

# Copyright, etc. terms in Norway

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**This document summarises the terms of copyright and neighbouring rights Norway, for the purposes of deciding when a particular work or performance may be freely used without the need to clear rights.**

## Introduction

Norway is a member state of the EEA (European Economic Area) which means that Norway has agreed to enact legislation similar to that passed in the EU in the areas covered by «first pillar» of the European Union. This includes the EU Copyright Directive (directive 2001/29/EC) and the EU Database Directive (directive 1996/9/EC). Further, Norway's copyright legislation is based upon the continental (in particular French and German) copyright tradition.

Norway also has some peculiar laws that protect «simple» photographs. I.e. photographs, such as snapshots, that are below the threshold of originality to merit copyright protection are given neighbouring rights protection.

Copyright in Norway is defined by «Lov 1961-05-12 nr. 2: Lov om opphavsrett til åndsverk m.v. (åndsverkloven)». References to this law abbreviated «åvl» in the following.

The Norwegian copyright act does not address public domain directly.

The Norwegian copyright law defines two basic rights for authors: *economic rights* and *moral rights*.

The economic rights are awarded for a fixed term (for creative and artistic works, this is 70 years from the death of the author). The moral rights (i.e. the rights of attribution and the rights of integrity) never expire.

Copyright commentaries use the phrase «falt i det fri» (literally: «fallen into the free» for works for which economic copyrights has expired. For material that is outside the scope of copyright, the phrase «i det fri» («in the free») is used. This corresponds roughly to the term «public domain» in English.

Norwegian copyright law makes a distinction between copyright and neighbouring rights. Only creative and artistic works are subject to copyright. Some other types of works are protected by so-called neighbouring rights.

## No copyright

There is no copyright to statutes and other written laws, governmental decisions and certain governmental documents, international agreements, or the translations of any of the aforementioned works. This, however, does not apply to independent and separate works of

art (e.g. poems, musical works, artworks) that are quoted in, rendered in, or attached to government documents (åvl § 9).

## Copyright protection of creative and artistic works

The economic rights to creative and artistic works, including photographic works, are protected for 70 years following the year of death of the author. I.e. an author that died in 1940 will have his works protected until January 1st, 2011 (åvl § 40).

In a collective or joint work, this is counted from the death of the longest surviving author. For a motion picture, the following are to be considered authors: main director, scriptwriter, dialogue author, and composer of original musical score (åvl § 40).

For anonymous works the term of copyright is 70 years following the year of publication (åvl § 41).

For unpublished anonymous works the term of copyright is 70 years following from the year when the work was created (åvl § 41).

If such an unpublished work, whose copyright has expired, is then later published, the publisher is entitled for a copyright for 25 years from the year of publication (åvl § 41a).

As noted in the introduction, moral rights will never expire.

## Neighbouring rights

The performer's right to a performance is 50 years following from the year of performance, or 50 years from the year of performance (for performances that has not been made publicly available), or 50 years following the year the performance was first made available to the public (åvl § 42).

The creator's right to a catalogue or database of information (*sui generis* protection) is 15 years from the year of last update. This means that for a database that is actively maintained, the protection may be perpetual (åvl § 43).

A photographic image has its economic rights protected in 15 years following the year of the death of the photographer, or at least 50 years following from year the photograph was produced (åvl § 43a). Note that this only applies to «simple» photographs. If the photo is artistic or creative enough to merit copyright protection, then the term of protection is 70 years following from the death of the author.

The producer's right to a sound recording and a visual recording is 50 years following from the year of publication (åvl § 45).

The broadcaster's right to a radio or television broadcasting is 50 years from the year of the broadcast (åvl § 45a).

# Copyright term flowchart Norway 2009

