

First Person

Christian Engström, MEP



What's your objective?

We have a very focused party programme. The Pirate Party is about standing up for civil liberties particularly on the Net... and to reform intellectual property such as patents and copyright.

I want to stress this. We don't want to get rid of copyright but we want to get it in line with this century. It is important to understand that copyright as it stands today is not working.

You cannot uphold today's copyright regime by more and more enforcement...what you do when you try is damage the free and open society that it is the cornerstone of Europe.

You can see this very easily in terms of network traffic in what happened in Sweden this year when the European IPR Enforcement legislation was finally enacted nationally. Whilst immediately afterwards Internet traffic dropped 40%, mainly because of filesharing, it has now recovered to the level it was on the 1st April.

But what have those who wanted to limit the use of the Internet gained? Well, nothing in terms of traffic management. What have we lost, as a society? Well, we have this law in Sweden now that says we no longer

have the right to privacy on the Internet. Your IP address may be handed out to big companies if they want it.

We still have the European Convention on Human Rights in Sweden as in all the other member states. Article 8 says that everyone has the right to protection of his private life and his private correspondence. That's still on the books but it is not being reflected.

What about attempts to stop filesharing?

There simply isn't any way to stop filesharing or non-commercial copyright infringement, it's like to stop a flowing river...the river will seek a different course.

It is important to remember computers are infinitely flexible and if they stop one way of making a file transfer from one individual to another individual, someone will find a different way of doing it and the magic about the Internet that it only needs that one person to figure out and then everyone will do it. So you cannot stop non-commercial infringement of copyright.

People have been trying for at least ten years to stop filesharing and ten years of experience of

trying to shut down sites shows it doesn't work.

But because we as citizens are seeing our fundamental rights eroded such as the right to privacy, something has to be done and we in the Pirate Party say our fundamental rights are more important than the business models [of the rights holders]. But in fact downloaders usually are prolific purchasers of content as well.

What we want is copyright reform and there are two parts to this. We want to legalize all non-commercial uses and secondly we want to legalize file-sharing.

It would also legalize lots of other interesting things on the web such as Web 2.0 activities where people are collaborating and copyright is a really big problem here. We want to keep it for commercial purposes.

Is it really feasible to separate out non commercial from commercial uses?

Yes, we already have distinction in copyright law so there is an established practice. Yes, there is a grey scale when something becomes commercial but we do already have a practice [in operation].

Would it not be easier to get rid of the whole copyright structure in Europe? Would not that be more consistent and uniform?

I think that would be too radical in most people's views. Yes, that position exists. And there are sensible arguments for total abolishment for copyright. I can't be 100% sure that those arguments are wrong. But I can't be sure they are 100% right either. So for that reason my suggestion is to do this first step: it will solve 99% of the problems, but it will leave 99% of existing businesses as they are—they may have to adapt a bit—and then ten years later let's discuss further to see if that was enough.

Surely, it is very easy to attack well-established companies — they are large and in the public eye whilst many continental European copyright philosophies seem to stress the special status of the author. In practice, how realistic are these identities?

Not very realistic at all. Copyright reform would be very good for the artists, especially the less established artists. Multimillionaire artists such as Paul McCartney would lose from our reforms, I would admit that, but other artists would gain a lot and culture would gain a lot. When you look at the lobby situation in Brussels it is the big companies which are lobbying for their interests but they are using the artists as some sort of human shield to evoke sympathy.

What about copyright term?

We want to limit the term of protection [currently harmonized in the European Union at 70 years after the death of the author].

It is absurd. When a company makes an investment decision as a company, it does not plan for a return of 120 years. We are suggesting something more in line with realities, say five to ten years.

There seems to be a lot of concern in Brussels about ACTA (Anti Counterfeit Trade Act, currently in discussion between the European Commission and US). After leaked documents, there are suggestions it will be a closed door deal. Do you take it seriously?

Very seriously indeed. The only information we have about the ACTA are the leaked documents and providing they are genuine - and they look genuine - introducing third party liabilities is one of the things that the US is pressing for according to these documents.

What justification would there be for US ISPs to be keen on this? Is there a witch hunt against parties?

The film and record companies *are* engaged in a witch hunt, but the question as to why the American ISPs protect themselves, well, I know too little about internal American politics to answer that.

What's your greatest fear?

My greatest fear is Europe turning into a Big Brother society. Twenty years ago when the Berlin Wall fell, we were all so happy because we felt, wow, they are going to become just like us. But, twenty years later we see the exact opposite happening. The only difference is the East German security services used typewriters and filing cabinets and pen and paper and today we have computers which can do it a million times faster at the push of a button. That's my greatest fear.

You are obviously concerned about privacy...would not that be a better issue to campaign on?

We do campaign on privacy and, in fact, if you talk to activists in the Party you find some who will say 'for me personally I am not all that interested about file sharing part, it's all about privacy', but the two are connected because there are two strong driving forces behind introducing the Big Brother society. One is the security services wanting more money and power and the other is the film and record companies desperately trying to stop the world in 1985, or 1958. I don't know what date, but it is certainly in a different millennium.

Christian Engström is a Member of the European Parliament, and Deputy Chairman of the Pirate Party in Sweden.

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