[SE] File-Sharing Verdict Hailed as a Success

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On 12 June 2007, *Hovrätten för västra Sverige* (Court of Appeals for Western Sweden) upheld the country's first verdict in a case concerning the sharing of music files over the Internet (see IRIS 2006-10: 19). This is a verdict that has been claimed as a success both by the music industry, and by representatives of political groups who want Sweden to re-legalise file-sharing.

Jimmy Sjöström, a 45 year-old living in Borås, was convicted and fined SEK 20,000 by *Borås tingsrätt* (Borås District Court) on 16 October 2006 for sharing four music files over the Internet.

Both the prosecution and Mr Sjöström appealed the judgment. The prosecution appealed for a stricter sentence, namely a probation order coupled with a fine. Mr Sjöström moved in his appeal for all charges to be dismissed on grounds that the file-sharing was not made accessible to, or directed at, the general public.

The Court of Appeal found that, although certain requirements had to be fulfilled in order to be able to access the network where Mr Sjöström had made the music files available, the network could not be seen as a closed network. Thus, making music files available within a network is equal to making the files available to the general public.

The music industry hails the conviction as a boost for intellectual property protection. It is also believed that the verdict may act as a deterrent for future file-shares as the verdict shows that illegal file-sharing can become expensive if compared to the legal and cheap alternatives available over the Internet.

The verdict is also hailed as a success by those supporting re-legalisation of file-sharing in Sweden. The verdict confirms that the penalty for file-sharing is a fine. As a consequence, the police will have a more difficult task securing evidence in cases of file-sharing as it is not possible to apply for search warrants in connection with crimes for which the penalty is a fine.

Hovrätten för västra Sverige, 12 June 2007

Decision of the Court of Appeals for Western Sweden, 12 June 2007

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