

1 February 2007

Legal Affairs

USE OF EURO AND MARKKA COIN AND BANKNOTE FEATURES IN MARKETING

1 General

Use of the features of euro coins and banknotes for marketing and other purposes is permissible only if ECB regulations are observed. Furthermore, use of the features of the former markka banknotes, annulled as legal tender on 1 March 2002, is subject to the bank of Finland's permission and possibly that of other holders of copyright. The purpose is to prevent, in advance, criminal abuse and improper exploitation and to protect banknote copyrights.

The copyright of euro banknotes belongs to the ECB, of Finnish banknotes to the Bank of Finland and of the banknotes of other countries to the respective central bank.

If the reproduction of euro banknotes is made according to article 2 of the ECB decision, a written permit procedure is not needed (=main rule).

2 Euro banknotes

a) Reproduction of euro banknotes

According to article 2 of the ECB decision (ECB/2003/4) of 20 March 2003, the following conditions must be observed in using reproduced copies of euro banknotes:

1. 'Reproduction' shall mean any tangible or intangible image that uses all or part of a euro banknote as specified in Article 1, or parts of its individual design elements, such as, colour, dimensions and use of letters or symbols, which image may resemble or give the general impression of a euro banknote, irrespective of:
 - a) the size of the image
 - b) the material(s) or technique(s) used to produce it
 - c) whether or not elements or illustrations have been added to the image that do not originate from banknotes
 - d) whether or not the design of the euro banknote, such as letters or symbols, has been altered.
2. Reproductions which the general public might mistake for genuine euro banknotes shall be deemed unlawful.
3. Reproductions complying with the following criteria shall be deemed lawful since there is no risk that the general public might mistake them for genuine euro banknotes:
 - a) one-sided reproductions of a euro banknote as specified in Article 1, provided that the size of the reproduction is at least 125% of both the length and width or at most 75% of both the length and the width of the respective euro banknote as specified in Article 1
 - b) two-sided reproductions of a euro banknote as specified in Article 1, provided that the size of the reproduction is at least 200% of both the length and width or at most 75% of both the length and the width of the respective euro banknote as specified in Article 1

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- c) reproductions of individual design elements of a euro banknote as specified in Article 1, provided that such a design element is not depicted on a background resembling a banknote
- d) one-sided reproductions depicting some part of the front side or reverse side of a euro banknote, provided that such a part is smaller than one third of the original front side or reverse side of the euro banknote as specified in Article 1
- e) reproductions made of a material clearly different from paper, which looks distinctly different from the material used for banknotes
- f) intangible reproductions made available electronically on websites, by wire or wireless means or by any other means that allow members of the public to access these intangible reproductions from a place and at a time individually chosen by them, provided that:
 - the word SPECIMEN has been printed diagonally across the reproduction in Arial font or a font similar to Arial font. The length of the word SPECIMEN is at least 75% of the length of the reproduction and the height of the word SPECIMEN is at least 15% of the width of the reproduction, and is in a non-transparent (opaque) colour contrasting with the dominant colour of the respective euro banknote as specified in Article 1
 - the resolution of the electronic reproduction in its original size does not exceed 72 dpi (dots per inch).

Confirmation procedure for the use of the design elements of euro banknotes

The ECB and in Finland the Bank of Finland can provide, upon written request, confirmation that certain other reproductions of banknote design elements that do not fulfil the requirements listed under 3 in the above, are lawful, provided that members of the public cannot mistake them for genuine euro banknotes. If the reproduction is produced only within Finland, the above mentioned requests should be addressed to the Bank of Finland. In other situations, they should be addressed to the ECB. These regulations also apply to digital material.

The practice regarding the use of the design elements of euro banknotes has not yet been fully established.

Legal consequences of violating the copyright law

Regulations regarding failure to comply with or violation of the Copyright Act are laid down in chapter 49, section 1 of the Finnish Penal Code and in chapter 7, section 56a of the Copyright Act. Criminal sanctions or imprisonment of up to two years may be imposed for the criminal offence the copyright law. Copyright violations may result in the imposition of fines.

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Markka banknotes

a) Finnish markka banknotes

Use of the design elements of Finnish banknotes has been limited. It has been possible, subject to a specific written permit procedure, to use the design elements in marketing or for other purposes. The permit has been granted if the following, still valid, conditions have been met:

- The size of the banknote must be at least 50% smaller or bigger than the original banknote.
- The banknote image must not be two-sided.
- The design element must not, even partially, be related to discount coupons of any kind.
- The design element must be used in accordance with good practice.
- If the design element is intended to be reproduced for a theatre or cinema performance, for example, the reproduction must state the name of the person responsible for the artistic production, the name of the play or film and a reliable account on how the reproduced copies will be destroyed after the intended use.

The permit receiver/user of the design element is responsible for ensuring that the Bank of Finland will not incur any expenses nor harm due to the use of the banknotes in question.

- The Bank of Finland is not responsible for any possible restrictions related to the use of facial impressions of persons featured in the design element of the banknote. For example, the design feature of the 20 markkaa banknote is based on a photo taken by Studio KuvaSiskot, and permission for the use of the design feature on the front side of the 100 markkaa banknote must be obtained from the legal successors of Jean Sibelius. Applications should be sent to Pertti Virkkunen, Nervanderinkatu 1 B, 00100 Helsinki, tel. +358 9 407 591.

Although markka banknotes have not been legal tender since 1 March 2002, their illegal reproduction is a punishable act by virtue of the regulations on counterfeiting, as specified in Chapter 33 of the Penal Code, and as fraud by virtue of Chapter 36 of the Penal Code.

Legal consequences of violating the Copyright Act

Regulations regarding failure to comply with or violation of the Copyright Act are laid down in chapter 49, section 1 of the Penal Code and in chapter 7, section 56a of the Copyright Act. Criminal sanctions or imprisonment of up to two years may be imposed for the criminal offence of the copyright law. Violation of the Copyright Act may result in fines being imposed.

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The Bank of Finland gives advice on questions relating to the use of the design elements of both euro and markka banknotes and coins for marketing or other purposes.

Bank of Finland contact details:

Bank of Finland / Legal Affairs
P.O. Box 160
00101 HELSINKI
tel. +358 10 831 2730

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Euro metal coins and Finnish metal coins

Permission from the Ministry of Finance must be obtained for the reproduction of the shared side, or a part of it, of euro metal coins, and of the national side. The Ministry of Finance also advises in all matters concerning immaterial rights (copyright and right to a model) pertaining to the use of the design elements of Finnish metal coins

Contact details of the Ministry of Finance: Ministry of Finance
Budget Department
P.O. Box 28
00023 VALTIONEUVOSTO
tel. +358 9 16 001 or +358 9 57 811
(switchboard)

5 Distribution of reproduced copies

According to chapter 37, section 7 of the Penal Code, it is forbidden to use a form, label, picture or other object resembling tender currency that has been obtained or produced for the purposes of distributing it to the public. It is also forbidden to distribute such reproductions in connection with advertising or purely in jest.

Regulations on the distribution of reproduced copies, produced with new copying technology, are designed to prevent the criminal abuse of reproductions that unmistakably resemble legal tender currency. Distribution is considered illegal even though the reproduction has not been disseminated or been designated for dissemination, with the intention of obtaining benefit, but where it has only been for the purpose of attracting attention.

Dissemination to the general public refers to all activities used to make reproductions available to the public. Misleading reproductions include, for example, pictures of banknotes that are realistic in size and colouration and which could be mistaken for the genuine article. Examples include different kinds of discount vouchers or coupons featuring banknotes. This regulation also applies to reproductions of coins, made of metal, if they unmistakably resemble genuine coins.

The regulations on fraud may also be applicable, if outsiders are misled to accepting a reproduction as legal tender.

In case law, a periodical publication has been found guilty of disseminating reproductions after publishing in the magazine a two-sided reproduced copy of the 100 markkaa banknote that was equal in size to the genuine banknote.

Criminal sanctions or imprisonment of up to one year may be imposed for the dissemination of reproductions.