



## France and Sweden: IP Friends or Foes?

**Scott A. LaGanga**  
**Katherine Boyle**

Debates concerning piracy and intellectual property laws demonstrate that there are many individuals and organizations worldwide that wish to eliminate protections of intellectual property rights (IPR) for economic gain. However, until recently, elimination of intellectual property rights was not a political platform used to appease large amounts of the electorate in European countries. The European Patent Office (EPO) recently issued a statement ensuring that they would not certify the patenting of software and related products. This consolatory gesture to interest groups opposing intellectual property rights demonstrates that governmental organizations are backing down to pressure from organizations with concerted interest in limiting the rights of the inventor and property owner.

### France

In a similar manner, le Sénat, the upper house of the French parliament, is considering the passage of a controversial

### *The Future of Digital Rights Management*

copyright bill that would require online content service providers to enable digital rights management (DRM) interoperability. Although the bill was recently changed in May, numerous organizations are applying pressure to the Sénat to weaken IP provisions dealing with DRM. Examples of this governmental tendency not to protect property rights in countries such as France and Sweden can have drastic effects on the global economy and set a dangerous precedent for countries considering IPR involving new technologies. Due to a lack of information and growing pressure from advocacy groups that hope to

**In June, Norway, Denmark and Sweden said that Apple Computer must make music downloaded from Apple's software program iTunes, the popular mp3 player created for Apple's iPod, playable on rival Gerät in their countries.**

weaken private property rights, parliamentary governments are refusing to enforce intellectual property rights, with some even forming political parties to ensure that IP rights remain unimplemented or outright abolished for those already in place. This opposition to digital property rights sets a dangerous precedent and will hinder IP advancements worldwide.

Just this month, Norway, Denmark and Sweden said that Apple Computer must

make music downloaded from Apple's software program iTunes, the popular mp3 player created for Apple's iPod, playable on rival Gerät in their countries. Finland is also considering this requirement of Apple.<sup>1</sup>

In France, this legislation is in its final stages and parliament would force technological creations similar to Apple's iPod or Windows Media system to be interoperable, eliminating property rights protections for popular technologies that are to come in the future. The Apple debate is creating a dangerous precedent for all countries considering DRM legislation. With new technologies being developed each day, countries that do not protect popular electronics because of consumer pressure will almost certainly buckle to pressure in the future. Therefore, it is essential parliaments in Europe ignore pressure from consumer groups with the goal of eliminating patent protections.

---

### Sweden

Sweden has a similar problem that is setting a more dangerous precedent in the creation of a political party formed to eliminate intellectual property rights. The *Piratpartiet*, or Pirate Party of Sweden aims to weaken intellectual property laws regarding copyrights and patent protections. Using a clever name and a platform that stresses the right to privacy,

---

<sup>1</sup> "European Nations Pressure Apple on iTunes." *AFX News Limited AFX International Focus* (2006). *Lexis-Nexis*. 20 June 2006.

the Pirate Party appeals to consumers who aim to use pirated goods who are uninterested in the rights of the inventor or producer. Following a police raid two weeks ago on the file sharing site *The Pirate Bay*, the Pirate Party membership has nearly tripled in size, from 2,200 members on May 31<sup>st</sup> to approximately 6,000 members today. The political faction now exceeds that of Sweden's national political parties' youth organizations, including the Centre Party's Youth Association (3,500) and the Green Youth (1,800).<sup>2</sup>

**The Pirate Bay, the Pirate Party membership has nearly tripled in size, from 2,200 members on May 31<sup>st</sup> to approximately 6,000 members today.**

The Party initially wanted to end protections of trademark, yet quickly changed its view on trademark rights when its legitimacy was questioned. This dangerous precedent of merging government with consumer preference permits lawlessness and the usurpation of the rights of patent and copyright holders. If governments begin to support piracy in such a manner, it will be increasingly difficult to undue the harms created.

Through analyzing the dangerous precedents being debated in France and Sweden, it is evident that countries considering the weakening of property rights are hurting the entire global market. In an age of globalization and interdependence in the global economy, it is essential that property rights are protected worldwide. It is not enough to protect digital rights in certain countries.

---

<sup>2</sup> "Swedish Pirate Party membership grows after raid on Internet file-sharing site." *BBC; Monitoring Europe - Political* (2006). *Lexis-Nexis*. 8 June 2006 <[www.bbcnews.com](http://www.bbcnews.com)>.

Each country must protect the rights of the inventor and producer if we are to make progress in the field of IP protections.

As Waldemar Ingdahl, head of Eudoxa, a free-market think tank based in Stockholm, Sweden acknowledges, “Unfortunately, movements like the Pirate Party do not have to win elections to influence the political debate. For them it is enough to be the driving force in the debate and to propose solutions to the issues.”<sup>3</sup> As of now, the Pirate Party and content-ending ideologues globally are on their way to success by simply having the debate. Will content survive in France with a National Assembly dictating to business how to develop new technology? Or will it last in Sweden where new political parties influence the future of content? Time will only tell.

---

<sup>3</sup> "EU revises position on software patents." United Press International (). 20 June 2006  
<<http://search.upi.com/vivisimo/cgi-bin/search?input-form=simple&v%3Asources=upi-database&v%3Aproject=upi&query=EU+revises+position+on+software+patents>>.