



Memorandum

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■ Copyright issues in the new banknote series

1. Background

In April 2011, the General Council of the Riksbank decided on the theme and motifs for the new Swedish banknote series. The theme chosen was cultural icons in combination with natural/environmental motifs from different parts of the country as follows:

Denomination	Portrait	Natural/environmental motif
20 krona	Astrid Lindgren	Småland
50 krona	Evert Taube	Bohuslän
100 krona	Greta Garbo	Stockholm
200 krona	Ingmar Bergman	Gotland
500 krona	Birgit Nilsson	Skåne
1000 krona	Dag Hammarskjöld	Lapland

The General Council also decided to announce a design competition for the new banknotes. This was in order to acquire a broad basis for the decision on the design of the banknotes. The objective was to choose a winning submission that could act as an artistic starting point for the new banknote series.

The formal basis for the competition was that it would be in the form of a project in accordance with the Public Procurement Act. Competition regulations drawn up by the Swedish Association of Architects and approved by Swedish Association of Designers and the Artists Organisation KRO were applied.

A jury consisting of four members of the General Council Peter Egardt (chairman), Anders Karlsson, Sonia Karlsson and Allan Widman and the artists Jordi Arkö and Karin Granqvist was appointed.

2. Design competition

The competition was announced in April 2011. In the first stage, interested parties who met certain qualification requirements were invited to register their interest in taking part in the competition. 46 applications were received. In the second stage, eight of the applicants were invited to participate in the actual competition. Those invited to participate were qualified designers and artists. The task was to present a proposal for the design of the face and reverse sides of the six banknote denominations, that is 12 sketches in total.

■ The competition programme made it clear that the proposals submitted should be independent works of art as defined in the Copyright Act. To ensure that copyright issues were taken into account, the competitors were required to provide information on what sources of inspiration were used in connection with the submission of their design proposals.

The programme also made it clear that in the event of doubt about the artistic independence of the submissions, the Riksbank could conduct its own investigations. If the Riksbank's assessment was that a submission constituted an independent artistic work but that it was nevertheless not possible to determine with certainty that the submission met the requirements of the Copyright Act for such works, the Riksbank could obtain the consent of the copyright holders. One reason for this provision was that copyright issues are often complicated and the Riksbank wished to minimise the risk of disputes when the final decision on the design of the banknotes was eventually made.

Another reason was that the individuals chosen as motifs for the banknotes were relatively contemporary. As the copyright protection for artistic and literary works is valid for 70 years after the year in which the originator died, it was not unlikely that there could be copyright holders for the photographs and other images used by the competitors as a basis for their designs.

3. The jury's assessment

All of the competitors submitted proposals that the jury approved for assessment. The jury also noted in its examination that all of the competitors had used other artistic works as sources of inspiration for parts of their submissions to the competition. At the same time, in accordance with the competitors' own attestations, the jury deemed that all of the submissions as a whole constituted independent works of art.

However, it became clear already during the course of the jury's work that a more detailed analysis of copyright issues in line with the provisions previously outlined in the competition programme would be required. However, due to the secrecy regulations for the competition, it was not possible to examine these issues in more detail before the competition was completed and a winner was chosen.

Göran Österlund's submission "Cultural Journey" was chosen as the winner of the competition. Second prize went to the submission "Beloved Actors", which was produced by Hans Cogne, Clara Terne and Lars Sjöblom. The jury's choice was made, in accordance with the rules for the competition, without prior knowledge of which designers were responsible for the various submissions.

All of the participants received a fee of SEK 100 000. In addition the jury had SEK 200 000 to share between the prize winners. The first-prize winner was awarded SEK 150 000 and the second-prize winner SEK 50 000.

4. Copyright-law aspects of the winning submission

When analysing the copyright-law aspects of the winning submission it was noted that from the legal point of view it can often be difficult to determine whether an underlying copyright remains for an image that has been processed, or whether the processed image has become a new independent work, separate from the original work.

The Riksbank's starting point was that consent would be obtained from the copyright holders concerned in cases where there was the slightest doubt about whether an image or symbol was dependent on the copyright for the underlying source of

- inspiration. The Riksbank would also pay a reasonable fee for using the images that feature prominently on the banknotes.

It was noted that the designer had used photographs as sources of inspiration for the portraits of the individuals featured on the banknotes and that it could not be declared with certainty that the portraits constituted independent works in accordance with the Copyright Act. It was thus clear that consent would be needed in these cases from the photographers or other copyright holders. There were also other images and symbols that could be protected by copyright.

The analysis concluded that the Riksbank would need to obtain consent to use seven large and five small images and symbols. The seven large images are the portraits of Astrid Lindgren, Evert Taube, Greta Garbo, Ingmar Bergman, Birgit Nilsson and Dag Hammarskjöld and a picture from Lapland on the reverse of the 1000-krona banknote. The seven small images are a drawing of Pippi Longstocking on the 20-krona banknote, notes from the melody "Så länge skutan kan gå" on the 50-krona banknote, an image from the making of the film "The Seventh Seal" on the 200-krona banknote, an image from a performance of the opera "The Valkyrie" on the 500-krona banknote and the UN symbol on the 1000-krona banknote.

Other images on the banknotes are either independent works created by the designer Göran Österlund or works for which the sources of inspiration, as far as the Riksbank has been able to judge, are not protected by copyright.

5. Remuneration

When deciding on the level of remuneration for using the images, circulation and the number of copies, and whether the images are to be used for commercial or non-commercial purposes, are decisive factors. Special conditions apply to banknotes as the number of banknotes in circulation is so high. However, the images are not used in their original form but as a basis for a banknote engraving. Another condition is that the name of the originator cannot be shown on the banknote.

After investing general remuneration levels on the market, the Riksbank decided to offer the copyright holders for the seven large images SEK 85 000 as a one-off payment for using the images. All of the copyright holders were to be offered the same sum. In the case of the small images, the Riksbank's assessment was that no remuneration should be paid as none of the images feature prominently on the banknotes.

It proved to be possible on this basis to reach agreement in all cases except one, that is the portrait of Dag Hammarskjöld on the 1000-krona banknote. Consequently, the portrait of Dag Hammarskjöld has been replaced in consultation with the designer. The new portrait is based on a photograph taken by the Canadian photographer Yousuf Karsh. A sketch of the 1000-krona banknote with the new portrait is presented in [Appendix 1](#).

6. Consent

Consent to use the images has been obtained as below:

Denomination	Image	Originator	Consent given by
20	Photograph of Astrid Lindgren	Jacob Forsell	Scanpix
20	Drawing of Pippi Longstocking	Ingrid Vang Nyman	Saltkråkan

50	Photograph of Evert Taube	Bengt Adin	Maria Adin
50	Line of musical notation from "Så länge skutan kan gå"	Evert Taube	Universal Music
100	Photograph of Greta Garbo	Clarence Sinclair Bull	Warner Bros. Consent to use the name and image also given by Harriet Brown & Co
200	Photograph of Ingmar Bergman	Frederick-Edwin Bertin	Originator
200	Photograph from the "The Seventh Seal"	Louis Huch	Svensk Filmindustri
500	Photograph of Birgit Nilsson	Enar Merkel-Rydberg	Kungliga Operan
500	Photograph from "The Valkyrie"	Enar Merkel-Rydberg	Kungliga Operan
1000	Photograph of Dag Hammarskjöld	Yousuf Karsh	Camera Press/Bulls Press
1000	Picture of mountain scenery in Lapland	Claes Grundsten	Originator
1000	UN symbol		UN

7. Texts on the banknotes

The banknotes will also include mini- and micro-texts interwoven into the banknotes' motifs. These texts will act as extra security features and will help to make the banknotes more difficult to counterfeit. Such texts are also included in the current Swedish banknotes.

The mini-texts are 0.7 millimetres high. They are legible to the naked eye if one has good eyesight. The micro-texts are 0.2-0.3 millimetres high and can only be read with the help of optical aids. These texts may be composed of a line of words without spaces or punctuation marks in which words and sentences end at random.

The Riksbank has deemed it appropriate that the texts have a connection to the individuals portrayed on the banknotes. Suggestions for texts have therefore been collected from relatives to these individuals and from commemorative organisations. The designer has proposed texts in two cases. In total, 11 text proposals have been received.

Eight of the texts are quotations from literary works by the individuals on the banknotes. Under the Copyright Act, it is permitted to quote from published works in accordance with good practice and to the extent justified by the purpose concerned. The interpretation of these provisions is not unambiguous. The Riksbank has therefore chosen to obtain consent from the copyright holders concerned. As the texts do not feature prominently on the banknotes, the Riksbank has not deemed it justified to pay remuneration for such consent. This has been accepted by all the copyright holders. The copyright holders have also accepted that the source will not

- be specified on the banknotes and that the originator' name will not be specified in direct connection with the texts.

A compilation of the text proposals, the proposers and who has given consent can be found in [Appendix 2](#). Most of the texts will be micro-texts. Which texts will be micro-texts and which will be mini-texts will be decided when the final design of the banknotes is determined. The texts may also be shortened at that time.

Appendix 1: Sketch of the face of the 1000-krona banknote with the new portrait of Dag Hammarskjöld



Appendix 2: Material for mini- and micro-texts on the banknotes

DENOMINATION	TEXT	PROPOSAL SUBMITTED BY	CONSENT GIVEN BY
20	<p>Om ni skulle ta och gå hem nu, sa Pippi, så att ni kan komma tillbaka igen i morgon. För att om ni inte går hem så kan ni ju inte komma tillbaka. Och det vore ju synd. (From "Pippi Långstrump" ("Pippi Longstocking"), first edition 1945)</p> <p>Fina lilla krumelur, jag vill aldrig bliva stur. (From "Pippi Långstrump i Söderhavet" ("Pippi in the South Seas") first edition 1948)</p> <p>En barndom utan böcker, det vore ingen barndom. Det vore att vara utestängd från det förtrollade landet, där man kan hämta den sällsammaste av all glädje. (Astrid Lindgren, Skolbiblioteket 1958:3)</p> <p>Jag vill skriva för en läsekrets som kan skapa mirakel. Barn skapar mirakel när de läser. Därför behöver barn böcker. ("Om läshunger", essay by Astrid Lindgren in the magazine "Vi husmödrar" 1956:10)</p>	Malin Billing, Saltkråkan	Saltkråkan
50	Rönnerdahl är gammal men han valsar ändå! Rönnerdahl har sorger och ont om sekiner. Sällan får han rasta – han får slita för två. Hur han klarar skivan kan ingen förstå... (From Evert Taube's song "Sjösala vals")	Pia Schmidt de Graaf, the Evert Taube Archive, University Library, Gothenburg. Checked with Taube's relatives through the lawyer Carl Magnus Lilienberg.	Warner/Chappell Music
100	Karin, Ninotchka, Marie Walewska, Anna Karenina, Katrin, Christina, Mata Hari, Susan Lenox, Yvonne, Anna Christie, Irene,	Rune Hellquist, The Garbo Society	These names are not covered by copyright

	Arden Stuart, Lillie, Diana Merrick, Tania, Marianne, Felicitas von Rhaden, Elena, Leonora, Grevinnan Dohna. (A selection of Greta Garbo's film roles)		
200	Jag vet nämligen att vi med filmens hjälp kan tränga in i hittills obesedda världar, verkligheter utanför verkligheten. (Ingmar Bergman in the article "Det att göra film" in "Filmnyheter" 19-20, December 1954) Den tillhör er, världens dyrbaraste stol, var rädda om den. Den är mycket ömtålig, den går lätt sönder, metallen som levat i miljardår, femtioniotusen meter under jorden har tröttnat på mänskorna, den kan falla sönder i stoft och damm precis som kejsarinnan om ni inte är rädda om den. (Oscar in "Fanny and Alexander", 1982)	Jan Holmberg, The Ingmar Bergman Foundation	The Ingmar Bergman Foundation
500	Agathe, Aida, Amelia, Ariadne, Brünnhilde, Donna Anna, Elektra, Elettra, Elisabeth, Elsa, Fältmarskalkinnan, Färgarfrun, Isolde, Judith, Lady Macbeth, Leonore, Lisa, Minnie, Ortlinde, Penelope, Rezia, Salome, Senta, Sieglinde, Sigrun, Tosca, Turandot, Ursula, Venus, Woglinde. (Birgit Nilsson's opera roles)	Gitte Lindström-Harmark and Lars H Ericson, Birgit Nilsson Museum	These names are not covered by copyright
1000	Mät aldrig bergets höjd förrän du nått toppen. Då ska du se hur lågt det var. (From Dag Hammarskjöld's book "Vägmärken" ("Markings")) Alla människor är födda fria och lika i värde och rättigheter. De har utrustats med förnuft och samvete och bör handla gentemot varandra i en anda av gemenskap. (UN's Universal Declaration of Human Rights, Article 1)	Göran Österlund Göran Österlund	Marlene Hammarskjöld Hagström and Lars Strömberg, executor of the estate of Ulrika Wrede af Elimä Extracts from the UN declaration may be used freely. The Riksbank has informed the UN of the intended use.

