

Kluwer Copyright Blog

Sweden: J.L. v. M.A., Supreme Court of Sweden, T 1963-15, 21 February 2017

Johan Norderyd (Lindhahl) · Tuesday, May 16th, 2017

A [full summary](#) of this case has been published on [Kluwer IP Law](#)

The Supreme Court provided guidance on how to assess whether a work should be considered to be an adaptation, within the meaning of Section 4, paragraph 1 of the Swedish Copyright Act, or a new and independent work within the meaning of Section 4, paragraph 2 of the Swedish Copyright Act, especially in borderline cases.

After carrying out an overall assessment of a painting that was based on a photograph, the Court found that the photograph had been changed to such an extent that the painting had a different purpose from the photograph. Consequently it was a new and independent work for the purposes of the Swedish Copyright Act.

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