

## Writers Guild of Finland

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# Country report: FINLAND

## Writers Guild of Finland

Founded in 1921.

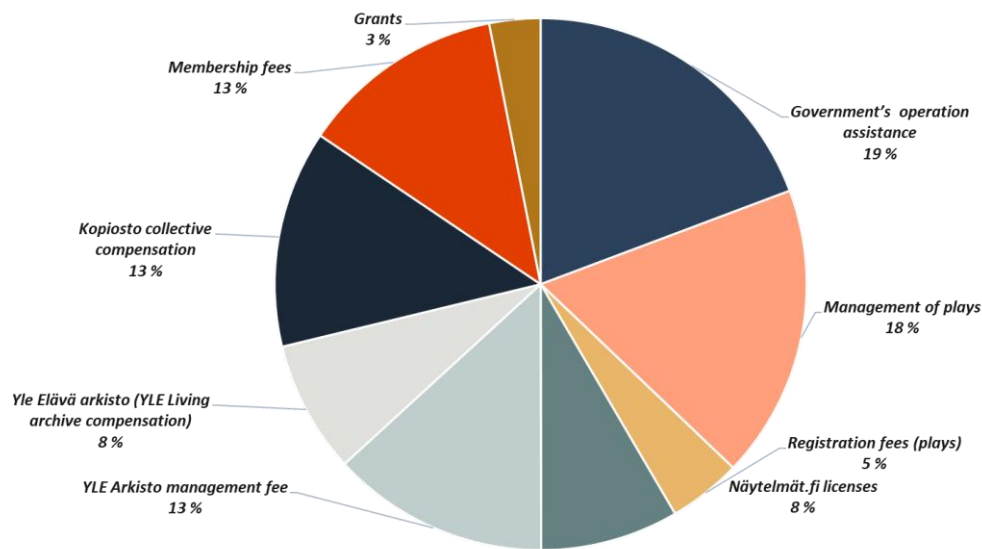
Today 720 members: professional playwrights (appr. 50%) and screenwriters (writing for stage, film, television, radio and new media).

Writers Guild of Finland protects the professional, copyright and financial interests of its individual members, and handles the rights of properties owned by other controlling bodies such as estates. In addition to negotiating and issuing contracts, we develop codes of practice in co-operation with theatres, television channels and producers. We also work closely with various artistic, copyright and public affairs organisations in order to promote the aims of professional writers.

## Financing & Budget

The funding consists of the operation assistance of Ministry of Education and Culture, YLE (The Finnish Public Service Media Company) archive contract services and

Kopioisto collective compensation together with the play contract services we offer in-house. Membership fees are 13 % of our overall budget.



### Writers Guild of Finland's statements in 2024

- Cultural politics report 2040, Ministry of Education and Culture
- Statement on the effects of national implementation of EU´s directive on online transmissions of broadcasting organisations and retransmissions of television and radio programmes (2019/789)

**National legislation specific to screenwriters, covering the conditions of writing services and exploitation of author's rights, as well as aspects of social protection and taxation**

[https://www.finlex.fi/fi/laki/kaannokset/1961/en19610404\\_20231216.pdf](https://www.finlex.fi/fi/laki/kaannokset/1961/en19610404_20231216.pdf)

**National legislation imposing investment quotas in the production of audiovisual or cinematographic programs by broadcasters in Finland**

<https://www.finlex.fi/fi/laki/alkup/2023/20231203>

## **Collective management organisations to which our members belong**

AVATE (Audiovisual authors and performers in Finland), copyright organization for screenwriters, actors and directors in the audiovisual sector

Kopioisto (private copying)

Sanasto (literary copyright society)

## **More information on current important issues in Finland**

### **Collective bargaining in Finland**

Writers Guild of Finland is currently working together with Finnish Actor Union and Finnish Film Director Union in AVATE (Audiovisual authors and performers in Finland) to initiate collective bargaining in Finnish audiovisual industry in the future. Time of actualization of collective bargaining is hard to estimate, but will probably take years.

For the moment, Finnish screenwriters work mainly as freelancers and they negotiate on their contracts personally. Contracts vary to a great extent.

### **Crediting Guide for screenwriters**

AVATE published the new crediting guide for screenwriters, directors and actors working in Finnish audiovisual industry in autumn 2023. The publication is a part of the associations Metadata Project that is funded by the Finnish Ministry of Education and Culture. The Metadata Project aims to develop rights and abilities of the individual creators to get information about their works later use.

[The Crediting Guide can be downloaded here \(PDF\).](#)

### **Cuts on the Cultural Budget hit hard the audiovisual industry in Finland**

On August 2024 the Finnish Government announced **additional cuts** worth 50 m€ but ended up cutting 17,4 m€ from the Cultural Budget in 2025. When writing this

report it is still unsure where the cuts will hit the hardest, but the Government will reveal more of its plans in the end of September.

**The Compensation of Private Copying will decrease** from 11 m€ to 6 m€ next year. That will have a huge impact on **Kopiosto**'s and **AVEK**'s funding. AVEK has provided financial support for different kinds of film productions to promote Finnish film. After the major cuts, it is unclear if AVEK is able to continue to work. The individual creators will also receive less compensation from private copying. The real level of the compensation for private copying has decreased drastically over the years. The compensation paid in Finland is also small by international standards. Therefore, developing the compensation system is important in order to foster the success of the Finnish audiovisual sector. [Read more on AVEK:s website \(in English\)](#).

There will be **big cuts on the Government funding for Finnish Film Foundation and YLE** (The Finnish Public Service Media Company). The Parliamentary Working Committee announced on 12th September their statement to **cut on Yle funding 66 m€** within next four years. Writers Guild of Finland is currently negotiating new collective labour agreement with YLE. Our negotiations with YLE have been delayed due to uncertainty of their funding. There is a risk that YLE is able to buy less Finnish drama in the future although in the statement there is written a new requirement that YLE should be rising the boughts of domestic drama. A lot is still uncertain.

Also, it is still unclear if the **Production Incentive** of the audiovisual industry will get to keep its 12 million euros in the future. The exact amounts of the cuts will be known this autumn and the effects will be hard to estimate but sure to have a major impact on the whole industry.

The Government has also weakened freelancers possibilities to receive social security by making changes to Unemployment Insurance on September 2024. For example, the employment condition will be extended to 12 months from the former 6 months.

**More and even bigger cuts on the Cultural Budget will be made upcoming years.**

## **DSM Directive in Finland**

**In Finland, the implementation of the DSM Directive was mainly done by amending the Copyright Act.** The deadline for transposing the Directive into national law was 7 June 2021, but in Finland this deadline was exceeded by almost two years - the amendments to the Copyright Act entered into force in spring 2023. The implementation of the Directive is the most significant reform to Finnish copyright legislation in 20 years.

Implementation in Finland was challenging in many respects and the preparation of the law in the ministries has been described as an exceptional process. The preparation was slow and complex, which is partly reflected in the final result in the ambiguity of the legal text and the contradictory relationship between the draft texts and the legislation itself.

The first draft of the government bill amending the Copyright Act attracted criticism, particularly from authors, for ignoring the spirit of the Directive. The draft did not consider articles that would improve the weak bargaining position of authors. From the authors' point of view, the draft contained solutions which were not required by the Directive and were even considered to be contrary to the Directive and international treaties. However, the second draft government proposal succeeded in achieving significant improvements for the authors.

The most prevalent sections influencing the bargaining power of authors were implemented in Chapter 3 of the Finnish Copyright Act. The new sections in Chapter 3 implement the Directive's articles 18-22. There are three completely new Sections (28 a, 30 a and 30 b) and one renewed Section (29) all regarding the transfer of copyright. In the audiovisual field, there are conversations being held especially regarding Section 30 a, which is based on the transparency obligation of the Directive's article 19.

There are major disagreements among users and authors in the audiovisual industry about the content of this article. At present, the transparency obligation is not being complied with in the audiovisual sector in Finland as intended by the Directive.

Ultimately, this in turn means that the other new Sections cannot be applied in accordance with the purpose of the Directive either. Authors need up to date and comprehensive information on the exploitation of their works and performances in order to assess the appropriateness and proportionality of their remuneration, so that they can furthermore assess the need to exercise the right of revocation or the contract adjustment mechanism.

The biggest argument from the users for not implementing the transparency obligation into practice relates to trade secrets. The users are hesitant to share sensitive information to a large group of authors, and since audiovisual works are usually joint works with contributions from multiple authors, this becomes a problem. Although there is a protection mechanism in place in the Finnish Copyright Act to safeguard trade secrets when sharing information relating to the transparency obligation, the sharing of information is still seen as problematic.

As for case law, no cases have yet been tried under the new articles. Finland did not implement the alternative dispute resolution mechanism under DSM Article 22, which means that the threshold for authors to take legal action against malpractice is very high. The government proposal would suggest that the only option in case of failure of settlement negotiations would be arbitration, which in practice no author would have the possibility to engage in for financial reasons.

## **We continue negotiate the regulation of AI**

AI rises much questions and conversations. We have had several events on the threats and advantages of using AI for our members. Our screenwriter members have been concerned and also interested how AI will impact their work. For the moment, we will wait for the EU regulations to be completed.