

Assessing Copyright and Related Rights Systems

Analysis of Stakeholders' Opinions on the Copyright System

Report on Piloting in Finland

Focus: End-users





Assessing Copyright and Related Rights Systems: Analysis of Stakeholders' Opinions on the Copyright System – Focus: End-users. Report on Piloting in Finland.

This report is the result of the second pilot study implementing Methodology Card 22 – *Stakeholders' Opinions on the Copyright System*, 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 the core project team, Tiina Kautio and Nathalie Lefever, assisted by Niko Siukkola, Intern at the Ministry of Education and Culture, and by Project Researcher Jukka Kortelainen between July and December 2015. The results were first published in December 2015 on the website of Cupore.

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

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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 Methodology Card 22 presented in the methodology handbook, titled “Analysis of Stakeholders’ Opinions on the Copyright System”¹. The goal of this report is to provide an overview of the opinions of Finnish end-users.

End-users’ opinions on the copyright system and its functioning are studied in the copyright barometer surveys by Lyhty, especially the Barometer of 2011 which included a larger set of questions concerning the opinions of the public at large on the copyright system. According to the findings, end-users’ outlook on copyright payments and the copyright system were positive overall. Their opinions on the collection and distribution of copyright remunerations were generally positive and a majority of respondents thought that collecting copyright remunerations in the current manner is justified. Altogether 29 % of the respondents thought that copyright remunerations raise the cost of products too much, although a majority thinks that the remunerations are relatively reasonable. A majority of respondents believed that the biggest beneficiaries of the remunerations collected by copyright management organizations are artists, although 30 % thought that the biggest beneficiaries were production and publishing companies.

The findings of the Copyright Barometer of 2011 by Lyhty also indicated that, on average, the members of the public at large think rather positively of collective management organizations (CMOs) and their operation. Most of respondents considered that CMOs were fulfilling a necessary role.

However, certain organizations and authorities representing the interests of the public at large have presented needs for reforms and views on the copyright system’s operation. In particular, The Finnish Competition and Consumer Authority, Electronic Frontier Finland and the Pirate Party have given opinions on the copyright system and its functioning. The Pirate Party’s program seems to indicate that a part of the population considers that licensing should be simplified and integrated internationally, that the fair compensation system is considered by some as unfounded, and that current sanctions proposed by law for non-commercial unauthorized exchange of protected content are unreasonable. The simple fact that a party has been created specifically to promote changes in the copyright system testifies that, at least for a part of the population, these changes are considered necessary and important. Moreover, a citizens’ initiative titled “Järkeä tekijänoikeuslakiin” proposed to lighten the punishment for copyright infringement by making the individual downloading of copyright-protected content punishable as copyright misdemeanor, while still retaining the graver form, copyright crime. Finally, Electronic Frontier Finland has argued that the interests of end-users in the copyright system should be better taken into account.

In general, based on the results at hand, Finnish end-users have quite positive opinions about the copyright system and its operation, even though it could be interpreted that end-users think that the artists should get paid more copyright remunerations. However, despite the fact that the copyright system is well accepted as it is, a political party has been created and a citizen’s initiative proposed specifically to change it. Lobbying groups and the Finnish Competition and Consumer Authority are also pushing for reforms in the interests of end-users. This seems to indicate that, even though the general population is satisfied with the copyright system’s current efficiency, some remain convinced that end-users’ rights and interests should be better taken into account. However, the available data on the opinions of the public at large concerning the copyright system is limited; this report therefore proposes a set of questions that could be used in future studies on this topic.

¹ After the first publication of this pilot report, the title of this methodology card has been changed into “Stakeholders’ Opinions on the Copyright System”.

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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 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 meant 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 Methodology Card 22 of the methodology framework, titled "Analysis of Stakeholders' Opinions on the Copyright System"². It focuses on the end-users' perspective and is a follow-up to the first pilot study applying this indicator in Finland, conducted in 2014 with a focus on the authors' and professional copyright users' perspectives.³

This pilot study was conducted by the core project team, Tiina Kautio and Nathalie Lefever, assisted by Niko Siukkola, Intern at the Ministry of Education and Culture, and by project researcher Jukka Kortelainen between July and December 2015.

B. PRESENTATION OF THE INDICATOR

The indicator implemented here is part of the third pillar of the methodology framework, "Operational balance of the copyright system", and its fourth area, "Infringement, Opinions, and Public Acceptance". Its aim is to assess stakeholders' opinions on the copyright system and its operation in order to support the analysis of the operation of the national copyright and related rights system.

As explained in the methodology handbook, assessing the stakeholders' opinions is one method for studying the functioning, performance and operational balance of the copyright system. Issues to consider in the analysis could include the image of the copyright system, the functioning of its individual elements and the need to update the current set of laws and policies. This information will also tell about the perceived legitimacy of the copyright system among stakeholders.

In order to obtain as thorough an analysis as possible, the opinions of a wide range of copyright stakeholders should be collected. This study concentrates on the opinions of end-users whereas an earlier pilot study based on this methodology card focused on the opinions of authors and publishers in the Finnish book publishing industry.

² After the first publication of this pilot report, the title of this methodology card has been changed into "Stakeholders' Opinions on the Copyright System".

³ The earlier pilot report applying this methodology card is available at the Cupore website: <http://www.cupore.fi/MC22.php>.

Issues covered in the analysis include the clarity and consistency of copyright rules, the neutrality of the copyright system and the roles of collective management organizations and public authorities within the copyright system. This information will also tell about the perceived legitimacy of the copyright system. In addition, end-users' opinions concerning the need to update the copyright system and the access to copyrighted works are covered. Other issues related to the access to copyrighted works by end-users are discussed in the context of the pilot report applying Methodology Card 16 – *Access to Copyrighted Works*. Moreover, the results of this indicator are likely to be strongly influenced by the public awareness of the rights (see Methodology Card 10).

In order to study end-users' opinions on the copyright system and its functioning and neutrality more in detail, Section 2 of this report discusses questions that could be asked in a future survey directed to the public at large.

The methodology card presenting the indicator can be found in Appendix A of this report.

C. METHODS

The information collected for this indicator consists mostly of subjective data that could be collected by the means of a survey directed to public at large. The goal of this pilot study was, however, to gather relevant existing data from national information sources. The method chosen was therefore a desktop study.

This pilot study is a review of the existing information on the Finnish end-users' opinions, and of public discussion in Finland around the topic. The information presented is mainly subjective data. A list of national and international information sources used for this report can be found in the Appendices.

An exemplary questionnaire for a possible future survey is presented in Appendix C of this report.

The concept of end-users used in this report is based on a definition of the stakeholder categories presented in the methodology handbook⁴. End-users of copyrighted products and services are individual consumers as well as organizations and institutions in both the public and private sectors. They are not granted any specific rights by law, although they may benefit from copyright exceptions, for example when they are considered by law as a special public. Based on this definition, all members of society enjoying culture through the use of copyrighted products and services are part of the category of end-users; this is why proposals for surveys made in this report are targeted at "the public at large".

⁴ For more information, see the draft Methodology Handbook (27.2.2015), p. 45. available in English at <http://www.cupore.fi/copyright.php>.

Results

This study focuses on the opinions of the public at large on the copyright system and its functioning. Section 1 presents a review of the information collected in Finland on the opinions of Finnish end-users, as well as statements on the subject by groups representing end-users' interests. The scope of a possible future survey on the topic is discussed in Section 2.

SECTION 1. END-USERS' OPINIONS ON THE COPYRIGHT SYSTEM AND ITS FUNCTIONING

In the first section, the opinions of end-users on the clarity and consistency of copyright rules, the neutrality of the copyright system, and the roles of collective management organizations and public authorities within the copyright system are discussed.

A. OPINIONS COLLECTED THROUGH SURVEYS

Only a very limited amount of information is available on the opinions of the Finnish public at large on the copyright system and its functioning. The opinions of the public at large on the copyright system have mainly been collected in Finland through the Copyright Barometer Surveys (*Tekijänoikeusbarometri*) by Lyhty, which mainly address unauthorized use. Lyhty⁵, a co-operation project of the Finnish creative industries, has published the barometer annually since 2004.⁶ Since 2010 the information for the surveys has been collected through face-to-face interviews. The barometer of 2011 included a broader set of questions than the barometers of the other years.⁷

▪ THE CLARITY AND CONSISTENCY OF COPYRIGHT RULES

End-users' opinions on the clarity and consistency of copyright rules and the availability of information on them has not yet been surveyed directly, but the Copyright Barometer survey of 2011 included questions on respondents' understanding of the destination of remunerations collected by collective management organizations.⁸ According to the results, 51 % thought that the biggest beneficiaries of these copyright remunerations were the artists, while 30 % thought that the biggest beneficiaries were the publishing and production companies. On the other hand, 10 % thought that the collective management organizations benefitted the most from the copyright remunerations collected, while 2 % thought that the biggest beneficiary was the society. Altogether 6 % did not know or have an opinion.⁹

▪ THE NEUTRALITY OF THE COPYRIGHT SYSTEM AND ACCESS TO COPYRIGHTED WORKS BY END-USERS

Also opinions of the public at large on the neutrality of the copyright system are reflected in the copyright barometer of 2011 where the respondents were polled about their opinions concerning copyright remunerations. They were given certain statements to which they had to answer using a scale of 1 to 5 where 5 meant totally agreeing with the statement and 1 totally disagreeing with the statement.

⁵ Luovan työn tekijät ja yrittäjät

⁶ The surveys have been conducted by the market research company Taloustutkimus.

⁷ The Copyright Barometer of 2011 collected the opinions of altogether 1007 respondents aged 15 to 79.

⁸ Original question in Finnish: "Mihin tekijänoikeusjärjestöjen keräämät tekijänoikeuskorvaukset menevät?"

⁹ Luovan työn tekijät ja yrittäjät (Lyhty), *Tekijänoikeusbarometri 2011*, summary of the survey available at: <http://www.lyhty.info/gallupit/?itemid=338142&a=viewItem>. Visited on 22.7.2015.

Table 1. The opinions of the public at large concerning copyright remunerations ¹⁰ (Copyright Barometer 2011) ¹¹	
Statement	Proportion of respondents who totally or somewhat agreed with the statement
Paying copyright remunerations supports the possibility of making the art of tomorrow ¹²	82 %
Artists and songwriters should get paid when their music is downloaded on the internet ¹³	78 %
Copyright remunerations are good for domestic culture ¹⁴	78 %
Copyright remunerations are a significant supplement to the livelihood of the artists ¹⁵	72 %
Collecting copyright remunerations in the current way is mainly right ¹⁶	63 %
Copyright remunerations are reasonable in relation to the financial conditions of the payers ¹⁷	40 %
Copyright remunerations raise the prices of products too much ¹⁸	29 %
Artists get paid too much copyright remunerations ¹⁹	5 % (65 % totally or somewhat disagreed with the statement)

Although these results indicate that the members of the public at large generally support the payment of remunerations in the current copyright system, only a minority of respondents considered the amount of remunerations to be adequate in relation to the financial situation of those acquiring copyrighted content. Moreover, although a majority of respondents consider that the system of copyright remunerations' collection is "mainly right", as much as 29% consider that copyright remunerations increase the prices of products too much. The results of this survey seem to indicate that a significant amount of end-users consider the current level of remunerations to limit the accessibility of works by end-users, which could be interpreted as a sign that the copyright system is not considered perfectly neutral.

▪ THE ROLES OF COLLECTIVE MANAGEMENT ORGANIZATIONS WITHIN THE COPYRIGHT SYSTEM

In the Copyright Barometer of 2011, respondents were also asked how they perceive the operation of collective management organizations and their collection and distribution of remunerations.²⁰ The survey used a scale of 1 to 5.

¹⁰ Original text in Finnish: "Mielipide tekijänoikeuskorvauksista"

¹¹ Source: Tekijänoikeusbarometri 2011.

¹² Original text in Finnish: "Tekijänoikeuskorvauksia maksamalla tuetaan sitä, että taidetta tehdään huomennakin"

¹³ Original text in Finnish: "Musiiikin tekijöiden ja artistien tulisi saada korvaus siitä, että heidän musiikkiaan ladataan internetistä"

¹⁴ Original text in Finnish: "Tekijänoikeuskorvaukset ovat hyväksi kotimaiselle kulttuurille"

¹⁵ Original text in Finnish: "Tekijänoikeuskorvaukset ovat merkittävä elannonlisa taiteilijoille"

¹⁶ Original text in Finnish: "Tekijänoikeuskorvausten kerääminen nykyiseen tapaan on pääsääntöisesti oikein"

¹⁷ Original text in Finnish: "Tekijänoikeuskorvaukset ovat kohtuullisia suhteessa maksajiensa talouteen"

¹⁸ Original text in Finnish: "Tekijänoikeuskorvaukset korottavat liikaa tuotteiden hintoja"

¹⁹ Original text in Finnish: "Taiteilijat saavat liian paljon tekijänoikeuskorvauksia"

²⁰ Source: Tekijänoikeusbarometri 2011.

Table 2. The opinions of the public at large on collective management organizations and the collection and distribution of copyright remunerations ²¹ (Copyright Barometer 2011) ²²	
Question	Mean value of the answers
Do you consider CMOs to be working for a right cause or a wrong cause? (5 = they are working for a right cause; 1 = they are working for a wrong cause) ²³	4,25
Do you consider CMOS to be needed or unneeded? (5 = needed, 1 = unneeded) ²⁴	4,22
How reliable do you consider CMOs to be? (5 = reliable, 1= unreliable) ²⁵	3,79
Do you consider CMOs to be beneficial to progress or, on the contrary, counterproductive? (5 = beneficial, 1 = counterproductive) ²⁶	3,77
Do you consider CMOs to be fair or unfair? (5 = fair, 1 = unfair) ²⁷	3,48
Do you consider copyright remunerations to be too small or too big? (5 = too small, 1 = too big) ²⁸	3,31
Do you consider CMOs to be conciliatory or litigious? (5 = conciliatory, 1 = litigious) ²⁹	3,30
Do you consider CMOs to be transparent or opaque? (5 = transparent, 1 = opaque) ³⁰	3,13
Do you consider CMOs to be co-operative or dictatorial? (5 = co-operative, 1 = dictatorial) ³¹	3,00

These results seem to indicate that the members of the public at large are generally fairly satisfied with the functioning of CMOs, although they tend to be perceived as marginally uncooperative, opaque or litigious.

B. OTHER SOURCES OF INFORMATION ON END-USERS' OPINIONS

■ FINNISH COMPETITION AND CONSUMER AUTHORITY

The Finnish Competition and Consumer Authority (*Kilpailu- ja kuluttajavirasto*) and the Consumer Ombudsman (*Kuluttaja-asiamies*) have been involved in representing consumers' interests in the development of the copyright system. The Finnish Competition and Consumer Authority (FCCA) has been commenting legislative drafts³² and the organization has appointed a member in the advisory board on copyright issues (also in the former copyright commission).

²¹ Original text in Finnish: "Millaiseksi kokee tekijänoikeusjärjestöt ja tekijänoikeuskorvaukset?"

²² Source: Tekijänoikeusbarometri 2011.

²³ Original text in Finnish: "Oikealla asialla" v. "Väärällä asialla"

²⁴ Original text in Finnish: "Tarpeellinen" v. "Tarpeeton"

²⁵ Original text in Finnish: "Luotettava" v. "Epäluotettava"

²⁶ Original text in Finnish: "Hyödyksi kehitykselle" v. "Haitaksi kehitykselle"

²⁷ Original text in Finnish: "Reilu" v. "Epäreilu"

²⁸ Original text in Finnish: "Korvaukset ovat...Liian pieniä v. Liian suuria"

²⁹ Original text in Finnish: "Sovitteleva" v. "Riitaisä"

³⁰ Original text in Finnish: "Avoin" v. "Sulkeutunut"

³¹ Original text in Finnish: "Yhteistyöhaluinen" v. "Saneleva"

³² The motions and statements of the Finnish Competition and Consumer Authority are available online at <http://www.kkv.fi/en/decisions-and-publications/motions-and-statements/>. Visited on 26.8.2015. For the involvement of the Finnish Competition and Consumer Authority in commenting copyright-related bills, see the report on MC5.

Among other opinions, these authorities have published their insight on the preparation for the European Union's strategy for the digital single market. According to a statement by the Consumer Ombudsman, from the consumer's point of view, the most important questions related to digitalization concern the protection of data privacy, the ownership of information, the compatibility between services and devices, the identification of contracting parties, payment methods, the service providers and the diversity of the parties involved, and copyrights.³³ In the statement, changes in consumer behavior and business models were also emphasized: for example, the diversity of services and contracts is increasing and the line between commercial and non-commercial activities is blurring.³⁴

Moreover, statements issued by the Finnish Competition and Consumer Authority between 2010 and 2015 were analyzed in order to get a basic understanding of the issues affecting the access to copyrighted works from the perspective of end-users. The FCCA has regularly issued statements concerning end-users' access to the Ministry of Education and Culture³⁵. For example, in its statement issued on 31.8.2012 commenting the "Copyright policy 2012" memorandum³⁶ prepared by the Ministry of Education and Culture, the FCCA emphasizes the need to guarantee consumers' access to materials with reasonable costs and the technical compatibility of products and services in the digital environment.³⁷ For reaching these goals, The FCCA supports actions such as:

- Enabling multi-channel distribution
- Developing e-services
- Developing cross-border licensing³⁸
- Developing extended collective licensing system to provide better access to orphan works³⁹. Access to the archives of magazines, television and radio companies could be facilitated as well⁴⁰
- Limiting the use of Digital Rights Management systems or other protection methods.

³³ Original text in the statement: "*Kuluttajien näkökulmasta keskeiset kysymykset liittyvät esimerkiksi tietosuojan ja tiedon omistajuuteen, laitteiden ja palveluiden yhteensopivuuteen, sopijakumppanin tunnistamiseen, maksamistapoihin, välittäjiin ja vastuutabojen moninaisuuteen sekä tekijänoikeuksiin.*"

³⁴ The statement is available at <http://www.kkv.fi/ratkaisut-ja-julkaisut/aloitteet-lausunnot-ja-kannanotot/2015/23.3.2015-lausuntovalmistautumisesta-eun-digitaalisia-sisamarkkinoita-koskevaan-strategiaan/>. Visited on 15.7.2015.

³⁵ Statements issued by the FCCA since 2010 was analyzed in this study. The statements are available in Finnish at <http://www.kkv.fi/ratkaisut-ja-julkaisut/aloitteet-lausunnot-ja-kannanotot/kuluttajaviraston-lausunnot-2004-2012/2012/31.8.2012-opetus-ja-kulttuuriministerion/>. Visited on 10.6.2015.

³⁶ The aim of the memorandum was to propose guidelines for creating an explicit copyright policy for Finland.

³⁷ The FCCA emphasizes especially consumers' rights in the digital environment. The FCCA brings up the "Consumers' digital rights" published by the European Consumer Organization. According to the FCCA, the rights of the consumers should be acknowledged in Finland as well. These include rights such as the right to backup files, the right to use acquired materials with different devices, the right to convert material to different formats, the right to decide to release information while using materials, the right to have access to products and services in the EU area according to the principle of non-discrimination, and the right to free and unobstructed network communication.

³⁸ In a statement issued on 31.8.2012 the FCCA supported the European Commission's plans for developing collective right management and licensing practices at the European level. According to the FCCA, improving the efficiency of European markets in this area increases the variety of selections available for consumers. The statement is available in Finnish at <http://www.kkv.fi/ratkaisut-ja-julkaisut/aloitteet-lausunnot-ja-kannanotot/kuluttajaviraston-lausunnot-2004-2012/2012/31.8.2012-euroopan-komission-ehdotus/>. Visited on 10.6.2015.

The licensing markets of European Union are also discussed in the following statements: <http://www.kkv.fi/ratkaisut-ja-julkaisut/aloitteet-lausunnot-ja-kannanotot/kuluttajaviraston-lausunnot-2004-2012/2011/11.8.2011-teollis-ja-tekijanoikeuksien-sisamarkkinat/> and <http://www.kkv.fi/ratkaisut-ja-julkaisut/aloitteet-lausunnot-ja-kannanotot/2015/23.3.2015-lausuntovalmistautumisesta-eun-digitaalisia-sisamarkkinoita-koskevaan-strategiaan/>. Visited on 10.12.2015.

³⁹ In statements issued on 20.2.2013, the FCCA supports the government's draft bill on orphan works. According to the FCCA, the proposal improves consumers' access by clarifying the conditions for using orphan works. The statement is available in Finnish at <http://www.kkv.fi/ratkaisut-ja-julkaisut/aloitteet-lausunnot-ja-kannanotot/2013/20.2.2013-ppv-lausunto-hallituksen-esitysluonnos-laiksi-tekijanoikeuslain-muuttamisesta-seka-laiksi-orpoteosten-kayttamisesta/>. Visited on 10.6.2015.

⁴⁰ The FCCA's comments on the use of archives can be found in Finnish at <http://www.kkv.fi/ratkaisut-ja-julkaisut/aloitteet-lausunnot-ja-kannanotot/kuluttajaviraston-lausunnot-2004-2012/2012/9.3.2012-tekijanoikeustoimikunnan-mietinto/>. Visited on 10.12.2015.

▪ THE FINNISH PIRATE PARTY

The Finnish Pirate Party (*Piraattipuolue*) is a political party established in 2008.⁴¹ In the parliamentary elections of 2015 the party received 25 086 votes which didn't amount to reaching seats in the Parliament. Their political program includes provisions indicating that the non-commercialized copying, distribution and other forms of uses of all works should be free starting from the moment of publishing. They believe that this will enhance the mental and material well-being of the society. They also state that copyright licensing should be integrated in a way that companies providing internet services would have the possibility to license copyrighted works with one contract in the European Economic Area or even worldwide, without the current country restrictions. The Pirate Party thinks that the compensations for copyright infringement should be reasonable, taking into account the points of view of all stakeholders and the situation.

▪ ELECTRONIC FRONTIER FINLAND

Electronic Frontier Finland ry (EFFI) is an organization founded in 2001 to defend the rights of the Finnish citizens in the information society by influencing the development of legislation concerning e.g. personal privacy, freedom of speech and the rights of copyright users. In the field of copyright law, Electronic Frontier Finland has stated that on a general level, special attention should be paid to the situation of private citizens as users and consumers of copyright-protected works. Electronic Frontier Finland argues that they constitute a category of stakeholders even though they are not usually considered as such, and that they hold rights that might be violated.⁴²

▪ CITIZENS' INITIATIVE "JÄRKEÄ TEKIJÄNOIKEUSLAKIIN"

The citizens' initiative titled "Järkeä tekijänoikeuslakiin" gathered 51 974 signatures and was therefore sent to the parliament handling in 2014.⁴³ The main purpose of the initiative was to reach more clarity in the copyright act especially concerning damages and network surveillance. The purpose of the initiative was not to make it legal to freely download content under copyright protection but to make the individual downloading of copyright protected content punishable as copyright misdemeanor. The more grave form, copyright crime, would enable the use of house searches, confiscation and major exemplary damages. Those who have been guilty of commercial or wide scale distribution of copyright protected material would still be convicted of copyright crime.⁴⁴

Since the initiative gathered a significant amount of signatures and surpassed the amount needed for the initiative to proceed to the parliament, there is at least in some part of the population a need for a reform of the copyright act and hence the copyright system. The discussion around the initiative should however be studied more in detail in order to be able to tell whether the initiative represents the opinions of the general public or certain groups in society only.

⁴¹ For information on the Pirate Party (in Finnish), see <https://piraattipuolue.fi/toiminta/puolue/historia-ja-tilastoja>. Their political agenda is available (in Finnish) at <https://piraattipuolue.fi/agenda/>. Visited on 6.11.2015.

⁴² For more information, see the website of Electronic Frontier Finland, <https://effi.org/index.en.html>. Visited on 22.10.2015.

⁴³ The Finnish Citizens' Initiative Act enables a minimum of 50 000 Finnish citizens of voting age to submit an initiative to the Parliament of Finland. The initiative may include either a bill or a proposal that a bill drafting process should be started, and the 50 000 signatures (or statements of support) must be collected, either in paper or electronically, within six months. If the initiative is in the form of a legal text, it will be treated as a bill. If it is an initiative to start drafting legislation, it will receive a full reading in a plenary session of the Parliament, which will consider whether it accepts or dismisses the citizens' initiative. For more details, see the Report on piloting of Methodology Card 5 – *Public Consultation on Law Proposals*, available at http://www.cupore.fi/documents/191214_Pilotreport_MC5Publicconsultationonlawproposals.pdf.

⁴⁴ For more information, see <https://www.kansalaisaloite.fi/fi/aloite/70>. Visited on 13.7.2015.

SECTION 2. SUGGESTIONS FOR QUESTIONS IN A SURVEY DIRECTED TO THE PUBLIC AT LARGE⁴⁵

With constant changes in technologies and in the organization of the markets, it is important that decision-makers are well-informed of the opinions of the public at large on the operation of the copyright system in order to develop policies accordingly.

Only a limited amount of information is available on the opinions of the Finnish public at large on the copyright system and its functioning. The survey results so far concern mainly the end-users' opinions on the collection and distribution of copyright remunerations, and the operation of collective management organizations. The topic has not been surveyed in detail since 2011. Some information was found in the programs, statements and initiatives by the public and private parties presenting end-users' interests, but in-depth information on the topic has not been collected in a structured way, and no information is available on the opinions concerning the roles of public authorities in their work within the copyright system.

In order to get a comprehensive set of subjective information on the issues at hand, the information collected here through desktop research could be complemented with survey data. New surveys will also be useful to provide data on some aspects that have not been thoroughly surveyed yet or recently. For example, previous studies on the issue, presented above, have mainly focused on the opinions of the public at large on the collective management organizations and their functioning, and on the collection and distribution of copyright remunerations.

A proposal for a questionnaire directed to the public at large is presented in Appendix C of this report. The questions are based on a separate toolkit of questionnaires. The first part of the questionnaire covers the following issues (see questions 6-10):

- opinions on the reasons for respecting copyright rules,
- the considered importance of the existence of the copyright and related rights system,
- the acceptability of unauthorized use of copyrighted works,
- the needs for reform and
- the fairness of artists' remunerations.

The second part of the questionnaire is designed to collect the opinions of end-users on the specific issue of access to copyrighted material or content. The survey data would provide information especially regarding the availability of products and services in both physical and digital form on the legal markets. These questions concern the following issues:

- the availability of products and services in both physical and digital form on the legal markets (see questions 11 and 13)
- the availability of public services (libraries, cultural centers, etc.) to access copyrighted works without payment or at a low price (see question 12)
- the cost of the copyrighted products and services on the legal markets (see question 14).

⁴⁵ See also the full proposal for a questionnaire in Appendix C.

Conclusions

A. ANALYSIS AND SUMMARY OF THE RESULTS

▪ END-USERS' OPINIONS ON THE COPYRIGHT SYSTEM AND ITS FUNCTIONING

The opinions of the public at large on the copyright system and its functioning have been studied in the copyright barometer surveys by Lyhty. Furthermore, certain organizations and authorities representing the interests of the public at large have presented needs for reforms and their views on the copyright system's operation. In particular, The Finnish Competition and Consumer Authority, Electronic Frontier Finland and the Pirate Party have given opinions on the copyright system and its functioning. In addition, a citizens' initiative was presented to the parliament of Finland in 2014 with the objective to bring changes to the copyright law.

The main findings of the Copyright Barometer of 2011 by Lyhty were that members of the public at large think rather positively of copyright management organizations. On a scale of 1 to 5 where 5 is at the positive end, all the answers to questions concerning CMOs' role and functioning averaged at least 3,00. The outlook on copyright payments and the copyright system was also positive overall.

The opinions on the collection and distribution of copyright remunerations by members of the public at large were generally positive and a majority of respondents thought that collecting the remunerations in the current manner is justified. Altogether 29 % of the respondents thought that copyright remunerations raise the cost of products too much, although a majority thinks that the levels of copyright remunerations in general are relatively reasonable.

The Finnish Competition and Consumer Authority and the Consumer Ombudsman have commented legislative drafts and published opinions on the evolution of copyright law from the point of view of end-users. The FCCA has, among other opinions, regularly promoted the access of end-users in its statements issued to the Ministry of Education and Culture and proposed actions in this direction.

End-users' opinions are also reflected in public initiatives concerning the evolution of the copyright system. The Pirate Party's program seems to indicate that a part of the population considers that licensing should be simplified and integrated internationally, that the fair compensation system is considered by some as unfounded, and that current sanctions proposed by law for non-commercial unauthorized exchange of protected content are unreasonable. The simple fact that a party has been created specifically to promote changes in the copyright system testifies that, at least for a part of the population, these changes are considered necessary and important. Moreover, a citizens' initiative titled "Järkeä tekijänoikeuslakiin" proposed to lighten the punishment for copyright infringement by making the individual downloading of copyright-protected content punishable as copyright misdemeanor, while still retaining the graver form, copyright crime. Finally, Electronic Frontier Finland has argued that the interests of end-users in the copyright system should be better taken into account.

▪ GENERAL ANALYSIS

In general, Finnish end-users have quite positive opinions about the copyright system and its functioning, even though it could be interpreted that end-users think that the artists should get paid more copyright remunerations. It would seem that the general opinion is that the copyright system is rather fair to all the stakeholders.

However, despite the fact that surveys seem to show that the copyright system is well accepted as it is, a political party has been created and a citizen's initiative proposed specifically to change it. Lobbying groups and public authorities are also pushing for reforms in the interests of end-users. This seems to

indicate that, even though the general population is satisfied with the copyright system's current efficiency, a certain part of the population remains convinced that end-users' interests should be better taken into account.

B. METHODOLOGICAL FINDINGS

▪ **LIMITATIONS**

This review will give an overview of the studies made in Finland on the opinions of the Finnish public at large. It should be kept in mind that the information will not provide a broad picture of the topic. Furthermore, the results present opinions and experiences of individual end-users. This study was not designed to be an objective overview of, for instance, the consistency of copyright rules.

In the limited time available for this first pilot study, it was not possible to collect the opinions of organizations representing end-users on specific questions related to the topics under scrutiny, even though they might be able to offer informed insights on the functioning of the copyright system from the point of view of end-users. It could have been particularly interesting to discuss end-users' opinions regarding issues such as the complexity and coherence of the copyright system, the availability of information on copyright rules and policies, the capacity of the copyright system to adapt to technological changes, the need for reforming the copyright system, as well as the efficiency of different actors in their work for the enforcement of the copyright system. Issues related to the neutrality of copyright and to the ability of copyright laws and policies to strike a balance between the interests of the different interest groups could also have been explored in more detail with representatives of end-users.

▪ **GUIDELINES FOR FUTURE RESEARCH**

In the case of Finland, data on end-users' opinions on the copyright system and especially on the end-users' opinions on the copyright management organizations was rather scarce but easily available.

The time needed for a broader pilot study will depend on its scope and on the availability of the data. In the case of Finland, the workload for collecting data and drafting this report could be evaluated at approximately four weeks of full-time work.

Appendices

A. METHODOLOGY CARD

Methodology card as presented in the Methodology Handbook, version 27.2.2015.

Aspect: Infringement, opinions and public acceptance	Methodology card 22. Analysis of stakeholders' opinions on the copyright system
Key question	What are the opinions of the different stakeholders concerning the functioning and performance of the copyright system?
Type of data	<i>subjective data</i>
Description	Analysis of stakeholder's opinions on the copyright system: its functioning, defects, and legitimacy.
Parameters to measure	<ol style="list-style-type: none"> 1. Stakeholders' opinions on the copyright system and its functioning: <ul style="list-style-type: none"> - The clarity and consistency of its rules, as well as the availability of information on copyright rules - The copyright system's capacity to adapt - The current need for reforms – how urgent, subjects of reforms - The efficiency of CMOs, police and customs, unions and organizations of representatives, as well as courts and tribunals in their work within the copyright system 2. Stakeholders' opinions on the neutrality of the copyright system: Do its rules favor a certain category of stakeholders? 3. Stakeholders' opinions on the access to copyrighted works: Does copyright affect the availability of (certain kinds of) copyrighted works? In what way? How could it be remedied? This topic can also cover the availability of copyright licenses.
Guidelines for data collection	<p>The information can be collected as surveys, interviews or focus group studies covering certain areas of interest, and qualitative studies on the opinions expressed in relevant journals and newspapers, Internet discussion forums and blogs.</p> <p>The opinions of the following stakeholders could be collected:</p> <ul style="list-style-type: none"> - authors - performers - professional copyright users that are granted specific rights by law (such as producers of phonograms and films or broadcasting organizations) - professional copyright users without specific rights granted by law - end-users - other experts in the copyright field - intermediaries <p><i>Exemplary questionnaires for surveys and interviews are presented in a separate toolkit.</i></p>
Limitations of the indicator	<p>All the actors in the industry should be properly represented while keeping the research feasible and the interviews and surveys manageable.</p> <p>The information provided by the participants to surveys or focus groups are based on their individual opinions and experiences. The subjective quality of the answers can create challenges when interpreting the results.</p>

B. INFORMATION SOURCES

- Citizens' Initiative "Järkeä tekijänoikeuslakiin": <https://www.kansalaisaloite.fi/fi/aloite/70>
- Electronic Frontier Finland's website: <https://effi.org/index.en.html>
- Luovan työn tekijät ja yrittäjät (Lyhty), *Tekijänoikeusbarometri 2011*, summary of the survey available at <http://www.lyhty.info/gallupit/?itemid=338142&a=viewItem>
- Motions and statements of the Finnish Competition and Consumer Authority: <http://www.kkv.fi/en/decisions-and-publications/motions-and-statements/>
- Nuorisosiain neuvottelukunta Nuora, *Youth Barometer Survey 2009*, available at https://tietoanuorista.fi/wp-content/uploads/2013/05/Nuorisobarometri_2009.pdf
- Pirate Party's website: <https://piraattipuolue.fi/>
- Statements issued by the Finnish Competition and Consumer Authority, available in Finnish at <http://www.kkv.fi/ratkaisut-ja-julkaisut/aloitteet-lausunnot-ja-kannanotot/kuluttajaviraston-lausunnot-2004-2012/2012/31.8.2012-opetus--ja-kulttuuriministerion/>

C. QUESTIONNAIRE (PROPOSAL)

The following questionnaire is based on a set of exemplary questions for surveys, interviews and focus group studies specified in a separate toolkit of questionnaires.

QUESTIONNAIRE FOR THE PUBLIC AT LARGE

BACKGROUND INFORMATION

1. Please select your age group

- 15 - 24 years
- 25 - 34 years
- 35 - 44 years
- 45 - 54 years
- 55 - 64 years
- 65 years or more

2. Please select your gender

- Male
- Female

3. Please define the size of your annual taxable gross income

Alternative question: Please define the annual taxable gross income of your household

- income group 1
- income group 2
- income group 3
- income group 4

Instruction for the researcher: The income groups need to be defined for each country separately. The question to be asked can be chosen from the two alternatives.

4. Please define your occupation

- Full-time employee
- Part-time employee
- Entrepreneur or self-employed person
- Student or at school
- Pensioner/retiree
- Unemployed
- Other

5. Please define the level education you attained

- Primary school
- Secondary school
- Professional-level education
- University degree
- Post-graduate degree

Instruction for the researcher: The education levels available need to be defined for each country separately.

END USERS' OPINIONS ON THE COPYRIGHT SYSTEM

6. In your opinion, should one respect copyright rules?

- Yes
 - In this case, why? (several answers possible)
 - Because it is fair to compensate artists and performers for their work
 - Because if copyright rules are not respected, the supply of cultural products will decrease
 - Because infringers incur fines and other punishments
 - Because one should always follow the law
 - Other reasoning, what?
- No
 - In this case, why?

7. How important do you find the existence of the copyright and related rights system?

- | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|------------------|
| Insignificant | | | | | Highly important |
| 1 | 2 | 3 | 4 | 5 | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

Optional comment:

8. How acceptable do you consider buying **physical** pirate copies (example: illegal copies of CDs or DVDs)?

Not acceptable at all					Totally acceptable
1	2	3	4	5	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

9. How acceptable do you consider
a) downloading **digital** pirate copies?

Not acceptable at all					Totally acceptable
1	2	3	4	5	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

b) uploading **digital** pirate copies?

Not acceptable at all					Totally acceptable
1	2	3	4	5	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

c) otherwise sharing or enjoying **digital** pirate copies?

Not acceptable at all					Totally acceptable
1	2	3	4	5	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

10. **Optional:** If your national copyright system was to be reformed, what in your opinion would be the most urgent issue(s) to address?

.....

CONSUMERS' ACCESS TO COPYRIGHTED WORKS

Instruction for the researcher: Before presenting questions concerning access to copyrighted products and services, it might be necessary to assess whether respondents are able to distinguish legal and illegal offers. Exemplary questions to that effect are proposed in a separate questionnaires toolkit.

11. When searching for the following products online, indicate which of them you can easily access legally?

	Physical products (CDs, DVDs, etc.)	Digital products
Music	<input type="checkbox"/>	<input type="checkbox"/>
Films	<input type="checkbox"/>	<input type="checkbox"/>
Radio and TV programs	<input type="checkbox"/>	<input type="checkbox"/>
Books	<input type="checkbox"/>	<input type="checkbox"/>
Content for other printed media (articles, photographs, etc.)	<input type="checkbox"/>	<input type="checkbox"/>

- | | | |
|-------------------------------|--------------------------|--------------------------|
| Games | <input type="checkbox"/> | <input type="checkbox"/> |
| Computer programs (/software) | <input type="checkbox"/> | <input type="checkbox"/> |

12. Is it possible for you to use public services (libraries, cultural centers, etc.) in order to access some copyrighted products without payment or at a low price?

Yes, and I use these services

- In this case, please describe which services you use most often:

.....

Yes, but I don't use these services

No

13. Have you encountered situations where the copyrighted products you were looking for were unavailable legally?

Yes

- In this case, how often:

daily

weekly

monthly

at least once during the last year

at least once but not during the last year

No

14. Have you encountered situations where you were willing to purchase a particular copyrighted product but found it too expensive?

	Yes	No
Music	<input type="checkbox"/>	<input type="checkbox"/>
Films	<input type="checkbox"/>	<input type="checkbox"/>
Radio and TV programs	<input type="checkbox"/>	<input type="checkbox"/>
Books	<input type="checkbox"/>	<input type="checkbox"/>
Content for other printed media (articles, photographs, etc.)	<input type="checkbox"/>	<input type="checkbox"/>
Games	<input type="checkbox"/>	<input type="checkbox"/>
Computer programs (/software)	<input type="checkbox"/>	<input type="checkbox"/>

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>