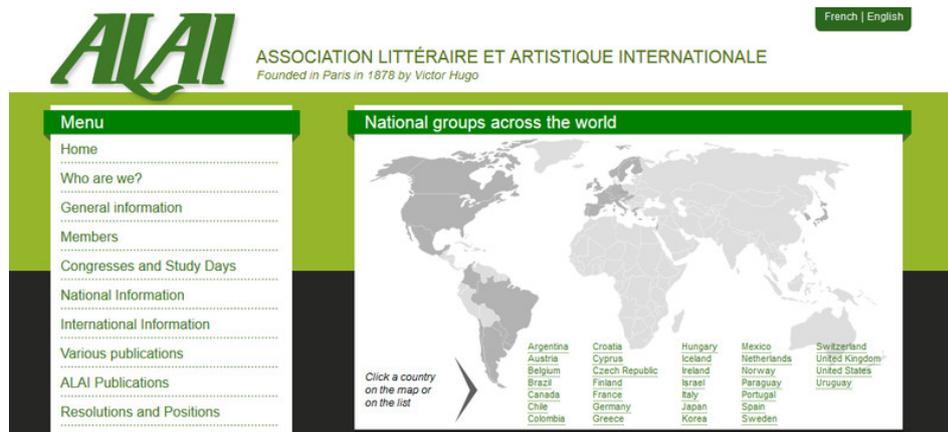


FINLAND



Welcome to the ALAI questionnaire on online practices of author-identification!

The purpose of this questionnaire is to ascertain what author-identification practices are commonly used in ALAI National group countries when works are disseminated online. The results will be used to determine what it means for the name of the author "to appear on the work **in the usual manner**" (Berne Convention, art. 15) when the work is disseminated over online media.

1. Name and surname of the respondent:

Anna Vuopala, Government Counsellor, Ministry of Education and Culture

2. E-mail address:

anna-vuopala@minedu.fi

3. Which ALAI National group do you represent?

Finland

4. If your responses relate to more countries, please list them here:

GENERAL

The answers to the ALAI-study were gathered by Ms. Anna Vuopala, Government Counsellor, Ministry of Education and Culture in Finland based on replies received to the questionnaire that was distributed to relevant organisations in the fields mentioned in the questionnaire.

Normally collective management organisations did not reply to the questionnaire but stated that the organisations representing the authors will answer matters relating to the moral rights of the authors normally not managed by the CMOs. However, Kuvasto ry stated that while it does not generally control moral rights of the authors it does act on behalf of an author who wishes to make a claim regarding the lack of attribution of the author in some cases.

Additional remarks by Ms Vuopala (on behalf of the Ministry), :

Finland considers that the respect of moral rights is a very important issue in the digital environment. There is a need to make an effort to find the best ways to attribute rightholders in the digital environment.

The Ministry of Education and Culture noticed in 2014 that Spotify and most other digital music services do not attribute rightholders of music on their services at all apart from naming the artist and the name of the song. This means that composers, songwriters and other rightholders are not mentioned. Users of the service face the lack of information previously available on the backsides of CD's. The Ministry then started to investigate the reasons behind this fact. The answer from Spotify has been that the metadata in the musical tracks is either incomplete, erroneous or missing completely. Therefore the service cannot make the information available. As far as we understand, the problem has been that to some extent the information on the metadata in the musical tracks is not coherent with the information registered with the collective management organization (collecting remuneration on the authors' behalf). Also, a lot of tracks have been uploaded to the service without sufficient metadata, especially older content. The Ministry started already in 2003 to develop a model for setting a standard for right holder information on the web but the project was not completed due to lack of interest among the participants, specifically in the media industry etc.

It is to be further discussed whether the time is now ripe for this issue and try to develop guidelines etc. based on voluntary cross industry co-operation or what other options there are to improve the situation.

To fuel the discussion of this issue the Ministry has together with Finnish Songwriters and Composers Union Elvis ry organized panel discussions on the subject in Tampere in October 2015. During the autumn 2016 two other panel discussions will be held as regards metadata and the development of the metadata to allow for attribution of authors but to also improve the distribution of royalties to the rightholders. One will be in Helsinki on August 25th, 2016 by the heading: ***Sustainable Copyright – best practices for metadata for music.***

The Ministry of Education and Culture would be very interested in the results of the ALAI-study to form a bigger picture of the situation worldwide. I stand at your disposal for any further inquiries.

Photography and Visual Arts

5. Who are the most prominent **photo/visual art sharing platforms or visual content providers** in your region? On what other sites (including the authors' own) do photographs and other works of visual art appear?

According to the organisation representing visual art (Kuvasto ry), the most relevant providers of visual content are the museums (and will be) but of course several and fast evolving social media platforms such as Facebook, Instagram and the like are also important. Representatives of professional photographers (Fimage ry/advertisement photographers and Kuvajournalistit ry/ photographers for news and periodicals) highlighted that their clients are the media houses and advertisement firms and their clients – both in print and on the internet. Also news and ad-photos are used frequently on social media sites as well as on the photographers own blogs and websites.

6. What practices are employed to place the author's name **in the visual content itself**, such as author's name in a corner of a photograph, mouseover (rollover effect), watermark, metadata in the file's properties, other means or author-identification, or no attribution at all? Are any of the above means standardized in your media sector?

Fimage ry: On the internet the only relevant source for information about the author of a photograph is the metadata in the file's properties of the image itself or otherwise embedded in the photo. The metadata contains all relevant copyright-information such as the photographer with contact details, the rights (single publication, with or without right for transfer), limitations (time period, exclusiveness), client (advertiser or media company) Ad-photographers do not normally have the right to be attributed in the photo itself as this is not a custom for advertisements.

Kuvajournalistit ry: However, in the US there are some ad-photographers who are acknowledged for ad-campaigns. The content of the metadata or for acknowledging the author on the internet is not standardized but there are some industry practices – for example some bigger clients like – the Photomechanic system at AP (Associated Press) requires some minimum metadata to be provided. Some photographing equipment may be programmed to automatically enter some minimum metadata. Metadata contains in addition to the above a description of the caption i.e. category of theme, date when contract ends etc.

7. Whatever the means, what information in addition to the name(s) of the author(s) is disclosed? E.g.

A. A copyright symbol?

Fimage ry: yes, in the metadata

Kuvajournalistit ry: not visible – sometimes by a watermark

Kuvasto ry: The organisation requires the copyright symbol and also the year of permission to be provided, for example ©Kuvasto 2016 when a work of visual art is used based on a Kuvasto licence. A copyright symbol doesn't have to be in the visual content itself. Normally the symbol is based in the connection of the collection of licenced works depending on whether they are in print or on a website. Only when Kuvasto gives a licence to use a single work (or a work of special significance like Picasso) the name of the author and Kuvasto is mentioned in the context of the (c)-symbol. Generally there are not standardized means for attribution in the field of Visual Arts. On top of this it is required that the name of the author appears in the context of the work, normally under it.

B. Standard identifier such as an ISBN (equivalent for photos or drawings)

Fimage ry/Kuvasto: No

Kuvajournalistit ry: IPTC (Photo Metadata that sets the industry standard for administrative, descriptive, and copyright information about images (<https://iptc.org/standards/photo-metadata/iptc-standard/>), latest version, Oct 2014)

C. Year of first publication? Other year(s) (if so, to what do they pertain)?

Kuvasto: Yes, the year of first publication

Fimage ry/ Kuvajournalistit ry: The date of the photograph, some cameras do it automatically

D. In addition to the author's name, does the rightholder's name (if different from the author's) appear?

Kuvasto ry: No

Fimage ry: The name of the client i.e. advertisement company/ advertiser

Kuvajournalistit ry: Normally the media company; however, if a promo picture for a band is published on the website the author is defined in relation to the music producer, with notion „handout“

8. Once author-identifying data is included in the digital file, does it remain there, or do third parties, such as platforms, strip it out?

Kuvasto ry: As far as we know, third parties do not usually strip it out. This applies particularly to the data in institutions (museums) files.

Fimage ry: There is knowledge of some platforms that do strip the author-identifying data; this is done to "change the conditions of the original contract, or to escape from responsibility". A bigger problem is however that the metadata is not provided properly by the authors. It is important that the metadata contains the contract details between the author and the user since the photographer retains the file once it's sent and can refer to it even if the metadata is later stripped (Kuvajournalistit ry).

9. What practices are employed to place the author's name **in the description of the visual content on the website** (whether the author's own website or a third-party website) (outside of the content itself, such as below or above a picture, with a hyperlink to external site, with an indication of a public license, where appropriate...)? Are any of the above means standardized in your media sector?

Kuvasto ry: On the author's own website the name of the artwork is usually placed below or above the picture and on the author's own website the author's name is naturally identified. On a third-party websites there are no standardized means in the description of the visual content. The most common mean might be placing the name of the artwork below a picture. Unfortunately in some cases the author's name is missing.

Fimage ry: Only metadata is provided in this field, no standards.

10. Whatever the means, what information in addition to the name(s) of the author(s) is disclosed? E.g.

A. A copyright symbol?

Kuvasto: It varies a lot.

B. Standard identifier such as an ISBN (equivalent for photos or drawings)

Kuvasto: Usually no

C. Year of first publication? Other year(s) (if so, to what do they pertain)?

Kuvasto: Yes usually

D. In addition to the author's name, does the rightholder's name (if different from the author's) appear?

Kuvasto: No

11. How do the service/platform providers named above in question 5 identify the author and in which form (questions 6-10)?

Kuvasto: for instance: © artists/ right holders name 2016.

Music, Audiobooks, Radio

12. Who are the most prominent **online radio broadcasters, on demand music services (both for streaming and downloading) or other similar services or platforms offering audio content, including audiobooks, podcasts etc.** in your region?

YLE – Finnish broadcasting company/ RadioMedia: In this area the most important services are the YLE Arena as well as online radio broadcasters such as Yle, Radio Suomi Pop, Radio Nova, Radio Aalto, Iskelmä –stations. Commercial radios and public broadcasters have a shared online and mobile service called Radiot.fi for simulcasting of radio channels in Finland. Radiot.fi gathers in one service almost all commercial radio broadcasters and public radio channels. Most of commercial radio broadcasters also simulcast radio channels in their websites or similar. Some of commercial radio broadcasters also have their own web or mobile services for their channels for streaming. These are at the moment Supla (Nelonen Media) and Basso (Bassoradio), which includes simulcasted radio channels, radio podcasts and/or clips of radio stream contents. Supla is based on speech only –content and the service does not contain any music. RadioMedia doesn't have information about radio broadcasters that do online only. Some of commercial radio broadcasters have their online radio channels for example Radio NRJ Finland. There are certainly some only online radio broadcasters in Finland.

Composers' and songwriters' Elvis ry: For streaming of music the most popular services are Spotify and Youtube etc.

Sanasto ry: For audio books the most popular services are provided by the book publishers themselves. Also the Visually-impaired library Celia produces a significant number of audiobooks a year. In the radio literature is recited on YLE stations.

13. Is there a practice to mention the author's or rightholder's name **within the audio content itself**? This may differ for radio, podcasts or audiobooks (where it is common to mention an author) and for musical services where the name may appear in the file's metadata or with the mouseover (rollover) effect. Are any of the above means standardized in your media sector?

RadioMedia: When it comes to music on the radio, the general rule is that the artist and the song are mentioned on the radio (which band/singer and which song) – not the authors if they are different from the artist. In context with classical music usually the composer is mentioned as well. Mentioning of the author's or rightholder's name normally comes before or/and after music content in the stream. There is variability in given information depending of radio channel and radio program. Commercial radio in Finland doesn't have any specific or standardized rules to mention author's or rightholder's name. Most of the radio channels give real time information about music played in channel on webpage or/and has played music history date where broadcasters simulcast radio stream for example their webpage or in radio services. The Radiot.fi -service do not have at the moment information about authors on the service, but the providers are looking for a solution to make played music data available in service on real time.

YLE: When it comes to literature in general on the radio the author and title of the book, rarely the publisher, are mentioned. In context with online audio content such information can usually be found in the text description of the program. Translators are not always mentioned. When new songs are played on shows before they have been registered with Teosto, YLE cannot distribute the royalties.

The Union of Finnish Writers/ Sanasto: Normally there are no problems in attribution of fiction writers on the Internet. The authors for audiobooks are clearly stated on the audio feed of the audio book and in the digital files or in connection with them. For radio recitation the translators are often not mentioned. The name of the translator might be mentioned somewhere else. When the audio book is in physical form the names of the authors including the translator are mentioned on the package.

Elvis ry:At the moment the only information available on digital music services are the name of the artist and the name of the music track and its duration. This is a very big problem. Some services such as Deezer and TIDAL have, however, made efforts in showing the metadata that is included in the files from the distributors. This is a good thing, but as stated, the majority of the

streaming services do not provide/show author information. The reason, according to the music services, is that the underlying metadata is inaccurate or incomplete.

14. If the means of author-identification involve information that can be visualized (as opposed to a purely audio attribution of authorship), what information in addition to the name(s) of the author(s) is disclosed? E.g.

A. A copyright symbol?

Elvis ry/ Sanasto: Yes

Radiomedia: No

B. Standard identifier such as ISRC

Elvis ry/ Sanasto: Yes

Radiomedia: No

C. Year of first publication? Other year(s) (if so, to what do they pertain)?

Elvis ry/ Sanasto: Yes. Sanasto says that normally the first year of publishing is not mentioned, only the information about the publishing year if the edition

Radiomedia: No

D. In addition to the author's name, does the rightholder's name (if different from the author's) appear?

Elvis ry/ Sanasto: Yes. Sanasto says further that normally the author's and the publisher's name is mentioned.

Radiomedia: No

15. Once author-identifying data is included in the digital file, does it remain there, or do third parties, such as platforms, strip it out?

Elvis: We don't know. We tend to think that the stripping out the information might happen. Some kind of common standard to handle the metadata would be worth gold.

16. What practices are employed to place the author's or rightholder's name **in the description of the audio content on the website** (outside of the content itself, such as below or above a file, with a hyperlink to external site...)? Are any of the above means standardized in your media sector?

YLE: This information is mentioned also in the web service, for example, Yle Areena contains (in context with music programs) song lists. In addition, a radio transmission window tells you which song is currently playing / next song / previous song.

RadioMedia: There are no standardized practices. The webpage usually has music data in some form on real time or as in history information.

17. Whatever the means, what information in addition to the name(s) of the author(s) is disclosed? E.g.

A. A copyright symbol?

Elvis/ Radiomedia: No

B. Standard identifier such as ISRC

Elvis/ Radiomedia: No

C. Year of first publication? Other year(s) (if so, to what do they pertain)?

Elvis/ Radiomedia: No

D. In addition to the author's name, does the rightholder's name (if different from the author's) appear?

Elvis/ Radiomedia: No

18. How do the service/platform providers named above in question 10 identify the author and in which form (questions 13-17)?

Elvis: In no way at all. There is no copyright symbol, ISRC-code or year of the first publication. The composers and lyricists are not mentioned. It is very rare that the artist is the composer or the lyricist of the song. Mostly they are different persons, and this should be mentioned. This is a problem. Copyright laws include a provision that says that users of works must respect the authors' right to attribution.

Film, TV, Video

19. Who are the most prominent **online TV broadcasters, user generated video sharing platforms, on demand film providers (both streaming and downloading) or other similar services or platforms offering audiovisual content** in your region?

YLE: Online TV-broadcaster YLE Areena, Netflix, HBO, etc. etc. Of course social media platforms are a significant provider of AV content aswell.

20. What means are employed to place the author's or rightholder's name **in the audiovisual content itself**, such as in the opening or closing credits, on the bottom of the window with the film, by a watermark placed over the film, metadata in the file's properties, use of the mouseover (rollover) effect etc.? Are any of the above means standardized in your media sector?

YLE: The authors' names are mentioned in the audiovisual content itself, especially in the closing credits.

Elvis: It is typical in Finnish TV channels to fade out the end credits (including all authors info) to promote the next/upcoming programme. This has also been an issue within the industry in Finland.

21. Whatever the means, what information in addition to the name(s) of the author(s) is disclosed? E.g.

A. A copyright symbol?

B. Standard identifier such as ISRC (music videos) or other equivalent

C. Year of first publication? Other year(s) (if so, to what do they pertain)?

D. In addition to the author's name, does the rightholder's name (if different from the author's) appear?

No replies were given for these questions.

22. Once author-identifying data is included in the digital file, does it remain there, or do third parties, such as platforms, strip it out?

No replies were given for these questions.

23. What means are employed to place the author's or rightholder's name **in the description of the audiovisual content on the website** (outside of the content itself, such as below or above a file, with a hyperlink to external site...)? Are any of the above means standardized in your media sector?

Tuotos (CMO representing the AV producers): Tuotos reminded about the International Movie Database which was previously independent but later a part of the Amazon group..

24. Whatever the means, what information in addition to the name(s) of the author(s) is disclosed? E.g.

A. A copyright symbol?

B. Standard identifier such as ISRC (for music videos) or other equivalent

C. Year of first publication? Other year(s) (if so, to what do they pertain)?

D. In addition to the author's name, does the rightholder's name (if different from the author's) appear?

No replies were given for these questions.

The iMDB (<http://www.imdb.org>) describes itself as “Find showtimes, watch trailers, browse photos, track your Watchlist and rate your favorite movies and TV shows on your phone or tablet”. However, under the heading “Full cast and crew” there is information about whom is the director, author of screenplay, writer of the original novel, composer of the music and it gives credits to the entire cast and production. The names credited are also linked to a specific site providing for example contact information, normally via an agent. To contact the agent, it is necessary to become a customer of the iMDBPro –service. This open web service is accessible on the internet or on mobile. Normally it is not linked to the digital content services mentioned in Question 19.

25. How do the service/platform providers named above in question 15 identify the author/rightholder and in which form (questions 20-24)?

Normally the closing texts of audiovisual content contains the ©-symbol, and all the credits. As this is also available on the digital content services there are no big problems. However, sometimes the TV-channel fades out the credits to market the next or a future program. The credits are not available via any other source.

E-zines, E-books, Blogs, News, News Aggregators

26. What are the most prominent providers of **online literary content** (e.g. magazines/e-zines, e-books, blogs, news, including news aggregators) in your region and how do they identify the author or rightholder?

Sanasto: In Finland e-books are mostly offered by the national book publishers in their own services.

There are no standardized ways to identify the authors or rightholders. As regards writers of articles the authors are mentioned in the context of text. As regards images the same problems remain as were mentioned under Photographs and visual art.

27. Is there a practice to mention the author's or rightholder's name **within the literary content itself**, such as author's name as a byline appearing together with the literary content, or disclosed via mouseover (rollover effect), watermark, metadata in the file's properties, other means or author-identification, or no attribution at all? Are any of the above means standardized in your media sector?

No reply was given for this question.

28. Whatever the means, what information in addition to the name(s) of the author(s) is disclosed? E.g.

A. A copyright symbol? **Sanasto: yes**

B. Standard identifier such as an ISBN or ISSN. **Sanasto: yes**

C. Year of first publication? Other year(s) (if so, to what do they pertain)?

Sanasto: normally the first year of publishing is not mentioned, only the information about the publishing year of the edition

D. In addition to the author's name, does the rightholder's name (if different from the author's) appear?

Sanasto says further that normally the author's and the publisher's name is mentioned.

29. Once author-identifying data is included in the digital file, does it remain there, or do third parties, such as platforms, strip it out?

Sanasto: Normally the author's and the publisher's name is intact and is not stripped out.

30. What practices are employed to place the author's or rightholder's name **in the description of the literary content on the website** (outside of the content itself, such as below or above a file, with a hyperlink to external site...)? Are any of the above means standardized in your media sector?

Sanasto: Normally the author's and the publisher's name is mentioned below the digital file. No standards exist.

31. Whatever the means, what information in addition to the name(s) of the author(s) is disclosed? E.g.

A. A copyright symbol?

B. Standard identifier such as an ISBN or ISSN.

C. Year of first publication? Other year(s) (if so, to what do they pertain)?

D. In addition to the author's name, does the rightholder's name (if different from the author's) appear?

No replies were given for these questions.

Websites as Such

32. Is there a standardized or prevailing practice how to place the name of the author in and to the **website as such**, e.g. at the very bottom of the website, at the bottom of the window (if the page is scrolled or the window resized, the text sticks to the lower window border, elsewhere than at the bottom of the website), with a hyperlink to external site naming the actual rightholder?.

Kuvasto: No. On the author's own website the author's name can be found for example on the sidebar or the footer.

Fimage: no

Kuvajournalistit ry: When photos are published on websites the most common practise is to name the picture (file name) with the author's name, both first and last names. This way – unless the name will show when the user of the website checks the properties of the photo, or a mouseover effect could also show the authors name.

In 2003 some effort was made in Finland (by the Ministry of Education and Culture) to try to find a standardized way to identify the author for content published on websites within the based on the provisions on protection of Electronic Rights Management Information based on Art. 12 of WCT and Art. 19 of WPPT. The intention was to develop this standard together with the media sector and rightholder representatives. This work was not finished due to lack of interest among the parties.

34. Whatever the means, what information in addition to the name(s) of the author(s) is disclosed?

E.g.

A. A copyright symbol?

Kuvasto: On the author's own website: Usually yes

B. Standard identifier such as an ISBN.

Kuvasto: No.

C. Year of first publication? Other year(s) (if so, to what do they pertain)?

Kuvasto: Yes.

D. In addition to the author's name, does the rightholder's name (if different from the author's) appear?

Kuvasto: No.

General

35. Can you identify substantial similarities or differences between the online and offline identification practices in your region?

It depends how big the changes are for each sector but normally there is a clear difference. The added value of digital author identifying data is that the remuneration may be distributed to the correct rightholders, the user can contact the rightholder better than before and that the moral rights of the authors are respected.

Sanasto ry: The provision of author identifying data for literature is on a good level normally both for analogue and digital publishing. For translators there are problems since the original writer is mentioned but not the translator. This is the norm especially for radio-programmes.

Elvis: For music, if the offline means digital content that can be used offline, there are no identification practices in the music sector. However, if the offline here means an actual, physical album, then there is a huge difference: the author info is clearly printed on the backside of CD:s and albums. This is based on set directives by the CMO/ licensing body NCB of mechanical rights (in Finland and Denmark).

Kuvasto ry: For offline content, the name of the right holder is usually more closely located in context of the work itself whereas for online content the name maybe placed more freely into the overall context. However, also the opposite may take place depending on the case. Sum: there are no substantial differences between on line and off line.

Fimage ry: Same practice both analogue and digital for ad-photographers – would not mind the availability of author-identifying data in this field too (For example: authors/ artists of music are nowadays more attributed on TV/ commercials than before).

Kuvajournalistit ry: The photograph files have experienced an inflation. Anyone can take them and when there's no data on the author, the user thinks they can be used for free. Image scanning is a tool for Google, but what does it do for authors? When works are screen captured the metadata is not following – normally it is following which is important.

