[SE] Administrative Supreme Court rejects Governments decision

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The last instance of the Swedish Administrative Court (Regeringsrätten), recently annulled the Swedish Government's decision to classify material from the Church of Scientology's Bible as top secret. The material from the bible has been subject to the Swedish principle of accessibility of public documents. The case was initiated when the Church of Scientology claimed copyright infringement against a Swedish individual who put the secret and holy texts of Ron Hubbard, the founder of Scientology, on the Internet.

Alongside the Court case, the individual in question complained about the treatment of religious movements in Sweden and in particular the Church of Scientology, whereafter the texts were also subject to investigation at the Swedish Parliament. Because it is a well established principle that documents in a Court or any public authority are public material, and therefore, accessible to the public on the authority's premises, the public has been able to view the named texts at the Court of First Instance (where the case was brought by the Scientologists) as well as the Swedish Parliament. In practice the texts have been occupied by Scientologists reading them (at the locations of the Court and the Parliament) and thereby preventing anyone else from looking at them. The texts are among the Scientologists' most holy and secret, and reading them first demands for numerous and expensive courses at the Scientology Church.

American authorities have brought pressure on the Swedish Government to obey the copyright of American organisations. The Swedish Government recently decided to classify the Scientology texts as top secret, referring to diplomatic relations with the USA.

The decision was criticised and taken to the Administrative Supreme Court (Regeringsrätten), which annulled the decision. According to the Court a prerequisite for classification of secrecy is that the actual content of a document is defamatory to international relations. In this case, however, it is not the content of the Scientology texts themselves which are the problem but rather the fact that Swedish law makes them accessible to the public. Furthermore, the Court noted the already established interface between the principle of accessibility of public documents and copyright, in that they do not prejudice each other. Public documents can be copyright protected although they are publicly available at an authority. The documents may not be reproduced, but are only accessible at the

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authority in the specific physical form they are represented at the place. It is therefore a widely spread opinion among intellectual property lawyers in Sweden that the Scientology case does not differ from any other copyright question in relation to public material.

Regeringsrätten beslut 735797.

Supreme Administrative Court, decision 735797.

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