



4.11. FI – Finland⁷³

4.11.1. Key findings

Notions	Existence of definitions/rules
Independent production	No
Independent producer	Yes
Legal provisions concerning the transfer or cession of authors'/performers' rights to the producer (e.g. legal presumption, etc.) (Relationship author-producer)	No ⁷⁴
Specific rules related to the assignment or retention of IP rights by independent producers (Relationship independent producer-AVMS)	No

- The concept of an independent producer of audiovisual works is related to his/her personal, operational, financial and legal independence from broadcasters.
- The producer has financial independence when his/her contribution to the financing of a television programme covers at least 51% of the total cost.
- The producer has operational independence when the total volume (in minutes) of the audiovisual works produced for a single broadcaster does not exceed 90% of the total volume (in minutes) of all audiovisual works, including cinematographic works, produced by the independent producer in question.
- All independent producers are entitled to use the designation "independent producer" or its equivalent in a foreign language together with their trade name.
- The national legislation does not include rules on the retention of IP rights by independent producers in their relationship with broadcasters.

⁷³ The summary on Finland incorporates feedback received from Eliisa Reenpää, legal counsel at the Finnish Transport and Communications Agency (Traficom) (for the parts related to the Act on Electronic Communications Services) and from Aura Lehtonen, senior specialist for copyright affairs at the Ministry of Education and Culture (for the parts related to intellectual property rights) during the checking round with the national regulatory authorities.

⁷⁴ In Finland there is no legal presumption that automatically transfers rights from the author to the producer when audiovisual content is produced. Instead, the transfer of rights from the author to the producer typically occurs through contractual agreements between the parties involved.



4.11.2. National definition of independent producer/independent production

Legislation	Summary of the measures
Section 210 of the Act on Electronic Communications Services No. 917/2014, as amended by Act No. 1207/2020 – (<i>Laki sähköisen viestinnän palveluista</i>) ⁷⁵	According to section 210 of the Act on Electronic Communications Services No. 917/2014 (2020), an independent producer of audiovisual works is considered to be the natural or legal person whose activity meets the following criteria: a) in which any one broadcaster holds no more than 25% of the shares or several broadcasters hold no more than 50% of the shares, and b) who during the past three years has produced no more than 90% of its programmes for the same broadcaster.

4.11.3. National rules on IPR assignment/retention

Legislation	Summary of the measures
	N/A.

⁷⁵ <https://www.finlex.fi/fi/laki/ajantasa/2014/20140917> (in Finnish) and https://finlex.fi/en/laki/kaannokset/2014/en20140917_20201207.pdf (in English).