²⁰. *“The objective of the Policy programme for intangible value creation is to enhance the prerequisites for intangible investments, strengthen the expertise related to the utilization of intellectual capital and intangible value creation and to promote the development of innovation-based business in Finland. The aim is also to strengthen the economic base of cultural production thus ensuring the maintenance and renewal of the nation’s intellectual capital. (...) The Ministry of Employment and the Economy and the Ministry of Education and Culture will establish a cross-sectoral coordination group between the central ministries for the purpose of ensuring that the viewpoint of intangible value creation is accounted for in public development measures and to guide and monitor the implementation of the resolution.”*¹²¹

The Program introduced four target areas and several measures for its implementation. The target area *“More Effective Utilization of Intellectual Property Rights”* included measures for intellectual property rights related policy in general, primarily implemented by the Ministry of Employment and the Economy, as well as measures more closely related to copyright such as:¹²²

- preparing copyright policies taking into account changes in the operating environment and government guidelines related to intellectual property rights and innovation policy,
- promoting expertise in agreements and licensing related to copyright in cooperation with different actors,
- exploring the opportunities of universities, polytechnics and research institutions for more extensive cooperation in the productization of intellectual property rights and the prerequisites for coordinated, more cluster-like activities of these licensing functions,
- producing a report on the needs to develop the intellectual property rights system based on changes in the operating environment and criticisms aimed at the IPR system (conducted by the Ministry of Economy and the Employment).

▪ COPYRIGHT-RELATED MEASURES IN INNOVATION, COMPETITION AND OTHER POLICY DOCUMENTS

Several innovation policy documents have been published after the IPR strategy. These include the *“Research and Innovation Policy for 2011-2015”* by the Research and Innovation Council¹²³, as well as

¹¹⁷ See the page 9 of the Government Resolution on a Policy Programme on Intangible Value Creation.

¹¹⁸ The information was provided by Mikko Huuskonen, Special Government Advisor at the Ministry of the Employment and the Economy (phone interview on 27.8.2014).

¹¹⁹ The Government Resolution on a Policy Programme on Intangible Value Creation is available in English at https://www.tem.fi/files/39770/vnp_aineettoman_arvonluonnin_kehittamisohjelmasta_EN.pdf. Visited on 29.7.2014.

¹²⁰ The information was provided by Mikko Huuskonen, Special Government Advisor at the Ministry of the Employment and the Economy (phone interview on 27.8.2014).

¹²¹ Source: pages 2 and 15 of the Government Resolution on a Policy Programme on Intangible Value Creation.

¹²² Source: the page 13 of the Government Resolution on a Policy Programme on Intangible Value Creation.

¹²³ Source: the “Research and Innovation Policy for 2011-2015” document, available in Finnish at https://www.tem.fi/files/29559/Tutkimus_ja_innovaatiopoliittinen_linjaus2011_2015.pdf. Visited on 12.8.2014.

*“The Innovation Policy for 2012-2015 and priorities for 2011”*¹²⁴ and *“The goals of the Innovation Department 2012-2016”* by the Ministry of Employment and the Economy¹²⁵. However, intellectual property related issues are covered very briefly in these documents¹²⁶. The word “copyright” is mentioned only once, when citing the Copyright Act in the *“Research and Innovation Policy for 2011-2015”* document.

The Program for Promoting Healthy Competition (2012)¹²⁷ prepared by the Ministry of Employment and the Economy aims at improving the effectiveness of competition, particularly in home market sectors. The program focused on three sectors: (1) Reduction of shortcomings caused by the centralized structure of the grocery trade, (2) competition neutrality in public sector business activities and (3) obstacles to and restrictions of competition arising from legislation. The third sector includes the following copyright-related objectives:

- *“By the beginning of 2014, the Ministry of Education and Culture will investigate how the private copying levy system could be revised from the beginning of 2014, in the manner referred to in the Government Program, in conditions involving rapid technological development.”*
- *“During 2013, an assessment, in cooperation with copyright organizations, will be performed (by the Ministry of Education and Culture) on how and to what schedule legal persons can become customers of such organizations.”*
- *“In 2013, the position of copyright organizations will also be assessed from the perspective of competition policy.”*¹²⁸

The Government also adopted the Communications Policy Program for Electronic Media in 26.9.2012, but copyright issues were left outside its scope.¹²⁹

E. THE PROCESS OF DRAFTING AN EXPLICIT COPYRIGHT POLICY DOCUMENT FOR FINLAND

The idea of drafting an explicit copyright policy document for Finland was born at the beginning of the 2000s and progressed in connection with the copyright legislative drafting process during the years 2002-2005¹³⁰. The goal of the Ministry of Education and Culture was to prepare the document taking into account discussions in the copyright field.¹³¹ The project was launched when the Ministry of Education and Culture published the report *“Guidelines for copyright - memorandum on outlining the*

¹²⁴ The document is available in Finnish at https://www.tem.fi/files/27599/Innovaatiopolitiikan_painopisteet_vuodelle2011_Final.pdf. Visited on 12.8.2014.

¹²⁵ Available in Finnish at https://www.tem.fi/files/30843/Innovaatio-osaston_tavoitteet_vuosille_2012_2016pdf.pdf. Visited on 12.8.2014.

¹²⁶ The evaluation report. http://www.tem.fi/files/31838/TEMraportti_1_2012.pdf. Page 7.

¹²⁷ The Program for Healthy Competition is available in English at http://www.tem.fi/files/34284/Programme_for_promoting_healthy_competition_19092012.pdf. Visited on 28.8.2014.

¹²⁸ The study focusing on the position of the copyright organizations, prepared by the Finnish Competition and Consumer Authority can be found in Finnish at <http://www.kkv.fi/globalassets/kkv-suomi/julkaisut/selvitykset/2014/kkv-selvityksia-2-2014.pdf>. Visited on 28.8.2014.

¹²⁹ See the page 9 of the program, available in English at <http://www.lvm.fi/lvm-mahti-portlet/download?did=80234>. Visited on 28.8.2014.

¹³⁰ Source: Jukka Liedes, director at the Division for Copyright Policy and the Economy of Culture at the Ministry of Education and Culture (interviewed on 16.6.2014) and the “Copyright Policy 2012” document, available in Finnish at http://www.minedu.fi/OPM/Julkaisut/2012/Tekijanoikeuspolitiikka2012.html?lang=fi&extra_locale=fi. Visited on 30.7.2014

¹³¹ The information was provided by Jukka Liedes, director at the Division for Copyright Policy and the Economy of Culture at the Ministry of Education and Culture (interviewed on 16.6.2014).

copyright policy and development of the system” (2007)¹³². The report presents the operating environment, development of copyright legislation as well as fundamental philosophical and ideological questions related to the system. In addition, the memorandum includes 100 questions for the stakeholder groups regarding the system’s operation and development needs.

The “*Copyright Policy 2012*” report¹³³ was published as a follow-up and it further emphasizes the advantages of the explicitly outlined copyright policy; it gives an opportunity for everyone to understand, assess, support or criticize the actions that the government is planning¹³⁴. The report presents the operating environment of copyright as well as national, European Union level and international copyright-related questions. The relevant national copyright questions presented in the report include copyright issues in teaching and research, definitions of private and public uses, libraries and e-books, remunerations paid within the public lending right scheme, preservation of and access to cultural heritage, cross-border licensing, the online television program storage services, the must carry injunction related to television and radio programs, ephemeral recording, the development of extended collective licensing, linking and search engines, piracy, reasonable terms and conditions and appropriate remuneration in the transfer of copyrights, the applicable laws, implied licenses, the legal remedies, art forgery, the fair compensation for authors for the reproduction in private use, the areas of free use and the concepts of the Copyright Act.¹³⁵ The report presents the summary of stakeholder statements regarding the previous 100 questions presented in the “*Guidelines for Copyright*” report. The “*Copyright Policy 2012*” was also circulated to stakeholder groups and 85 written statements were received as a response¹³⁶. The Ministry of Education and Culture has been busy with legislative drafting in 2013 and 2014 and the policy outlining process has been on the sidelines for the past few years.

¹³² Translation by the researcher, original title in Finnish: ”Tekijänoikeuden suuntaviivoja - keskustelumuistio politiikan muodostamisesta ja järjestelmän kehittämisestä”. The report is available in Finnish at http://www.minedu.fi/OPM/Julkaisut/2007/Tekijanoikeuden_suuntaviivoja.html?lang=fi&extra_locale=fi. Visited on 30.7.2014.

¹³³ The report is available in Finnish at http://www.minedu.fi/export/sites/default/OPM/Tekijaanoikeus/tekijaanoikeuspolitiikka/tekijanoikeus__Keskustelumuistio_18062012.pdf. Visited on 21.8.2014.

¹³⁴ Source: Page 6 of the ” Guidelines for copyright - memorandum on outlining the copyright policy and development of the system”.

¹³⁵ See the pages 19-23 of the ”Copyright Policy 2012” report, available in Finnish at http://www.minedu.fi/export/sites/default/OPM/Tekijaanoikeus/tekijaanoikeuspolitiikka/tekijanoikeus__Keskustelumuistio_18062012.pdf. Visited on 25.8.2014.

¹³⁶ Source: Presentation related to copyright policy, available in Finnish at http://www.minedu.fi/export/sites/default/OPM/Tekijaanoikeus/tekijaanoikeuspolitiikka/TNK_1210_lausunotokierroksen_painotukset.pdf. Visited on 5.8.2014.

Conclusions

A. ANALYSIS AND SUMMARY OF THE RESULTS

▪ NATIONAL AND INTERNATIONAL PERSPECTIVES TO COPYRIGHT POLICY

The Finnish Ministry of Education and Culture is responsible for preparing copyright policies and legislation, as well as ensuring the balanced operation of the copyright system. The ministry also directs funds to projects aiming at developing the copyright system and holds a prominent informative role on the application of the Copyright Act through the statements provided by the Copyright Council. The copyright-related work at the ministry takes usually place in ad hoc working groups, but the permanent bodies (the Advisory Board on Copyright Issues since 2012, and previously the Copyright Committee in 1976-1992 and the Copyright Commission in 1992-2011) have had a prominent role in the preparatory work as well as in supporting the ministry's work on legislative drafting and policy development. Whereas the tasks of the Copyright Committee and the Copyright Commission included the preparation of copyright legislation and policy, the currently operating advisory board acts as an expert body and discussion forum between the Ministry of Education and Culture and stakeholder groups.

The Ministry of Education and Culture has regular interaction with the Ministry of Justice, the Ministry of Transport and Communications and the Ministry of Employment and the Economy regarding copyright issues. The intensity of the cooperation between the Ministry of Education and Culture and other ministries has changed over the time. For example in the 1980s and 1990s, the Ministry of Education and the Ministry of Transport and Communications had dozens of mutual committees or working groups in areas requiring cooperation. In 2000s, the operations of the ministries have been conducted more independently. However, there was period of intense cooperation during Prime Minister Vanhanen's Second Cabinet (2007-2010) when the ministerial working group on intellectual property rights issues was operating and several copyright-related working groups at the Ministry of Education and Culture were engaged in cross-sectorial cooperation.

The Finnish copyright legislation is influenced by several international conventions and treaties. Finland has been active in developing and reforming the copyright-related international contractual framework. Finland contributes to the relevant decision making in the EU institutions and participates to the preparation process of directives and other co-regulation mechanisms at the Council of the European Union. A considerable proportion of the preparatory work and essential decisions regarding the EU Copyright Directive was made during Finland's presidency of the Council of the European Union in 1999. The Nordic cooperation between Finland, Sweden, Norway, Iceland and Denmark has been an important element in the development of the Finnish copyright legislation. The cooperation started in the 1930s and resulted in coordinated Nordic copyright legislation in 1960-1961.

▪ NATIONAL COPYRIGHT POLICIES, PROGRAMS AND STRATEGIES 1999-2014

The flourishing of new technologies and the development of the Internet, especially since the middle of the 1990s¹³⁷, has dramatically changed copyright's operating environment and markets: citizens come in contact with copyrighted content in their daily communication, copyright's relevancy in areas outside the traditional cultural sector has increased significantly and the markets are increasingly international.

¹³⁷ Several new actors such as the representatives of the telecommunication industry, technology industry, teachers, librarians and groups promoting users' rights entered the copyright-related discussion at this stage. The Information was provided by Jukka Liedes, director at the Division for Copyright Policy and the Economy of Culture at the Ministry of Education and Culture (interviewed on 16.6.2014).

At the same time, the amount of stakeholder groups influenced by copyright legislation and willing to participate in legislative drafting has increased significantly. Reaching a consensus between different groups in this context has become more difficult¹³⁸. Finland's copyright policy in the 2000s has primarily aimed at ensuring the balanced operation of the copyright system, as well as creating conditions for commerce in the new environment.

At the national level, copyright has been covered as part of broader policy areas: first in the context of the *cultural or content industries* when Prime Minister Lipponen's Second Cabinet (1999-2003) launched the "*Content Finland 2000-2004*" project to develop the Finnish content and cultural industries into an internationally competitive branch. Then as a part of the *information society development* when Prime Minister Jäätteenmäki's cabinet and Prime Minister Vanhanen's First Cabinet (2003-2007) adopted the Information Society Program and the National Knowledge Strategy (2006). And finally, as part of the *innovation policy* when the IPR strategy was prepared during Prime Minister's Vanhanen's Second Cabinet (2007-2010). The strategy was complemented with central updated policy measures promoting business and entrepreneurship in the creative industries and the updated national design program which constituted the Policy Program on Intangible Value Creation for 2014 to 2020 during the period of Jyrki Katainen's Cabinet (2011 - 2014).

Copyright has also been an influential factor taken into account when drafting cultural, communication and competition policy documents. These include policy documents such as the "*Cultural Policy Strategy 2020*" (2009), the Government's report for the Parliament on the Future of Culture (2011), the Government Resolution on Improving the Accessibility and Promoting the Reuse of Public Information Resources in Digital Format (2011) and the Program for Promoting Healthy Competition (2012).

At the same time, an explicit copyright policy has been developed at the Ministry of Education and Culture. The idea of drafting an explicit copyright policy document for Finland was born at the beginning of the 2000s and the project was launched with the "*Guidelines for Copyright - Copyright Policy and Development of the System*" (2007) followed by the "*Copyright Policy*" memorandum in 2012. The goal of the project is to prepare a document taking into account the discussions in the copyright field. In 2013 and 2014, the Ministry of Education and Culture has been busy with the legislative drafting process and the policy outlining process has been temporarily left on the sidelines.

Individual policy measures or political debates were not analyzed comprehensively in this study. However, when considering copyright-related measures defined in the policy documents of the 2000s and interviews made as part of this study, three clearly visible general level copyright-related discourses can be identified: (1) The discourse on the deteriorating incomes of authors, performers and other right holders, which has resulted in the public actions in enhancing the copyright protection, preventing piracy, disseminating knowledge and creating new e-commerce; (2) Copyright criticism by the general public and the newly established stakeholder groups promoting users' rights¹³⁹ such as freedom of

¹³⁸ The information was provided by officials at the Ministry of Education and Culture, Jukka Liedes, Viveca Stil and Anna Vuopala (interviewed on 16.6.2014).

¹³⁹ Electronic Frontier Finland, established in 2001, has participated actively to the copyright-related discussion by promoting users' right in the digital environment and is part of the Advisory Board on Copyright issues, led by the Ministry of Education and Culture. Electronic Frontier Finland has approximately 1500 members. In the political field, the Pirate Party of Finland was founded in 2008. At the beginning of 2012, it had approximately 3800 members and it is the biggest party outside the Parliament in Finland. One of the main objectives of the Pirate Party of Finland is "to promote freedom of information by removing excessive copyright restrictions, abolishing the current patent system and by promoting the spread and openness of government and scientific data".

Sources:

- The website of the Pirate Party of Finland, available in English at <http://piraattipuolue.fi/english>. Visited on 19.8.2014.
- The website of Electronic Frontier Finland in English at <https://effi.org/index.en.html>. Visited on 19.8.2014.
- The Annual Report 2013 of the Electronic Frontier Finland, available in Finnish at <http://wiki.effi.org/toimintakertomus2013/>. Visited on 19.8.2014.

speech, privacy and access in the digital environment (the latest reflection of the second discourse was the “*Common sense into copyright law*” citizen’s initiative examined by the Finnish Parliament in late 2013¹⁴⁰); (3) The discourse on ownership of copyright between authors, performers or employees and companies and organizations. An intense debate on the ownership of copyright was sparked in 2007 and the administration of copyright and other intellectual property rights were considered in connection with the establishment of the new Ministry of Employment and the Economy. The Government nevertheless decided to maintain the administrative branch of copyright issues at the Ministry of Education.

In conclusion, it seems that copyright issues have been the subject of an increasing number of national policies throughout the years. Despite the fact that copyright legislation is nowadays largely drafted at the international level, Finland has been actively involved in policy development in international instances and has continued developing its own national policies focused on the operational aspects of copyright. Such policy drafting at national level has increased in recent years to meet the new challenges carried on by the development of the information society. It has also been influenced by the fact that copyright questions have become the subject of intense interest and discussions in the society in general.

B. METHODOLOGICAL FINDINGS

▪ LIMITATIONS

The policy programs and strategies were analyzed focusing on the time period 1999-2014. This study focused on the objectives and measures of the Finnish copyright-related programs and strategies, but not on their actual implementation. The study includes programs and strategies mentioned in the interviews conducted, in government programs and in other copyright-related strategy or program documents. These however do not necessarily include all the programs and strategies including copyright-related topics. Operating and financial plans of the Ministry of Education and Culture were analyzed to demonstrate copyright-related policy objectives but only one operating and financial plan of each government period was referenced in the report. This information will tell about the copyright-related policy objectives of each government. The aim of this pilot study was not however to provide an exhaustive list of copyright-related policy objectives defined by the Ministry of Education and Culture in the 2000s.

▪ GUIDELINES FOR FUTURE RESEARCH

In the case of Finland, the workload for collecting data and drafting this report could be evaluated at 8 weeks of full-time work. Identifying the relevant programs and strategies can start with interviewing government officials and analyzing the copyright-related remarks in national policy, strategy or program documents, such as government programs. The identified programs and strategies can be further analyzed for references of other relevant strategies and programs. In the case of Finland, the major part of the relevant copyright strategies was found in the areas of cultural, innovation, competition and communication policy.

The implementation of the actual measures resulting from policy programs and strategies could be analyzed in future research. The analysis could focus on the legislative initiatives and projects that have been undertaken on the grounds of programs and strategies, as well as on those initiated by other

¹⁴⁰ See the news article on the initiative in Finnish at <http://www.itviikko.fi/talous/2013/11/27/toivonkipina-tekijanoikeusaloitteelle-tuskin-taastymaysta/201316465/7->. Visited on 11.8.2014.

means (e.g. by ministers). Another topic for future research could be the measures that have been considered but not implemented for different reasons. This could provide information on the historical and political development of the copyright system. The studies applying *Description sheet 2 – International and Regional Context* and *Description Sheet 5 – Copyright Law* provide information which would support this analysis.

Appendices

A. DESCRIPTION SHEET

Description sheet as presented in the Methodology Handbook, version 20.12.2013.

Description sheet 6. Copyright policy		
<p>Description of the public copyright policies, strategies and programs that are directly related to copyright: Consider for example the following policy areas:</p> <ul style="list-style-type: none"> - intellectual property rights, - culture, - competition, - innovation, - information and communication, - electronic commerce, - data protection - freedom of speech and other fundamental rights, - employment 		
Guidelines for data collection	<p>The information can be collected as a desktop study through available national information sources, such as information provided by the government. Expert interviews can also be used.</p> <p>The data should be collected over a period allowing meaningful analysis and providing a correct representation of public activity in the field, for example: 5 years.</p>	
Definitions	<p><i>Public policies, strategies and programs</i></p>	<p><i>Policies, strategies and programs decided and conducted by public actors, either at the national level (by the government) or by lower public authorities (such as regions, provinces or states) with responsibilities related to copyright.</i></p>
Limitations of the indicator	<p>It might be difficult to determine which policies are directly related to copyright, and therefore defining the scope of the description can be challenging.</p>	

B. COPYRIGHT-RELATED OBJECTIVES IN THE FINNISH GOVERNMENT PROGRAMS

Table A1. Copyright-related objectives in the Finnish government programs			
Government program	Time period	Section	Objective
Prime Minister Lipponen's Second Cabinet ¹⁴¹	15.4.1999 - 17.4.2003	Education, Science and Equality - Cultural Policy	<i>Copyright legislation will be amended in order to match requirements imposed by the new communication technologies</i> ¹⁴²
		Education, Science and Equality - Information Society	<i>The Government will launch broad-based and cross-sectoral project on developing contents of the information society, which aims at developing Finnish content and cultural industries into an internationally competitive branch alongside telecommunications technologies.</i> ¹⁴³
Prime Minister Jäätteenmäki's Cabinet and Prime Minister Vanhanen's First Cabinet ¹⁴⁴	17.4.2003 - 24.6.2003 and 24.6.2003 - 19.4.2007	Education, Science and Cultural Policy - Culture	<i>The opportunities inherent in information technologies for increasing communication, cooperation and interaction will be used in cultural work. Input in electronic content creation will be promoted. Copyright legislation will be revised during the Government's term of office.</i> ¹⁴⁵
		Transport and Communications policy - Information Society and Communications Policy	<i>Legislation will also be updated to guard against information security risks and computer-related crime.</i> ¹⁴⁶
		"Information Society" Policy Program	<i>The programme will foster provision of digital services and content, and encourage companies to engage in e-commerce and networking. Access to information and culture will be improved and the library system upgraded to meet the needs of the information society. Copyright legislation will be developed to meet the requirements of the information society. Confidence in information society services among the general public and</i>

¹⁴¹ The Government Program of the Prime Minister Lipponen's Second Cabinet is available in Finnish at <http://valtioneuvosto.fi/tietoa-valtioneuvostosta/hallitukset/hallitusohjelmat/vanhat/lipponenII/fi.jsp>. Visited on 1.9.2014.

¹⁴² Translation by the researcher, original sentence in Finnish: "Tekijänoikeuslainsäädäntöä uudistetaan vastaamaan uuden viestintäteknologian vaatimuksia." The government program is available in Finnish at <http://valtioneuvosto.fi/tietoa-valtioneuvostosta/hallitukset/hallitusohjelmat/vanhat/lipponenII/fi.jsp>. Visited on 24.7.2014.

¹⁴³ Translation by the researcher, original text in Finnish: "Hallitus käynnistää laajapohjaisen ja poikkialinnollisen tietoyhteiskunnan sisältöjä kehittävän hankkeen, jonka tarkoituksena on luoda edellytykset Suomen nousemiseksi tietoliikenneteknologian ohella merkittäväksi sisältöteolliseksi maaksi." The text of the "Review 2000: The Challenge of Knowledge and Know-How", published by the Science and Technology Policy Council of Finland was used to translate the text.

¹⁴⁴ The Government Program of the Prime Minister Vanhanen's First Cabinet is available in English at <http://valtioneuvosto.fi/tietoa-arkisto/aiemmat-hallitukset/vanhanen/en.jsp>. Visited on 1.9.2014. The government program of Jäätteenmäki's Cabinet includes the same copyright-related remarks.

¹⁴⁵ See the page 27 of the Government Program of Matti Vanhanen's First Cabinet, available in English at <http://valtioneuvosto.fi/tiedostot/julkinen/vn/hallitus/vanhasen-hallitusohjelma-2003/en.pdf>. Visited on 24.7.2014.

¹⁴⁶ See the page 45 of the government program of Prime Minister Vanhanen's First Cabinet.

			<i>businesses will be promoted by improving data security and protection of privacy¹⁴⁷</i>
Prime Minister Vanhanen's Second Cabinet and Prime Minister Kiviniemi's Cabinet¹⁴⁸	19.4.2007 - 22.6.2010 and 22.6.2010 - 22.6.2011	Legal Policy and Internal Security	<i>A broad-based committee will be appointed to prepare a development programme (IP strategy) for the national intellectual property rights system (IP system) and define Finland's objectives for developing the EU's IP policy. Efficiency in court processing of IP issues will be improved by assigning the cases to specialist courts which will be provided with adequate resources to this end.¹⁴⁹</i>
			<i>The Copyright act will be amended.¹⁵⁰</i>
		Education, Science and Cultural Policy - Culture, Sport and Youth Policies	<i>Tax treatment of royalties will be reformed to level out fluctuations in income. Copyright legislation and the copyright system will be improved¹⁵¹</i>
		Transport and Communications Policy - Ubiquitous Information Society - Value Pluralism in Communications	<i>The guidelines for developing television and radio broadcasting will be evaluated, and the effects of new technologies, such as Internet television, mobile and high-definition television on the funding of TV broadcasts, licensing and copyright systems will be assessed.¹⁵²</i>
		Industrial Policy - Innovation Policy	<i>As part of the effort to strengthen national innovation policy, a national strategy for industrial and intellectual property rights will be drawn up. Attention will be focused on the potential of SMEs and private inventors to use various forms of protection and thereby improve the commercial potential of their products.¹⁵³</i> <i>The transfer of intellectual rights and copyrights to the new Ministry of Labour and Industry will be considered in conjunction with preparation of the organization for the new ministry. Shortcomings related to taxation of copyrights will be corrected. The Government will improve the conditions conducive to private invention.¹⁵⁴</i>

¹⁴⁷ See the page 57 of the government program of Prime Minister Vanhanen's First Cabinet.

¹⁴⁸ The Government Program of the Prime Minister Vanhanen's Second Cabinet is available in English at <http://valtioneuvosto.fi/tietoarkisto/aiemmat-hallitukset/vanhanenII/hallitusohjelma/en.jsp>. Visited on 1.9.2014. The Kiviniemi's government proceeded with the implementation Program of Vanhanen's Second Cabinet.

¹⁴⁹ Source: Page 18 of the government program of Prime Minister Vanhanen's First Cabinet.

¹⁵⁰ Source: Page 18 of the government program of Prime Minister Vanhanen's First Cabinet.

¹⁵¹ Source: Page 29 of the government program of Prime Minister Vanhanen's First Cabinet.

¹⁵² Source: Page 38 of the government program of Prime Minister Vanhanen's First Cabinet.

¹⁵³ Source: Page 43 of the Government Program of Prime Minister Vanhanen's Second Cabinet.

¹⁵⁴ Source: Page 43 of the Government Program of Prime Minister Vanhanen's Second Cabinet.

Prime Minister Katainen's Cabinet and Prime Minister Stubb's Cabinet¹⁵⁵	22.6.2011 - 24.6.2014 and 24.6.2014 -	Legal Policy, Internal Security and Immigration - Administration of Justice and Legal Protection of Citizens	<i>The consideration of cases related to intellectual property rights will be concentrated in the Market Court and sufficient resources will be ensured for this purpose.</i> ¹⁵⁶
		Education, Science and Cultural Policy - Culture	<i>The system of fair compensation for private copying will be revised to secure the financial prerequisites for the activities within the sector under the circumstances of rapid technological development. Illegal use of creative material will be restricted by means of dissemination of information and by developing legislation and more effective implementation thereof.</i> ¹⁵⁷
			<i>Copyright legislation will be preserved under the Ministry of Education and Culture. The Copyright Act will specify more accurately reasonable terms and conditions and appropriate remuneration required for the transfer of copyrights. Various distribution channels will be taken into account in the development of the copyright system. Training, research and counselling will be increased within the sector.</i> ¹⁵⁸
		Economic, Employment and Innovation Policy - New Innovations	<i>Libraries will be developed to meet the challenges of the information society. The opening up of the libraries', museums' and public arts institutions' digitized material for free public access will be promoted.</i> ¹⁵⁹
		Economic, Employment and Innovation Policy - Transport and Communications Policy - Communications	<i>The implementation of the intellectual property rights (IPR) strategy will continue, and the action plan included in the strategy will be reformed on the basis of the changes that have taken place in the operating environment and the Government priorities.</i> ¹⁶⁰
			<i>The introduction of open source software solutions will be promoted within the overall architecture of the public sector and on the basis of cost-benefit analysis.</i> ¹⁶¹

¹⁵⁵ The Government Program of the Prime Minister Katainen's Government is available in English at <http://valtioneuvosto.fi/tietoarkisto/aiemmat-hallitukset/katainen/hallitusohjelma/en.jsp>. Visited on 1.9.2014. The Prime Minister Stubb's Government proceeded with the implementation of the program, but also adopted a supplementary government program, available in Finnish at <http://valtioneuvosto.fi/hallitus/hallitusohjelma/fi.jsp>. Visited on 1.9.2014.

¹⁵⁶ Source: Pages 40 and 41 of the government program of the Prime Minister Jyrki Katainen's Cabinet.

¹⁵⁷ Source: Page 59 of the government program of the Prime Minister Jyrki Katainen's Cabinet.

¹⁵⁸ Source: Page 59 of the government program of the Prime Minister Jyrki Katainen's Cabinet.

¹⁵⁹ Source: Page 60 of the government program of the Prime Minister Jyrki Katainen's Cabinet.

¹⁶⁰ Source: Page 64 of the government program of the Prime Minister Jyrki Katainen's Cabinet.

¹⁶¹ Source: Page 86 of the government program of the Prime Minister Jyrki Katainen's Government.

		Policy Approach to Local Government and Development of Public Administration - Development of Public Administration	<i>To promote interoperability of information systems, open source standards are used in public administration, which determine the compatibility of information content and IT interfaces.¹⁶²</i>
			<i>In the context of procurement, a technology-neutral approach will be applied to open and closed source software.¹⁶³</i>

C. INFORMATION SOURCES

International

▪ European Commission:

- Screening Report by the European Commission, text in English:
http://ec.europa.eu/enlargement/pdf/iceland/key-documents/screening_report_07_is_internet_en.pdf.

Finland

▪ Electronic Frontier Finland:

- Annual report 2013, text in Finnish: <http://wiki.effi.org/toimintakertomus2013/>
- Statement concerning the member structure of the Copyright Commission, text in Finnish: <https://www.effi.org/julkaisut/tiedotteet/lehdistotiedote-2008-02-25.html>
- Website, text in English: <https://effi.org/index.en.html>

▪ Finnish Government:

- Government's Memorandum regarding to transfer of copyright issues, text in Finnish: <http://valtioneuvosto.fi/tiedostot/julkinen/tiedotteet/fi210837.pdf>
- Government programs and related documents in English, available since the Prime Minister Vanhanen's first Cabinet (2003 - 2007):
<http://valtioneuvosto.fi/tietoarkisto/aiemmat-hallitukset/en.jsp>
- Government programs in Finnish:
<http://valtioneuvosto.fi/tietoa-valtioneuvostosta/hallitukset/hallitusohjelmat/fi.jsp>
- Government's project database (HARE), text in Finnish: <http://www.hare.vn.fi/>
- Information Society Program, available in English:
http://valtioneuvosto.fi/tietoarkisto/politiikkaohjelmat_2003-2007/tietoyhteiskuntaohjelma/en.jsp
- National Knowledge Society Strategy 2007-2015 - a renewing, human-centric and competitive Finland, text in English:
http://www.tietoyhteiskuntaohjelma.fi/esittely/en_GB/introduction/index.html
- Report of the Nordic Copyright Audit Committee, Committee report ("Komiteanmietintö" in Finnish) 1974:21, Helsinki.
- Website of the Finnish Government, text in English: <http://valtioneuvosto.fi/etusivu/en.jsp>

¹⁶² Source: Page 138 of the government program of the Prime Minister Jyrki Katainen's Government.

¹⁶³ Source: Page 138 of the government program of the Prime Minister Jyrki Katainen's Government.

▪ **Ministry of Education and Culture:**

- "Copyright Policy 2012" report, text in Finnish:
http://www.minedu.fi/export/sites/default/OPM/Tekijaenoikeus/tekijaenoikeuspolitiikka/tekijanoi keus__Keskustelumuistio_18062012.pdf
- "Cultural Policy 2020" strategy, text in Finnish:
http://www.minedu.fi/OPM/Julkaisut/2009/Kulttuuripolitiikan_strategia_2020
- Final report of the cultural industry working group, text in Finnish:
[http://www.minedu.fi/OPM/Julkaisut/1999/kulttuuriteollisuuden_kehittaminen_suomessa__kulttu uriteollisuu?lang=en&extra_locale=fi](http://www.minedu.fi/OPM/Julkaisut/1999/kulttuuriteollisuuden_kehittaminen_suomessa__kulttu uriteollisuu?lang=en&extra_locale=fi).
- Government's resolution on the Future of Culture, text in Finnish:
http://www.minedu.fi/OPM/Julkaisut/2011/Valtioneuvoston_selonteko_kulttuurin_tulevaisuudest a
- Guidelines for copyright - copyright policy and development of the system (2007), text in Finnish:
http://www.minedu.fi/OPM/Julkaisut/2007/Tekijanoikeuden_suuntaviivoja.html?lang=fi&extra_lo c ale=fi
- Operating and Financial Plan for the years 2001-2004, text in Finnish:
<http://www.minedu.fi/export/sites/default/OPM/Julkaisut/2001/liitteet/toimintajatalous01- 04pdf.pdf?lang=fi>
- Operating and Financial Plan for the years 2005-2008 of the Ministry of Education, available in Finnish at
http://www.minedu.fi/export/sites/default/OPM/Julkaisut/2004/liitteet/opm_175_TTS2005- 2008.pdf?lang=fi
- Operating and Financial Plan of the Ministry of Education and Culture for the years 2009-2012
http://www.minedu.fi/OPM/Julkaisut/2008/toiminta_ja_taloussuunnitelma.html?lang=fi
- Operating and Financial Plan of the Ministry of Education and Culture for the years 2015-2018:
<http://www.minedu.fi/export/sites/default/OPM/Julkaisut/2014/liitteet/okm03.pdf?lang=fi>
- Presentation on the copyright policy, text in Finnish:
http://www.minedu.fi/export/sites/default/OPM/Tekijaenoikeus/tekijaenoikeuspolitiikka/TNK_121 0_lausunokierroksen_painotukset.pdf
- Report of the Copyright Commission. Copyright in the Information Society (2002), text in Finnish:
http://www.minedu.fi/OPM/Julkaisut/2002/tekijanoikeustoimikunnan_mietinto_tekijanoikeudet_t ietoyhteisku?lang=fi&extra_locale=fi
- Report on the extension of the Copyright Commission
<http://www.minedu.fi/OPM/Tiedotteet/2008/02/tekijanoikeus.html?lang=fi>.
- "Research and Innovation Policy for 2011-2015" by Research and Innovation Council, text in Finnish: https://www.tem.fi/files/29559/Tutkimus_ja_innovaatiopoliittinen_linjaus2011_2015.pdf
- "Review 2000: The Challenge of Knowledge and Know-How" by the Science and Technology Policy Council, text in English at http://www.minedu.fi/export/sites/default/OPM/Tiede/tutkimus- _ja_innovaationeuvosto/julkaisut/liitteet/Review_2000.pdf
- Review of the Future 2010, text in Finnish:
<http://www.minedu.fi/OPM/Julkaisut/2010/liitteet/okm15.pdf>
- Website, , text in English: <http://www.minedu.fi/OPM/?lang=en>

▪ **Ministry of Employment and the Economy:**

- Evaluation report on the implementation of the IPR-strategy, text in Finnish:
http://www.tem.fi/files/31838/TEMraportti_1_2012.pdf
- Goals of the Innovation Department 2012-2016" by the Ministry of Employment and the Economy, text in Finnish: https://www.tem.fi/files/30843/Innovaatio- osaston_tavoitteet_vuosille_2012_2016pdf.pdf

- Governments communication on national innovation strategy
https://www.tem.fi/files/21010/National_Innovation_Strategy_March_2009.pdf
- Government's resolution on a Policy Programme on Intangible Value Creation, text in English:
https://www.tem.fi/files/39770/vnp_aineettoman_arvonluonnin_kehittamisohjelmasta_EN.pdf
- Government's resolution on the strategy concerning intellectual property rights
http://www.tem.fi/files/22788/vn_periaatepaatos_ipr_strategia_en.pdf
- Innovation Policy for 2012-2015 and priorities for 2011, text in Finnish:
https://www.tem.fi/files/27599/Innovaatiopolitiikan_painopisteet_vuodelle2011_Final.pdf.
- "IPR's to Efficient Use!"-report, text in english:
https://www.tem.fi/files/26944/TEM_27_2010_netti.pdf
- Program for Healthy Competition, text in English:
/Programme_for_promoting_healthy_competition_19092012.pdf

▪ **Ministry of Transport and Communications:**

- Communications Policy Program for Electronic Media, text in English: <http://www.lvm.fi/lvm-mahti-portlet/download?did=80234>
- Final report on the implementation of the National Broadband Strategy, text in English:
<http://www.lvm.fi/files/national%20broadband%20strategy.pdf>
- "Information Society Code" project, text in Finnish:
<http://www.lvm.fi/web/hanke/tietoyhteiskuntakaari>
- Proposal for a government resolution on improving the accessibility and promoting the reuse of public information resources in digital format, text in English: <http://www.lvm.fi/tiedote/-/view/1234053>
- Proposal for National Broadband Strategy, available in Finnish at
http://www.lvm.fi/files/50_2003.pdf
- Website, text in English: <http://www.lvm.fi/en/home>

▪ **Other:**

- Digitoday.fi news article, text in Finnish: <http://www.digitoday.fi/viihde/2006/03/06/jukka-liedes-opetusministerio-on-tasapuolinen-tekijanoikeusasioissa/20065410/66>.
- Finnish Competition and Consumer Authority - Study on copyright organizations, text in Finnish:
<http://www.kkv.fi/globalassets/kkv-suomi/julkaisut/selvitykset/2014/kkv-selvityksia-2-2014.pdf>.
- IPR University Center. IPRinfo 2000/1. Text in Finnish:
http://www.iprinfo.com/julkaisut/iprinfo-lehti/lehtiarkisto/2000/IPRinfo_1-2000/fi_FI/Intohimona_tekijanoikeudet/
- Parliament of Finland, text in English:
<http://web.eduskunta.fi/Resource.phx/parliament/index.htx?lng=en>
- Prime Minister's Office - "Industrial rights and Copyright" report, text in Finnish:
<http://valtioneuvosto.fi/tiedostot/julkinen/pdf/teollis-ja-tekijanoikeudet/selvitys.pdf>
- Teosto - News article, text in Finnish: <http://www.teosto.fi/teosto/blogi/tekijanoikeudesta-keskusteltu-aina>
- Itviikko.fi, news article regarding to citizens' initiative on copyright, text in Finnish:
<http://www.itviikko.fi/talous/2013/11/27/toivonkipina-tekijanoikeusaloitteelle-tuskin-taystymaysta/201316465/7->
- Pirate Party of Finland - Website, text in English: <http://piraattipuolue.fi/english>

D. CONSULTED PARTIES

- Anna Vuopala, Counsellor of Government the at the Ministry of Education and Culture (interviewed on 16.6.2014)
- Jukka Liedes, Director at the Ministry of Education and Culture (interviewed on 16.6.2014).
- Mikko Huuskonen, Special Government Advisor at the Ministry of the Employment and the Economy (phone interview on 27.8.2014)
- Viveca Still, Copyright Counselor at the Ministry of Education and Culture (interviewed on 16.6.2014)



Ministry of Education and Culture, Finland

Assessing Copyright and Related Rights Systems: Piloting of the methodology framework in Finland

Cupore webpublications 39:1	<i>National Context. Report on Piloting in Finland.</i>
Cupore webpublications 39:2	<i>International and Regional Context. Report on Piloting in Finland.</i>
Cupore webpublications 39:3	<i>Technological Development. Report on Piloting in Finland.</i>
Cupore webpublications 39:4	<i>Macroeconomic Importance of Copyright Industries. Report on Piloting in Finland.</i>
Cupore webpublications 39:5	<i>Markets for Copyrighted Products and Services – Focus: Literature (Book Publishing Industry). Report on Piloting in Finland.</i>
Cupore webpublications 39:6	<i>Volume of Domestic Production of Copyrighted Products and Services. Report on Piloting in Finland.</i>
Cupore webpublications 39:7	<i>Volume of Exported and Imported Copyrighted Products and Services. Report on Piloting in Finland.</i>
Cupore webpublications 39:8	<i>Development of Digital Business Models and Income Based on Digital Distribution. Report on Piloting in Finland.</i>
Cupore webpublications 39:9	<i>Copyright Law. Report on Piloting in Finland.</i>
Cupore webpublications 39:10	<i>Copyright Policy. Report on Piloting in Finland.</i>
Cupore webpublications 39:11	<i>Public Consultation on Law Proposals. Report on Piloting in Finland.</i>
Cupore webpublications 39:12	<i>Use of Impact Assessment and Research in Policy Development. Report on Piloting in Finland.</i>
Cupore webpublications 39:13	<i>Public Administration of Copyright. Report on Piloting in Finland.</i>
Cupore webpublications 39:14	<i>Enforcement by Public and Private Actors – Focus: Public Authorities. Report on Piloting in Finland.</i>
Cupore webpublications 39:15	<i>Enforcement by Public and Private Actors – Focus: Private Actors. Report on Piloting in Finland.</i>
Cupore webpublications 39:16	<i>Sanctions and Remedies for Copyright Infringement. Report on Piloting in Finland.</i>
Cupore webpublications 39:17	<i>Application of Sanctions and Remedies for Copyright Infringement. Report on Piloting in Finland.</i>
Cupore webpublications 39:18	<i>Availability of Alternative Dispute Resolution Mechanisms. Report on Piloting in Finland.</i>
Cupore webpublications 39:19	<i>Use of Alternative Resolution Mechanisms for Solving Copyright Disputes. Report on Piloting in Finland.</i>
Cupore webpublications 39:20	<i>Individual Exercise of Rights – Focus: Literature (Book Publishing Industry). Report on Piloting in Finland.</i>
Cupore webpublications 39:21	<i>Collective Management of Rights. Report on Piloting in Finland.</i>
Cupore webpublications 39:22	<i>Efficiency of Collective Management Organizations. Report on Piloting in Finland.</i>
Cupore webpublications 39:23	<i>Copyright-related Information Activities. Report on Piloting in Finland.</i>
Cupore webpublications 39:24	<i>Copyright-related Education for the Public in General. Report on Piloting in Finland.</i>
Cupore webpublications 39:25	<i>Public Awareness of the Rights. Report on Piloting in Finland.</i>
Cupore webpublications 39:26	<i>Copyright-related Education as Part of the Education of Professionals for Creative Industries. Report on Piloting in Finland.</i>
Cupore webpublications 39:27	<i>Research on Copyright-related Topics. Report on Piloting in Finland.</i>
Cupore webpublications 39:28	<i>Copyright-related Research and Study Programs in Universities and Research Institutes. Report on Piloting in Finland.</i>
Cupore webpublications 39:29	<i>Efficiency of Copyright as an Incentive to Create and Invest in Creative Works – Focus: Literature (Book Publishing Industry). Report on Piloting in Finland.</i>
Cupore webpublications 39:30	<i>Access to Copyrighted Works by the Public. Report on Piloting in Finland.</i>
Cupore webpublications 39:31	<i>Access to Copyrighted Works for Follow-on Creation.</i>
Cupore webpublications 39:32	<i>Transaction Costs in Transfer and Licensing of Rights – Focus: Literature (Book Publishing Industry). Report on Piloting in Finland.</i>
Cupore webpublications 39:33	<i>Terms for Transfer and Licensing of Rights – Focus: Literature (Book Publishing Industry). Report on Piloting in Finland.</i>
Cupore webpublications 39:34	<i>Unauthorized Use of Copyrighted Works in Physical Form. Report on Piloting in Finland.</i>
Cupore webpublications 39:35	<i>Unauthorized Use of Copyrighted Works in Digital Form. Report on Piloting in Finland.</i>
Cupore webpublications 39:36	<i>Analysis of Stakeholders' Opinions on the Copyright System – Focus: Literature (Book Publishing Industry). Report on Piloting in Finland.</i>
Cupore webpublications 39:37	<i>Analysis of Stakeholders' Opinions on the Copyright System – Focus: End-users. Report on Piloting in Finland.</i>