



4.26. SE – Sweden¹⁴³

4.26.1. Key Findings

Notions	Existence of definitions/rules
Independent production	No
Independent producer	No
Legal provisions concerning the transfer or cession of authors'/performers' rights to the producer (e.g. legal presumption, etc.) (Relationship author-producer)	No ¹⁴⁴
Specific rules related to the assignment or retention of IP rights by independent producers (Relationship independent producer-AVMS)	No

- The concept of the independent production of audiovisual works is not explicitly defined by the Swedish Radio and Television Act. However, it seems to be formulated in relation to European works. In section 7 (Chapter 5) of the abovementioned Act there is a reference to “programmes of European origin created by independent producers”.¹⁴⁵
- The national legislation does not include rules on the retention of IP rights by independent producers in their relationship with broadcasters. The producer may transfer by contract all these exploitation rights to the broadcaster or negotiate the transfer of such specific rights as are necessary for the intended exploitation.
- The Swedish Copyright Act provides for a transfer by contract of the exploitation rights from the author(s) of an audiovisual work to the producer.

¹⁴³ The summary on Sweden incorporates feedback received from Jessica Durehed from the Swedish Press and Broadcasting Authority (MPRT) – for the parts related to the Radio and Television Act – and from Patrik Sundberg (Ministry of Justice) – for the parts related to intellectual property rights, during the checking round with the national regulatory authorities.

¹⁴⁴ In the Swedish Act on Copyright in Literary and Artistic Works 1490/2020 there is no legal presumption for the transfer of the exploitation rights owned by the author of an audiovisual work to the producer. Article 39 of this Act regulates the transfer to the producer (by contract) of the rights to a (pre-existing) literary or artistic work in order to be included in a film. According to Article 39:

A transfer of the right to record a literary or artistic work in a film includes the right to make the work available to the public, through the film, in cinemas, on television or otherwise and to make, in the film, spoken parts available in textual form or to translate them into another language. This provision does not apply to musical works.

See Act on Copyright in Literary and Artistic Works 1490/2020 available at:

<https://www.wipo.int/wipolex/en/text/580485>

¹⁴⁵ Swedish Radio and Television Act (*Radio- och tv-lag*) available at:

https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/radio-och-tv-lag-2010696_sfs-2010-696/



4.26.2. National definition of independent producer/ independent production

Legislation	Summary of the measures
Radio and Television Act No. 2010:696 (as amended 2023:410) (<i>Radio- och tv-lagen</i>) ¹⁴⁶	There is no definition of the concept of “independent producer” in the Swedish Radio and Television Act.

4.26.3. National rules on IPR assignment/retention

Legislation	Summary of the measures
	N/A.

¹⁴⁶ <https://www.mprt.se/globalassets/dokument/lagar-och-regler/the-swedish-radio-and-television-act.pdf>