

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
Finland	2024	Finland / District Court of Oulu / 24/101753 / R 23/940		Religion	District Court of Oulu / Oulun käräjäoikeus / Uleåborg tingsrätt	X had published on his Twitter account a modified version of a Somali-language news bulletin, originally aired by the Finnish Broadcasting Company (Yle) in spring 2020. The bulletin informed about the COVID-19 pandemic and actions against it. In his version, X had added subtitles in Finnish. The subtitles were degrading in content, calling Somali and Turkish people "retarded" and claiming they ignored the instructions and restrictions aimed at preventing the spread of the virus. X referred to his freedom of expression as a local politician and a journalist. He argued that the video was a parody and could thus be used without the permission of the original copyright holder, in this case Yle.	The court sentenced X to 80 day fines (€ 480) for a copyright offence and agitation against a population group. The latter offence included another count in the same case related to X's defamatory statements against sexual minorities. The court also ordered X to pay compensation to Yle for unlawful use of copyrighted material (€ 640) and to cover Yle's legal costs (€ 2,260). The decision is final. The court of appeal did not grant X leave to appeal.	The court found that X's edited video was strongly generalising, prejudiced and likely to arouse intolerance, contempt or even hatred against Somali and Turkish people. This amounted to agitation against a population group under the Criminal Code. The court held that parody, as a form of freedom of expression, is one of the limitations to copyright, on certain conditions. However, parody which conveys a discriminatory message does not qualify as a copyright exception. Yle had broadcast news bulletins related to COVID-19 in different languages in order to prevent the spread of disinformation. X's modified video, which had had 11,300 viewers, was likely to cause considerable harm to Yle.	This is the first time a court applied section 23a on parody exception to copyright which was added to the Copyright Act (404/1961) in 2023. In addition to copyright law, the court pondered the issues of political speech as a form of freedom of expression and the characteristics of a parody work. In this discussion, the court took into account the jurisprudence of both the ECtHR (for example, the cases of Ferret 16.7.2009, Erbakan 6.7.2006 and Soulas 10.7.2008) and the CJEU (C-201/13 Decmyn).	"Uutisten arvo liittyy niiden oikeellisuuteen ja luotettavuuteen ja kansalaisten pitää voida luottaa uutisiin. X:n tekemä katkelma on tehty aikana, jolloin koronaviruksesta on ollut liikkeellä paljon disinformaatiota ja tätä Ylen uutisoinnilla on pyritty estämään ... X:n katkelmassa ei ole ollut kyse tekijänoikeuslain 23a §:ssä tarkoitettusta sallitusta parodiasta." "The value of news is related to accuracy and reliability, and citizens must be able to trust the news. X's video was created at a time when there was a lot of disinformation about the coronavirus. Yle's news bulletin was aimed to counter disinformation ... X's video does not qualify as parody under section 23a of the Copyright Act."

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