

# Government resolution on the national intellectual property rights strategy

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# Government resolution on the national intellectual property rights strategy

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## Government resolution on the national intellectual property rights strategy

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### Abstract

Based on the Programme of Prime Minister Marin's Government, a national intellectual property rights strategy (IPR Strategy) has been formulated to develop competences and administration related to intellectual property and to introduce measures to improve the current situation.

To support the preparation of the strategy, the Ministry of Economic Affairs and Employment appointed a steering group representing interest groups and a project group consisting of public officials in spring 2020. The proposal was completed in May 2021 and it was subsequently sent out for public consultation. Based on the proposal and the feedback received during the consultation round, public officials prepared a draft that was circulated for comments during 10 December 2021–21 January 2022.

The strategy's vision is that in 2030, Finland will have an effective IPR operating environment that supports innovation and creative work, which will increase economic wellbeing and competitiveness by taking into account the realisation of fundamental rights and different social interests in a diverse way.

Sub-objectives supporting the achievement of the vision are: Finnish actors have strong IPR expertise, world-class innovations are created and commercialised in Finland, intellectual property is an integral part of political decision-making, Finland has a functioning and competitive IPR system, and Finland promotes the development of the IPR system and regulation in the EU and internationally.

To achieve these objectives, 15 measures have been selected to be carried out in 2022–2030.

**Keywords** intellectual property rights, IPR, strategies, research and development, innovation

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## Valtioneuvoston periaatepäätös kansallisesta aineettomien oikeuksien strategiasta

### Valtioneuvoston julkaisu 2022:79

**Julkaisija** Valtioneuvosto

**Tekijä/t** Tanja Müller

**Yhteisötekijä** Työ- ja elinkeinoministeriö

**Kieli** englanti

**Sivumäärä**

35

### Tiivistelmä

Pääministeri Marinin hallituksen hallitusohjelman mukaan on laadittu kansallinen aineettomien oikeuksien strategia (IPR-Strategia), jolla kehitetään aineetonta omaisuutta koskevaa osaamista ja hallintoa sekä tehdään nykytilannetta kehittäviä toimenpiteitä.

Työ- ja elinkeinoministeriö asetti strategian valmistelun tueksi keväällä 2020 sidosryhmiä edustavan ohjausryhmän ja virkamiehistä koostuvan projektiryhmän. Ehdotus valmistui toukokuussa 2021 ja siitä pyydettiin lausunnot kesällä 2021. Ehdotuksen ja lausuntokierroksella saadun palautteen pohjalta valmisteltiin virkatyönä luonnos, joka oli lausuntokierroksella 10.12.2021–21.1.2022.

Strategian visiona on, että Suomessa on vuonna 2030 tehokkaasti innovaatiotoimintaa ja luovaa työtä tukeva IPR-toimintaympäristö, joka kasvattaa taloudellista hyvinvointia ja kilpailukykyä siten, että perusoikeuksien toteutuminen ja eri yhteiskunnalliset intressit otetaan monipuolisesti huomioon.

Vision saavuttamista tukevat osatavoitteet: suomalaisilla toimijoilla on vahva IPR-osaaminen, Suomessa luodaan ja kaupallistetaan maailmanluokan innovaatioita, aineeton omaisuus on kiinteä osa poliittista päätöksentekoa, Suomessa on toimiva ja kilpailukykyinen IPR-järjestelmä ja Suomi edistää IPR-järjestelmän ja sääntelyn kehittämistä EU:ssa ja kansainvälisesti.

Tavoitteiden saavuttamiseksi on laadittu 15 toimenpidettä, joita toteutetaan vuosina 2022–2030.

**Asiasanat** aineettomat oikeudet, IPR, strategiat, tutkimus- ja kehittämistoiminta, innovaatiotoiminta

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## Statsrådets principbeslut om en nationell strategi för immateriella rättigheter

### Statsrådets publikationer 2022:79

**Utgivare** Statsrådet

**Författare** Tanja Müller

**Utarbetad av** Arbets- och näringsministeriet

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35

### Referat

I enlighet med statsminister Marins regeringsprogram har det utarbetats en strategi för immateriella rättigheter (IPR-strategin). Genom strategin utvecklas kompetensen och förvaltningen i fråga om immateriella tillgångar samt vidtas åtgärder som utvecklar nuläget.

Som stöd för beredningen av strategin tillsatte arbets- och näringsministeriet våren 2020 en styrgrupp som företräder olika intressegrupper och en projektgrupp bestående av tjänstemän. Förslaget färdigställdes i maj 2021 och sändes på remiss sommaren 2021. Utifrån förslaget och de remissvar som kommit in under remissbehandlingen sammanställdes ett utkast som tjänsteuppdrag. Utkastet var ute på remiss perioden 10.12.2021–21.1.2022.

Visionen i strategin är att Finland år 2030 ska ha en IPR-miljö som stödjer innovationsverksamhet och kreativt arbete på ett effektivt sätt och som ökar den ekonomiska välfärden och konkurrenskraften med beaktande av de grundläggande fri- och rättigheterna och olika sociala intressen.

Olika delmål som stöder uppnåendet av visionen: finländska aktörer har god kompetens inom IPR, i Finland skapas och kommersialiseras innovationer av världsklass, immateriella tillgångar är en fast del av det politiska beslutsfattandet, Finland har ett fungerande och konkurrenskraftigt IPR-system och Finland främjar utvecklingen av IPR-systemet och regleringen i EU och internationellt.

För att målen ska uppnås har det utarbetats 15 åtgärder som genomförs åren 2022–2030.

**Nyckelord** immateriella rättigheter, IPR, strategier, forsknings- och utvecklingsverksamhet, innovationsverksamhet

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# 1 Introduction

The programme of Prime Minister Marin's Government set the goal that Finland will develop significantly as a research and innovation environment and that intangible and tangible investments will start to rise. As one of the ways to achieve this goal, the Government Programme named the development of a national intellectual property rights strategy (*IPR strategy*) to "boost competence and governance of intellectual property and make improvements to the current situation".<sup>1</sup>

Research, development and innovation activities (*RDI*) play a key role in Finland's competitiveness and prosperity. The Government's objective is to increase the share of Finland's research and development expenditure from the current 2.7% to 4% of GDP by 2030. In the mid-term policy review and spending limits discussion of 29 April 2021, the Government outlined that, as one measure, conditions will be created and the value creation of intellectual property rights will be strengthened in cooperation in order to commercialise and produce industrial innovations of companies and higher education institutes (HEIs) on an industrial scale to the international market.<sup>2</sup>

Intellectual property rights encourage innovation and creative work and promote the use of innovations in society. They are therefore an important part of innovation policy, the aim of which is to create conditions in Finland that encourage companies to innovate boldly, make reforms and grow internationally. Intellectual property rights are also the backbone of creative industries and play a key role in the achievement of art and cultural policy objectives, such as promoting the livelihood of artists and the diversified availability of creative content in society. Intellectual property rights are also linked to the exploitation of data, which is an integral part of business, research and public administration today.

In the spring of 2020, the Ministry of Economic Affairs and Employment set up a steering group to support the preparation of the IPR strategy and a project group to support the steering group.<sup>3</sup> The steering group was chaired by board professional Kaisa Olkkonen and the practical preparations were carried out by the Ministry of Economic Affairs

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1 Programme of Prime Minister Sanna Marin's Government, 10 December 2019: Inclusive and competent Finland – a socially, economically and ecologically sustainable society, p. 106.

2 Government policies in the mid-term policy review and spending limits discussion, 29 April 2021, p. 50.

3 Decision VN/6935/2020 of the Ministry of Economic Affairs and Employment, 27 March 2020.



and Employment in cooperation with the Ministry of Education and Culture and the Ministry for Foreign Affairs. In support of the preparatory work, a background study<sup>4</sup> was prepared on the current situation of intellectual property rights and their use, as well as on future challenges and key needs for changes, and extensive consultations were held with industry and other stakeholders. The steering group finalised its proposal for the IPR strategy in May 2021, and it was circulated for comments in summer 2021.

This resolution outlines the key measures that the ministries commit to implement in their areas of responsibility between 2022 and 2030 to the extent possible within the limits of their resources. Measures requiring funding will be discussed and decided upon separately in the process of drafting the state budget and the General Government Fiscal Plan. The draft resolution was circulated for comments from 10 December 2021 to 21 January 2022.

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4 Situation of intellectual property rights in Finland 2020 – Background to the IPR strategy, Publications of the Government's analysis, assessment and research activities 2021:13. The permanent address of the publication is <http://urn.fi/URN:ISBN:978-952-383-089-9>. (In Finnish)

## 2 Terminology and concepts

Intellectual property rights are traditionally divided into copyright and industrial property rights. However, this resolution uses the more consistent and precise terms “intellectual property rights” (*IPR*) and “intellectual property” (*IP*), which cover industrial property rights as well as copyright and related rights. Intellectual property also includes the added value of knowledge, know-how or other innovation activities and data, which are not directly subject to intellectual property rights. Exclusive rights to intellectual property are referred to as intellectual property rights.

Innovation is a wide concept with many definitions. Innovation is not just an idea or invention; it can be a new and useful product, service, process or method. Innovations may be, for example, commercial applications of inventions or successful operating models that reform the industry and business. Cooperation between companies, HEIs and research institutes refines science, knowledge and creative expertise into innovations and wellbeing. Public sector services are also renewed by innovations.

### 3 Current state

The system of intellectual property rights includes, for example, patents, trademarks, copyright and related rights, design rights, utility models, geographical indications<sup>5</sup> and plant variety rights<sup>6</sup>, as well as the protection of trade secrets. Intellectual property rights help companies and other actors, such as HEIs and research institutes, to manage<sup>7</sup> and commercially exploit their intellectual property. Patents protect industrial inventions, trademarks protect and distinguish products and services from other similar products and services, design protection protects design and copyright protects literary and artistic works.

The Finnish system of intellectual property rights has so far been ranked highly in various international comparisons<sup>8</sup>, which helps to attract RDI investments to Finland. However, the ranking may fall in the future if no investments are made in the development of the system. The system of intellectual property rights affects society in many ways and requires a balance between exclusive rights and public interests in various ways. Finland's rise from the state of emergency caused by the COVID-19 pandemic and the country's success in global competition require the production of new knowledge, innovations and inventions that bring social benefits and added value, as well as a new high level of expertise. At the same time, the COVID-19 pandemic has emphasised the importance of a functioning system of intellectual property rights that creates strong incentives for innovation activities and enables the smooth exploitation of innovations and inventions protected by intellectual property rights and the spread of knowledge in society.

The background study prepared to support the preparation of the IPR strategy examined the current situation of intellectual property rights and their exercise in Finland. From

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5 The purpose of the geographical indications system is to protect agricultural products and foodstuffs against the falsification of established names and to make them more widely known and easier to market. Finland has so far made little use of the system, as the awareness of companies and applicant groups about the system and the added value of protection is lacking.

6 Plant variety right is the same type of 'inventor' right as patent right. In Finland, the companies involved in plant production are generally small and their possibilities for creating new varieties rather limited.

7 Management refers to the measures necessary to establish exclusive rights, such as registration or other management.

8 For example, in the World Economic Forum's (WEF) Global Competitiveness Report 2019, Finland is ranked first in the Intellectual Property Protection indicator, which reflects experts' views on how well intellectual property is protected in the country in question.

starting points of view, the Finnish IPR system is also considered to be quite efficient and competitive according to the background study. However, there is a lot of criticism of the ministries' resourcing and division of labour, as well as of the shortcomings of IPR legislation. According to the background study, the state of the education system, public awareness and the state of competence of small and medium-sized enterprises (*SMEs*) are also viewed more critically than positively, even though the level of IPR expertise of enterprises has improved over the last decade. However, there is still much room for improvement in consideration of intellectual property rights and IPR expertise, especially in *SMEs* and research organisations. According to the background report, the main factors which have undermined the ability or willingness of companies to manage and exploit their intellectual property are the costs of enforcing or defending their rights and the lack of IPR expertise.<sup>9</sup>

According to the background study, *SMEs*, in particular, have a relatively low average level of awareness of intellectual property rights and their application, although it has improved over the last ten years. There is also a need to increase IPR expertise among public sector actors. According to the background study, the education and training provision on intellectual property rights remains quite fragmented. Courses are available at all universities and almost all universities of applied sciences, but most of them are optional. According to the background study, greater consideration of intellectual property rights as part of education leading to a degree or qualification is probably the best way to increase IPR awareness in the long term.<sup>10</sup>

The optimal IPR legislation for society strikes a balance between creating incentives to innovate and minimising restrictions on the use of innovations. According to the background study, a major challenge for IPR legislation can be considered to be that legislation should be sufficiently precise to allow operators to unambiguously understand the limits of their freedom of action, but also general enough to flexibly accommodate, for example, new business and technology models. At the moment, many key IPR statutes, such as the Patents Act, are outdated, and it is not considered possible to determine the current legal situation on the basis of legislation. On the basis of surveys carried out in the context of the background study, patent law reform is considered the most important reform (43.75% of the respondents). The next most important are the modernisation of utility model legislation (33.75%) and legislation on unfair business practices (27.5%).<sup>11</sup>

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9 Background study, p. 10.

10 Background study, p. 11.

11 Background study, p. 20 and 162.

Court proceedings in IPR disputes, applications and appeals were centralised to the Market Court in 2013. The measure was part of the 2009 IPR strategy and was aimed at improving the quality of court proceedings, speeding up proceedings and enabling access to justice on a one-stop-shop basis. According to the background study, the specific expertise of the Market Court in IPR matters is considered good and the rulings adopted are considered to be of high quality. However, the processing times of the Market Court have not shortened and the objectives of the centralisation have not been achieved in this respect. In addition, the number of IPR cases received by the Market Court decreased significantly between 2013 and 2019. This is particularly the case for appeals against trademark decisions, the number of which has fallen to less than half since 2015. According to the background study, the decrease in the number of appeals against trademark decisions can be partly explained by the new Act on Court Fees (1455/2015), which entered into force at the beginning of 2016 and significantly increased court fees, including in appeal cases. The increase in court fees has been seen to adversely affect the effective ability of injured parties to bring actions before the Market Court.<sup>12</sup>

In Finnish research organisations (universities, universities of applied sciences and research institutes), there is a significant number of research activities that generate intellectual property and a significant number of different kinds of data, which play a key role in innovations carried out in cooperation with enterprises. According to the background study, the use of intellectual property rights in research organisations is hampered by, among other things, researchers' lack of awareness about IPR processes within research organisations and their lack of motivation to commercialise research results. Similarly, the performance targets set for research organisations do not focus on commercialisation, especially in universities, which instead encourage researchers to focus on producing publications, which bring core funding.<sup>13</sup> The Act on the Right in Inventions made at Higher Education Institutions<sup>14</sup>, which entered into force in 2007, is also seen as a key problem in the commercial exploitation of intellectual property created by research.<sup>15</sup>

The regulation of inventions at HEIs is a balancing act between the freedom of science and the commercialisation of research. According to the Act on the Right in Inventions made at Higher Education Institutions, research carried out at HEIs (universities and universities of applied sciences) is divided into open research implemented with core funding and collaborative research implemented with external financing. Open research refers to so-called free research traditionally carried out in universities. It is the result of

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12 Background study, pp. 13–14 and 105–106.

13 Background study, pp. 14–16.

14 Act on the Right in Inventions made at Higher Education Institutions (369/2006).

15 Background study, p. 17 and 179.

efforts to carry out research for the pursuit of science that is as open as possible to the public. Collaborative research, on the other hand, is more in line with inventions made in an employment relationship.<sup>16</sup> The transfer of rights to an invention depends on whether the invention arises in open or collaborative research. In open research, the rights are primarily retained by the inventor, but in collaborative research they are transferred to the HEI. The categorical division into open and collaborative research has created in practice complex and ambiguous situations, as inventions are often created in research projects implemented with different funding models, which include both open research and collaborative research. The ambiguities slow down the commercialisation of inventions. On the other hand, safeguarding the freedom and independence of science and research is in favour of the current division into open and collaborative research.

With regard to data and copyright infrastructure, the background study shows that copyright data is used in very different ways in creative sectors. The main challenges are the fragmentation of copyright data, differences in the use of metadata<sup>17</sup> between creative sectors, in licensing methods, the lack of incentives for the development of a common system and the complex interlinkage of the subject with other regulations, such as personal data legislation.<sup>18</sup>

The development of new technologies based on the re-use of data and artificial intelligence (AI) is central to Finland's competitiveness. Although Finland is at the forefront in sectors requiring high data and digital skills, such as gaming, up to 72% of SMEs feel that there are shortcomings in the digital skills of their staff<sup>19</sup> that do hinder business activities. In the comparison of digital transformation, Finland is also not in the lead, and instead Finland's ranking has even fallen in recent years, although there are significant sectoral and regional differences in the development phase of the digital transformation. The public sector plays an important role in enabling and accelerating digital investments and the diversification of business ecosystems, as well as the scaling up of growth. The emergence of new business models, such as platform, data and circular economy, offers a unique opportunity to modernise the strategic approach to the development of the intellectual property system.

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16 HE 259/2004, p. 14.

17 Metadata is machine-readable data about other data. In the copyright system, metadata is used to identify protected content and its holders of the rights and to describe, for example, the terms of use of the content and the term of protection.

18 Background study, pp. 19–20.

19 SME barometer, spring 2021. Twice a year, the Federation of Finnish Enterprises, Finnvera and the Ministry of Economic Affairs and Employment carry out an SME barometer that describes the activities and economic environment of small and medium-sized enterprises.

### 3.1 EU cooperation

On 25 November 2020, the European Commission published its new Action Plan on Intellectual Property<sup>20</sup>, which aims to maximise incentives to unlock the EU's innovation potential in order to put EU companies on the path to economic recovery and Europe's global environmental and digital leadership. According to the Commission, the various forms of intellectual property are the cornerstones of today's economy. Over the last two decades, annual investment in intellectual property assets in the EU has increased by 87%, while the volume of 'tangible' business investment has increased by only 30%.

Although significant progress has been made in recent years towards the creation of an internal market for intellectual property, there are still many shortcomings and weaknesses in the protection and use of intellectual property by companies established in the EU Member States. The challenges for the EU's IP system identified in the action plan are the fragmentation of the system, the complexity and cost of the procedures used and the fact that SMEs and researchers, in particular, are not making full use of the possibilities offered by IPR protection. The number of IPR violations and the amount of unfair play on a global level, such as the operating models of large players in the platform economy, are also seen as challenges. In addition, the COVID-19 pandemic has highlighted the importance of health-critical innovations and technologies, in particular in health care, and the EU should further develop ways of making such innovations and technologies available when they are needed and in such a way that the holders of intellectual property rights receive a fair return on their investments.

The action plan identifies five key areas where the Commission intends to take action to improve the EU's IP system: improve the protection of IP, boost the uptake of IP (especially in SMEs), facilitate the use and sharing of IP, fight counterfeiting and improve enforcement of intellectual property rights, and promote a global level playing field. The Commission invites the Member States to develop their own strategies for intellectual property rights in line with the objectives set out in the action plan and to better protect and enforce intellectual property rights in their own efforts to achieve economic recovery.

For example, the Commission plans to improve the protection of intellectual property by addressing regulatory fragmentation, simplifying the whole package and ensuring that the *acquis* fully meets the needs of the new green and digital economy. This requires, according to the Commission, the unitary patent system, which has been long prepared in the EU and is expected to fully enter into force during 2022. The Commission will also, *inter alia*, review EU design protection legislation and examine ways to strengthen, modernise,

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<sup>20</sup> Communication from the Commission (COM/2020/760 final), Making the most of the EU's innovative potential – An intellectual property action plan to support the EU's recovery and resilience.

streamline and control more effectively geographical indications for agricultural products, foodstuffs, wines and spirits. In the context of the new Pharmaceutical Strategy for Europe<sup>21</sup>, the Commission will also look closely at ways to further optimise incentives and benefits, thereby stimulating innovation, meeting needs and supporting affordability by ensuring rapid market access and uninterrupted supply of medicines.<sup>22</sup>

The Commission's Action Plan on Intellectual Property is part of the EU's Digital Agenda<sup>23</sup>, which aims to achieve digitalisation for the benefit of all citizens. Its ambitious objective is to make the EU a supportive environment for the development of new technologies and AI. The European strategy for data<sup>24</sup>, for its part, states that the EU needs a stable framework in which companies can create, use, share and exploit data. Companies operating in the EU internal market should also make better use of the potential of new technologies like AI and block chain solutions to improve the performance of IP systems. New technologies can help protect intellectual property and improve the transparency of transactions, such as the correct allocation of compensation when copyright-protected content and its holders of the rights can be reliably identified. An effective copyright infrastructure could also enhance the fight against counterfeiting and piracy.<sup>25</sup>

For several years, the Commission has been working to promote the EU's data economy. The Commission's Action Plan on Intellectual Property states that innovative re-use of data, in particular for the development of AI, is a key competitive factor for the EU vis-à-vis the US and China.<sup>26</sup> While the sharing of different types of data and information is becoming increasingly important in many industries, the impact of the IPR system, such as the protection under the Database Directive<sup>27</sup> and the Trade Secrets Directive<sup>28</sup>, on the sharing of, for example, machine-generated data and data generated by the Internet of Things, needs further clarification. As part of the EU data strategy, in February 2022 the Commission published a proposal for the EU Data Act. The Data Act is not intended to

21 Communication from the Commission (COM/2020/761 final), Pharmaceutical Strategy for Europe.

22 Legislative decisions affecting access to medicines in a relatively small market such as Finland are largely taken at EU level.

23 Communication from the Commission (COM/2020/67 final), Shaping Europe's digital future, 19.2.2020.

24 Communication from the Commission (COM/2020/66 final), A European strategy for data, 19.2.2020.

25 The Action Plan on Intellectual Property refers to Council document 15016/19 Developing the Copyright Infrastructure – Stocktaking of work and progress under the Finnish Presidency, which compiles the results of the Finnish EU Presidency.

26 Although 26% of high added-value research publications on AI come from Europe, only four out of thirty (13%) of the most frequent applicants for AI patents and 7% of the companies involved in AI patenting worldwide are European.

27 Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases.

28 Directive 2016/943/EU of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure.



change the existing IPR regulation, except for *sui generis* protection under the Database Directive, which gives the holder of a right extensive exclusive rights to copy and re-use the database. The Commission is carrying out a partial review of the Database Directive in the context of the adoption of the Data Act. According to the Commission's proposal, the Data Act would specify that databases containing data from the Internet of Things should not be entitled to *sui generis* protection of databases.

## 3.2 International cooperation

Internationally the scope of intellectual property rights are determined by the World Trade Organisation's (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), the treaties administered by the World Intellectual Property Organisation (WIPO) and EU's agreements with its trading partners containing provisions on intellectual property rights. The EU has such agreements with almost eighty trading partners. There has been no significant progress in the development of multilateral rules in the WTO in recent years, and it is unlikely to happen in the next few years except for, at most, on a thematic basis (cf. the debate on TRIPS waiver on COVID-19 vaccines). The Commission's Action Plan on Intellectual Property does not identify any specific WTO-related objective.

The role of WIPO as a dynamic development organisation for the international IPR system has diminished over the past decade. As in the wider area of trade policy, political tensions are also having a significant impact on multilateral treaty negotiations in the WIPO at present. Nonetheless, progress can be made at WIPO on some of the agreements. Finland's general objective in WIPO is to harmonise IPR regulation through multilateral agreements.

The EU has endeavoured to include a chapter on intellectual property rights in all its trade agreements with third countries. In its trade agreements, the EU pursues commitments that go beyond the TRIPS Agreement and are based on EU legislation (e.g. additional protection for geographical indications). These commitments cover a wide range of intellectual property rights and their enforcement. Obligations are adjusted, if necessary, in accordance with the degree of development of the contractual partner. The development of bilateral commitments also requires that legislation at EU level is up-to-date.

In the case of infringements of intellectual property rights in third countries, such as counterfeit and copyright-infringing products, activities are primarily carried out on EU-level co-operation with law enforcement authorities and within the framework of their resources. The EU publishes annual reports on the protection and enforcement of intellectual property rights of third countries. The Commission also monitors the situation with regard to the protection of intellectual property rights in countries with which the EU

has a trade agreement in force. Challenges related to the protection and enforcement of intellectual property rights have been widespread in many countries for years and even decades, which shows that it is difficult to find workable solutions, especially for some of the problems. The EU-Africa Strategy<sup>29</sup> seeks to make progress in the implementation of an IP system built on Western premises through dialogue.

The protection of intellectual property rights and its level, as well as the correct relationship between exclusivity and public benefit, are being discussed globally. Underlying influences include increased social criticism of the regulation of intellectual property rights as a result of the COVID-19 pandemic and the business objectives of large players in the platform economy. The licensing conditions for standard-essential patents<sup>30</sup> are also under pressure in the EU and internationally.

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29 [https://www.europarl.europa.eu/RegData/etudes/ATAG/2021/690516/EPRS\\_ATA\(2021\)690516\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2021/690516/EPRS_ATA(2021)690516_EN.pdf)

30 A standard-essential patent is a patent that protects a technology that is essential to a technical standard.

## 4 Trends

In the future, the importance of intellectual property rights will be influenced by at least four key developments: *the next evolution of digitalisation, the politicisation of rights and the increase in conflicts, the speed of change and the convergence of fields of law, and the role of intellectual property rights as a builder and maintainer of global competitiveness.* *Responsibility*<sup>31</sup> is also a trend that is considered important by an increasing number of companies operating in creative and innovative sectors.

**Digitalisation** is advancing at an accelerating pace and its focus is on the **data economy, platform economy and artificial intelligence**. The role and importance of data and data-intensive ecosystems, AI and the platform economy are growing rapidly in all business activities. Data are utilised, in particular, by combining data from different sources, and the role of data sharing is growing rapidly. The importance of data as a factor of production, and thus their role in creating business value, will be very significant. Utilisation of open data and their integration with other data resources will increase. New operating methods, such as AI technology, will be introduced in the creation of content. New works and inventions are being created with the help of AI, but the inventions created independently by AI are, for the time being, a thing of the distant future. However, the IPR system must be prepared for the change brought about by AI. In the so-called human-driven data economy, people are seen as active data exploiters.

**The politicisation of rights and the increase in conflicts** are reflected in the fact that major global trade policy actors increasingly take intellectual property rights into account in their trade policy guidelines. The increase in protectionism caused by the COVID-19 pandemic also has an impact on national strategies for intellectual property, in addition to the ongoing struggle for competitiveness. IPR violations are still on the rise in the digital environment, which is reflected in increased litigation. With digitalisation, IPR violations have a global character, which is a challenge especially for local and country-specific IPR systems. The global platform economy continues its triumphal march and is spreading to

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<sup>31</sup> The responsibility of organisations is a broad concept, ranging from good administration to the wellbeing of personnel and cyber security. In IP sectors, it includes, for example, increasing the transparency and reliability of rights management in relation to customers and society. A Commission Communication also aims to promote corporate responsibility: <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12548-Sustainable-corporate-governance>

new areas. The merging of technology companies into larger enterprises will therefore result in the concentration of intellectual property rights in the hands of a small number of large global players.

**The speed of the change and the convergence of fields of law** are putting pressure on the flexibility of legislation. Technological progress in particular is very rapid and new business models are emerging at an accelerating pace. The convergence of different fields of law is also increasing. IPR legislation and other fields of law, such as competition law, constitutional law, fundamental and human rights and legislation concerning investment protection, are increasingly intersecting. With the increasing role of data, the newest convergence area can be considered to be the convergence of data protection legislation and copyright legislation.<sup>32</sup> In order to enable fast and cross-sectoral cooperation, legislation must be as broadly understood, technology-neutral and flexible as possible, and it must be able to meet the challenges created by the ever-changing operating environment. National legislation must also create conditions for the success and value creation of enterprises in their home countries.

**Intellectual property rights play a role as a builder and maintainer of global competitiveness.** Countries that are able to identify areas of business where they have strong expertise are able to use that expertise to build a stronger global competitive position for their industries and thereby support their economic growth. Such areas may include, for example, the environment, the circular economy and quantum technology. Finland is also a pioneer in the creation of data economy and, in particular, MyData services based on the management and re-use of personal data. Innovations that promote these business areas create sustainable competitiveness for industry in global competition.

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<sup>32</sup> Traditionally, these fields of law have been kept separate and, for example, a person in a photograph does not usually acquire copyright. Conflicts may arise when, for example, an artist's voice or gestures are used in the presentation of a digital avatar in a virtual world without the permission of the person concerned. <https://happymag.tv/warner-music-group-invests-in-wave/>

## 5 Target 2030

The strategy's vision is that in 2030, Finland will have an effective IPR operating environment that supports innovation and creative work, which will increase economic wellbeing and competitiveness by taking into account the realisation of fundamental rights and different social interests in a diverse way.

The following sub-objectives support the achievement of the vision: *Finnish actors have strong IPR expertise, world-class innovations are created and commercialised in Finland, intellectual property is an integral part of political decision-making, Finland has a functioning and competitive IPR system, and Finland promotes the development of the IPR system and regulation in the EU and internationally.*

### 5.1 Finnish actors have strong IPR expertise

IPR competence has strengthened in Finland. The education and training provision on intellectual property rights has been increased and intellectual property rights are an integral part of the Finnish education system.

A significant number of Finnish companies have an IPR strategy that includes a data management strategy for intellectual property rights (including copyright). Businesses are supported in developing IPR strategies and SMEs are provided with IPR advice tailored to their needs.

Finnish SMEs actively manage and use their intellectual property rights nationally and internationally, while being aware of the restrictions on the freedom of action of intellectual property rights owned by other companies. Intellectual property rights of state-owned enterprises are under control, and public procurement and public-private partnership agreements provide for intellectual property rights in a transparent and uniform manner, taking into account the relevant interests of the public and private sector, such as the principles of open information and science, as well as cybersecurity and information security<sup>33</sup>.

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33 According to Finland's Cyber Security Strategy (Government resolution of 3 October 2019 on Finland's Cyber Security Strategy), the awareness of public administration, industry and private individuals about the data security of new services and products must be increased, and cybersecurity is a *sine qua non* for applications based on the data economy and AI.

## 5.2 World-class innovations are created and commercialised in Finland

Finnish research institutes and HEIs have a significant number of research activities that generate intellectual property as well as the expertise and good operating models for the management and exploitation of the intellectual property rights necessary for its commercialisation. Such research activities exist in many traditional fields of science and research, as well as in emerging technology areas, such as those connected to the Internet of Things (*IoT*), robotics and AI.

In Finland, the management and exploitation of intellectual property in the domestic and international markets creates significant added value in the creative industries. Operators in the creative industries identify intellectual property with potential for commercial exploitation and the mechanisms involved in its exploitation.

In the Finnish operating environment, companies understand that added value is not generated by licensing intellectual property rights alone, but by the added value and growth generated by other business activities built on top of intellectual property rights, in addition to which service design and customer orientation play a central role. The Finnish operating environment promotes cooperation, open innovation and the convergence of different vertical sectors, such as different levels of production and/or competitors, in order to increase innovation and mutual benefits. Finnish operators are involved in creating global standards in new technology areas.

## 5.3 Intellectual property is an integral part of political decision-making

Finland's IPR strategy is strongly linked to all relevant national strategies. Intellectual property rights are not seen and treated primarily as a legislative system, but as a means of achieving significant benefits from intellectual property. The utilisation of data is at the heart of the fourth industrial revolution, and companies understand the potential of data as a company's strategic intellectual property.

In Finland, the data sets necessary from the perspective of economic research are available for determining the value of intellectual property rights in both the national and international spheres of activity, and the value of intellectual property rights and intellectual property in business is widely understood.

The full potential of the benefits of data management and sharing has been ensured by targeted legislative changes. The use of data for machine learning has also been ensured by data transmission services when the use of data involves the intellectual property rights of third parties. Legislative changes have ensured, among other things, access on equal basis to machine-generated data also to persons entitled to manage data on the basis of the protection of personal data.

In addition to data producers and owners, creators are also entitled to manage data when, for example, the payment of compensation under intellectual property rights to the creator and the holder of a related right depends on access on equal basis to data concerning the use of the works.

## 5.4 Finland has a functioning and competitive IPR system

Innovation ecosystems operating in Finland are supported by a functioning system of intellectual property rights (*IPR system*), which takes account of the needs of private and public sector actors, individuals and the data economy. The IPR system is user-oriented<sup>34</sup> and clear, and it also enables the enforcement of rights even for small companies.

Finnish IPR legislation is flexible, supports new operating models (including AI), and outdated legislation has been reformed. The IPR system encourages the creation of innovations and RDI investments, but limits the use of innovations in society as little as possible. The Finnish IPR system is considered to be a legitimate and effective way of protecting innovation and the results of creative work. The digitalisation of the IPR system has ensured the reliable identification of objects of intellectual property rights and their holders of the rights, as well as the fairness, transparency and timeliness of the conditions for the exercise of their rights, allowing for automatic licensing with real-time compensation. Alternative open methods of licensing works<sup>35</sup> have also been taken into account.

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34 User orientation refers to the recognition of the role of the user of intellectual property rights in the legal system in the area of registration or collective management of rights. The user-orientation of the IPR system can also be promoted by means of legal design. However, this does not mean prioritising users' interests over those of holders of the rights.

35 Open licensing methods include open source software or Creative Commons (CC) licenses, which allow the rights in a work to be restricted to certain conditions, for example, only non-commercial activities.

## **5.5 Finland promotes the development of the IPR system and regulation in the EU and internationally**

Finland actively and systematically works in the EU and in international forums, such as WIPO, to develop intellectual property rights and the entire IPR system in such a way that the protection and enforcement of intellectual property rights that are important to Finland is improved internationally and infringements of intellectual property rights are adequately addressed. Finland aims to influence the will of the EU to develop its strategic priorities closer to other WIPO countries and to find new common interests. Finland actively participates in the global work on the digitalisation of the IPR system in WIPO and other international organisations.



## 6 Measures

In order to achieve the objectives of the strategy, 15 measures are proposed, most of which support the implementation of more than one sub-objective. Finland is also active in implementing the objectives of the EU's Digital Agenda and the Action Plan on Intellectual Property.

### 1) Increase IP counselling and access to information for SMEs.

An easily approachable IPR mentor scheme will be created that offers customised<sup>36</sup> IP counselling for SMEs (including sole traders). The scheme could be implemented, for example, by means of a public-private partnership agreement, and could involve several different actors (public authorities, companies and interest groups).

The IPR mentor scheme aims to respond to the wishes of SMEs to receive more information and advice on identifying the full IP potential of the company for identifying intellectual property, managing and utilising intellectual property rights and identifying funding opportunities. Access by SMEs to IPR training will also be promoted.<sup>37</sup>

The aim is to launch the necessary study for implementing the IPR mentor scheme in 2022. In addition to practical implementation methods, the study will assess, among other things, the scheme's budget needs and the extension of the scheme to cover not only SMEs but also other actors, such as producer groups in agriculture and the food industry.

Ministries responsible: Ministry of Economic Affairs and Employment, Ministry of Education and Culture and Ministry of Agriculture and Forestry

Other actors: Finnish Patent and Registration Office, IPR University Center, Federation of Finnish Enterprises and Foundation for Finnish Inventions

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<sup>36</sup> The need for advice varies, for example, according to the life cycle of the enterprise. The needs of a company starting out are very different from those at the later stages.

<sup>37</sup> For example, the Finnish Patent and Registration Office started organising free webinars specifically for SMEs in February 2022. The Finnish Patent and Registration Office also organises basic courses on various industrial property rights and produces training services in cooperation with other actors.

## **2) Strengthen the role of the IPR University Center as a provider of IPR training.**

The role of the IPR University Center (*IPRUC*) as a provider of general IPR training and continuing education for IPR experts and as a producer and distributor of IPR information in Finland will be strengthened. The aim is for the IPRUC to provide more extensive training, to produce research information and to disseminate up-to-date information on intellectual property rights for the needs of businesses, public authorities, courts and the education sector. In the future, IPRUC will also target new training for start-ups. It provides training for university researchers and innovation units and participates in the development of the IPR strategies and innovation units of HEIs. In the future, IPRUC's training and research will also focus on data produced by private and public sector actors as intellectual property. The implementation of the measure would be supported by additional resources for the recruitment of a full-time IP expert, an office worker and a manager to the IPRUC. Additional resources would make it possible to apply for project funding from, for example, the EU, which would benefit the whole of Finland's IP field to a large extent.

Ministries responsible: Ministry of Economic Affairs and Employment and Ministry of Education and Culture

Other actors: IPR University Center

## **3) Train companies to understand the possibilities of data produced by the company as intellectual property of the company, including IPR data.**

The COVID-19 pandemic has accelerated the introduction of new technologies in companies. It is urgent to identify companies' needs for the introduction of new forms of operations in the data and platform economy. Companies should also integrate data into their IPR strategy as an intellectual property item. It would also be important to enable the sharing of data under transparent conditions, including MyData-readiness.<sup>38</sup>

For example, Sitra's fair data economy training (Growth from Data programme) is utilised in the mapping and training of companies' data economy skills, as a result of which data is shared transparently and fairly, with common rules. The aim of the next stages of the Growth from Data programme<sup>39</sup>, which will continue until 2024, is to support the data capabilities and business model skills of hundreds of SMEs annually.

<sup>38</sup> See also measures 12 and 13 for the development of the copyright infrastructure and the exploitation of data.

<sup>39</sup> Sitra's Growth from Data programme on the basics of a fair data economy: <https://www.sitra.fi/en/news/business-programme-to-be-expanded-new-data-based-growth-to-be-brought-within-the-reach-of-all-smes/>.

Ministries responsible: Ministry of Education and Culture, Ministry of Transport and Communications and Ministry of Economic Affairs and Employment

Other actors: Sitra

**4) Enhance IP competence in the public sector by ensuring adequate provision of education and training at central and municipal level, as well as in internal IPR issues within central government.**

All ministries should recognise the importance of intellectual property rights for companies and society at large (including the activities of central government). In order to ensure the functionality of open information and science objectives, as well as innovation ecosystems formed jointly by the public and private sectors, it would be essential that different ministries and the municipal sector master the fundamentals of intellectual property rights and that they are also able to identify issues relevant to intellectual property rights in, for example, public procurement.

The aim is for the education and training provision of HAUS Finnish Institute of Public Management<sup>40</sup> for central government personnel to include basic courses on intellectual property rights from 2022 onwards. The design of IPR training courses in public administration takes account of, for example, the connection of education to information policy, information management, sharing and utilisation, and especially the AI training offered on the eOppiva learning platform of HAUS Finnish Institute of Public Management. The basic courses on various industrial property rights offered by the Finnish Patent and Registration Office, for example, could also be utilised in the education and training provision.

Ministries responsible: Ministry of Finance, Ministry of Economic Affairs and Employment and Ministry of Education and Culture

Other actors: HAUS Finnish Institute of Public Management and Finnish Patent and Registration Office

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40 HAUS Finnish Institute of Public Management is a company fully owned by the State of Finland, whose ownership steering is managed by the Ministry of Finance. The eOppiva learning platform of HAUS is a common learning environment of central government.

**5) Examine the possibility of setting up an “IPR group” within the central government, whose task would be to form an overview of what intellectual property rights the public administration currently has, and to propose measures and processes related to the IP issues of significant projects funded by the state and municipalities at the strategic level.**

In central government, municipalities and publicly-owned companies, significant public investments will be used to develop digital platform and end-user services, which help the digitalisation of the administration<sup>41</sup>. Some of the technology to be developed is based on innovation partnerships, where intellectual property is also agreed upon in the context of public procurement, while others are based on open source licensing, which enables wider and freer introduction of the technology. The municipal sector is also investing in the digitalisation of administration. However, there is no uniform policy in public administration on how intellectual property arising from such projects should be managed and used and how intellectual property rights should be taken into account, for example, in procurement contracts.

The aim is to maximise the intellectual property rights of public administration system procurements to enable cost pressure mitigation and the sharing of good practices cost-effectively across the public sector and, on the other hand, the international commercialisation of new innovations. In addition, the aim is to find out whether open source solutions could be used more widely in projects aimed at the digitalisation of public administration. A possible IPR group would report its work to the Government’s coordination group for digitalisation.

Ministries responsible: Ministry of Finance, Ministry of Economic Affairs and Employment, Ministry of Education and Culture and Ministry of Transport and Communications

Other actors: Hansel Ltd, KEINO Competence Centre, Coordination group for digitalisation, Association of Finnish Municipalities and Finnish Defence Forces

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<sup>41</sup> On 25 February 2020, the Ministry of Finance set up the Programme for the Promotion of Digitalisation (VN/714/2020), the implementation of which will make public services digitally available to citizens and businesses by 2023. The programme also includes improving the accessibility of digital public services and securing support services for the use of adequate services to ensure equality between citizens.

**6) Increase the transparency of the preparation and processing of Government-level strategies and other action plans in order to ensure the timely identification of central government IPR issues.**

In order to realise the full potential of intellectual property rights, it is important to pay attention to intellectual property rights as part of other relevant national strategies, such as industrial and innovation strategies, entrepreneurship strategies and cultural policy strategies, as well as the EU Action Plan on Intellectual Property, and in particular in their implementation. The aim is to ensure that intellectual property rights are understood not only as legal issues, but also more broadly as issues affecting business and society. Innovations must be available for use by companies. On the other hand, it is necessary to recognise the importance of intellectual property rights and their wider impact on civil society in the strategies of the 2020s.

The Open Data Directive (2019/1024) aims to ensure the availability of high value-added data from the public sector for business use, both for commercial and non-commercial purposes. The proposal for an EU Data Governance Act (DGA), on the other hand, requires the public sector to take measures to ensure that intellectual property rights are respected. Therefore, it is important to identify the needs of the public sector in relation to intellectual property rights and their management in a timely manner. The aim is to achieve the widest possible use of open source code and open interfaces. The use of open source code and the open applicability of data produced or acquired by public administration are part of the transparency of administration and help citizens to ensure that data is used correctly and that the processing of data is reliable.

Ministries responsible: Ministry of Economic Affairs and Employment, Ministry of Education and Culture, Ministry of Finance, Ministry of Social Affairs and Health and Prime Minister's Office

Other actors: Coordination group for digitalisation

**7) Support measures in accordance with the RDI roadmap to promote the further processing and commercialisation of research results generated in both open and collaborative research and ensure that issues related to intellectual property rights are widely taken into account.**

The National Roadmap for Research, Development and Innovation (*RDI roadmap*), published in April 2020, identifies a number of measures to promote the further processing and exploitation of research results, thus also contributing to the achievement of the objectives of the IPR Strategy. The RDI roadmap was updated in December 2021.<sup>42</sup> In accordance with the updated RDI roadmap, the Ministry of Economic Affairs and Employment, the Ministry of Education and Culture, financiers and research organisations together develop and compile knowledge on the commercialisation of research results and on research-oriented and student-led enterprises, as well as on sources of competent capital, for a database to be established in the future. The database will strengthen the possibilities for domestic and international investors to finance and develop (smart capital) research-oriented enterprises at an earlier stage (measure 23 of the updated RDI roadmap). In addition, HEIs and research institutes will strengthen cooperation in the development and implementation of expertise supporting the further processing and commercialisation of research results (including IPR practices) and of nationally networked services, operating models and business accelerators (measure 24 of the updated RDI roadmap).

In the implementation of RDI roadmap measures, it is important to take into account not only strengthening IPR competence but also other challenges related to the use of intellectual property rights in research organisations, such as the varying practices related to the transfer of intellectual property rights arising in collaborative research between different HEIs and researchers' lack of awareness about IPR processes within research organisations. Information steering supports the development and harmonisation of the IPR strategies of HEIs and the principles of transfer of rights created in collaborative research, so that they support the best possible commercial exploitation of the inventions of HEIs.

Ministries responsible: Ministry of Economic Affairs and Employment and Ministry of Education and Culture

Other actors: HEIs and research institutes

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42 Updated National Roadmap for Research, Development and Innovation (2021).

## **8) Develop statistics related to the determination of the value of intellectual property rights and improve the availability and usability of existing data.**

According to economic research, intellectual property rights affect innovation and creative activities, the use of their outputs, the structures of companies and industries, and productivity growth. However, the determination of the value of intellectual property rights involves a number of statistical challenges and areas for improvement. In order to understand the societal importance of intellectual property rights, it is essential to develop the statistics related to them and to improve the availability and usability of existing national and European<sup>43</sup> data sets. The aim is to launch a study on the implementation of the measure by 2023 at the latest.

Ministries responsible: Ministry of Economic Affairs and Employment, Ministry of Education and Culture and Ministry for Foreign Affairs

Other actors: Statistics Finland, Finnish Patent and Registration Office, Cupore

## **9) Carry out a comprehensive reform of patent legislation.**

The current Patents Act is outdated and no longer in line with general laws, such as the Administrative Procedure Act and data protection regulations. In terms of the constitution, the Patents Act currently in force uses the wrong regulatory level in places, making agencies and business operators uncertain of their interpretations. Legislation must also be reformed to enable the development of electronic services. In connection with the renewal of the Patents Act and Decree, the necessary amendments to the Act on the Finnish Patent and Registration Office will be implemented and the need to amend other laws on protecting inventions, such as the Act on Utility Model Rights, the Act on the Right in Inventions made at Higher Education Institutions and the Act on Inventions of Importance to the Defence of the Country, will be assessed.

In preparing legislation, attention will be paid to the balance between creating incentives to innovate and minimising restrictions on the use of innovations, and the effects of regulation on competition and the functioning of the market will be assessed. The aim is to set up a working group to prepare the overall reform of patent legislation in spring 2022.

Ministries responsible: Ministry of Economic Affairs and Employment and Ministry of Education and Culture

Other actors: Finnish Patent and Registration Office and other key stakeholders

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<sup>43</sup> From the EU perspective, EPO and EUIPO have also collected data on the economic importance of intellectual property rights in Finland.

**10) During the strategy period, also ensure the effectiveness and timeliness of other IPR legislation besides patent legislation, such as the Unfair Business Practices Act, and examine the functioning of the enforcement of intellectual property rights in the light of developments at EU level.**

A wide range of unfair practices in business-to-business relations can be addressed under the Unfair Business Practices Act. The act provides for a high degree of flexibility in the protection of intellectual property rights, which has led to various problems of interpretation.

The consequences of infringements of intellectual property rights are provided in the act on each intellectual property right and in the Criminal Code. The EU's enforcement directive<sup>44</sup> aims to ensure adequate legal remedies for IP rightholders and to harmonise national legislation. In addition, there are provisions on remedies, for example, in the EU Regulation concerning customs enforcement of intellectual property rights<sup>45</sup>. In its Action Plan on Intellectual Property, the Commission considers that there is a clear need to step up the fight against counterfeiting and piracy and intends, inter alia, to strengthen the enforcement of intellectual property rights at EU level.<sup>46</sup>

When examining the functioning of the enforcement of intellectual property rights in the light of developments at EU level, the need to raise the maximum penalties for intellectual property rights violations will also be assessed.

Ministries responsible: Ministry of Economic Affairs and Employment and Ministry of Education and Culture

**11) Explore opportunities for improving access to rights, with particular reference to the Market Court fee system.**

The court fees of the Market Court are high compared to the corresponding fees in general and administrative courts or in other Nordic countries, for example. The court fees were increased by the Act on Court Fees (1455/2015), which entered into force in 2016. The objective of the changes to the fee system was to improve the financial situation of the courts and enhance the steering effect of the fees. When enacting the act, the Parliament's Legal Affairs Committee required that the effects of the reform of the act on

44 Directive 2004/48/EC of the European Parliament and of the Council on the enforcement of intellectual property rights (OJ L 157, 30 April 2004).

45 Regulation (EU) No 608/2013 of the European Parliament and of the Council concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003 (OJ L 181/15, 29 June 2013).

46 The European Commission's Action Plan on Intellectual Property, pp. 16–17.



the availability of justice be monitored and that special attention be paid to the position of SMEs (LaVM 2/2015).

Ministry responsible: Ministry of Justice

**12) Increase incentives and investments for the construction of data sharing interfaces required for the efficient management of copyright data.**

**13) Reform the industrial structure of the creative industries by investing in training programmes on intellectual property rights in all sectors, which will enable the introduction of data-driven new technologies in the creative industries.**

The measures are linked to both the RDI roadmap and the Roadmap to the creative economy. The development of the copyright infrastructure is of cross-cutting importance for the EU's Digital Agenda. The benefits of the data economy, such as real-time compensation and digital wallets, will only be realised in creative and innovative industries if suitable formats, standards and application programming interfaces (API)<sup>47</sup> enabling distributed systems<sup>48</sup>, which facilitate the reliability of data and information, are invested in. Through these, platforms and open ecosystems that serve the needs of creative economic operators, as well as related practices and networks, will start to emerge.

In a digital environment, it must be possible to confirm identity<sup>49</sup> and high-quality metadata for holders of the rights and protected subjects from the moment their rights come into existence. In the absence of registration of rights, rights expression languages<sup>50</sup> are a means of agreeing how different meanings are expressed in the metadata of a work or other protected object. When a common language is used, it is possible to use data from different sources in a decentralised manner to form blockchains, thereby increasing confidence in the correctness of the data. The infrastructure should also cover procedures for the collection of information on the transfer of rights from the original creator to the holder of the rights, but also in different situations, such as bankruptcy or

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47 Application programming interfaces (API) are definitions according to which different programs make requests and exchange information, that is, talk to each other. APIs are the basic element of the platform economy. They can be used to improve internal processes and the flow of information, to create new services and to gain a competitive advantage.

48 Distributed systems consist of independent, intercommunicating components, such as distributed databases, blockchain technologies and cloud services.

49 Identities include a persistent identifier that identifies a work or other protected object (ISWC, DoI, etc.) or a rightholder (ISNI, IPI, etc.). These correspond to a digital identity (self-sovereign identity), which is a necessary part of the data economy and a functioning digital environment.

50 Examples of rights expression languages include Onix, RightsML and PLUS. In the last decade, the EU Commission has funded projects to develop common expression languages (RDI project, etc.). The copyright study published in autumn 2021 examines the causes of and lessons learned from the failure of previous projects.

estate distribution. It should be possible to use the information to monitor the expiry date of rights. These are all part of the key knowledge and skills of holders of the rights for effective management of copyright information. Managing existing rights in the digital environment requires special investment in expertise. It is possible that levels of expertise can also be certified in the future. The development of copyright infrastructure requires determined participation in the development of data infrastructure at national, EU and international level (IDSA, GAIA-X, etc.). Measures at national level support EU-level and global measures towards common data spaces (AI, high-quality and up-to-date metadata).

In order to promote the use of data, companies' IPR strategies should establish a code of conduct (rulebooks) on the re-use of data, describing the company's data sets and terms of use, and also clarifying the mandatory legal or contractual constraints on the use of each data set. In part, this also requires the opening of public registers for the re-use of data. It is important to support the construction of the ecosystem, which is made possible by the data economy and real-time economy of companies, as well as the underlying data infrastructure. Cooperation requires, for example, the introduction of interoperable persistent identities in companies.

The aim is to implement measures 12 and 13 between 2022 and 2024, starting in spring 2022, making use of investments under the Sustainable Growth Programme for Finland and other EU funding programmes.

Ministries responsible: Ministry of Education and Culture and Ministry of Transport and Communications

**14) Carry out a trade barrier investigation and draw up on its basis an action plan on the most appropriate means of addressing IPR abuses in the relevant markets, also in support of the objectives of the EU Action Plan on Intellectual Property.**

The Ministry for Foreign Affairs will carry out a periodic trade barrier investigation of the problems faced by Finnish enterprises in the markets of third countries. This survey of enterprises can highlight the problems and obstacles to transnational business related to IPR questions and, on the basis of the responses, consider, together with the enterprises, the necessary country-specific measures. These could be the authoritative services of missions, contacts with the authorities in the capital, action through the EU at the post, or the advancement of disputes through the Commission, either in the WTO or in the framework of a possible bilateral trade agreement. Resolving IPR problems would also be considered part of the work of missions. The EU Action Plan on Intellectual Property and the measures taken to implement it will be used as appropriate.

The study will assess the obstacles reported by companies and identifies, in cooperation with companies, appropriate means of solving key problems, including bilateral contacts through the Finnish authorities and the EU, bilateral and multilateral negotiations and dispute resolution. The aim is to launch the study in early 2022.

Ministry responsible: Ministry for Foreign Affairs

**15) Create a situation report of the impact of foreign investments in Finland on critical intellectual property and plan policy measures on that basis.**

Investment (including foreign investment) is essential for maintaining and promoting economic growth and productive activity, and most countries in the world are seeking to attract investment to their territory. Finland has been openly positive about foreign investments. However, there are also risks to national and international security associated with investments and acquisitions. They may arise as a result of private or state acquisitions. In addition to commercial goals, investments can have more covert motives. Concerns have been raised that, in addition to strategic or critical technology, national intellectual property and intellectual property rights could be transferred under foreign ownership as a result of acquisitions by third countries, which in the longer term would erode domestic innovation activity.

A national situation report of the impact of foreign investments in Finland on critical intellectual property will be prepared in cooperation with relevant stakeholders in order to find the necessary policy measures to address possible undesirable developments. The aim is to launch the research required for the situation report (VN TEAS project) in spring 2022.

Ministries responsible: Ministry for Foreign Affairs, Ministry of Economic Affairs and Employment and Ministry of Education and Culture

Other actors: Finnish Defence Forces

## 7 Monitoring and resourcing of the implementation of the strategy

The measures of the resolution will be implemented within the framework of the central government financial frameworks and the existing appropriations. Possible additional financing needs will be addressed as usual in the annual state budget procedures.

The implementation of the measures would be supported by an increase in the human resources of the Ministry of Economic Affairs and Employment by at least two people and in the human resources of the Ministry of Education and Culture by at least one person during the strategy period.

The Ministry of Economic Affairs and Employment will set up an official steering group to steer and coordinate the implementation of the strategy, which will report every six months to the Ministerial Working Group on Competence, Education, Culture and Innovation. The key stakeholders needed to realise the strategy's measures will be closely involved in the work of the steering group and the implementation of the strategy.

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