

Satellite broadcasts from Qatar did not have copyright protection in Sweden

Two representatives of a company that retransmitted television broadcasts from Qatar have been acquitted of copyright infringement. The television broadcasts, which were made via satellite, were not considered to be protected by the Swedish Copyright Act.

Two people were prosecuted, in their capacity as representatives of a company in Malmö, for, inter alia, violation of the Copyright Act. According to the indictment, they had unlawfully retransmitted television broadcasts from a company in Qatar. The programme-carrying signals had been sent by the company in Qatar via optical fibre cable to France and then, via uplinks in Spain and the United Kingdom, to satellites, which in turn had sent the signals down to the earth for reception by subscribers.

The question in the Supreme Court was whether the TV broadcasts were protected by the Swedish Copyright Act.

As a rule, the Copyright Act is only applicable to broadcasts that take place in Sweden. However, it can also be applied to broadcasts carried out in other countries that are parties to an international convention, the Rome Convention. At the time of the broadcasts, Qatar was not a party to that convention. On the other hand, France, Spain and the United Kingdom were.

The Supreme Court considers that all stages in the chain of communication are to be regarded as a single communication to the public by satellite. The broadcasts are therefore considered to have been made in Qatar, where the communication of the programme-carrying signals was initiated. This means that the broadcasts were not protected by the Copyright Act and therefore the defendants cannot be convicted of violating that law.