

# Pirate Party Declaration of Principles 3.2

## Introduction

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We wish to change global legislation to facilitate the emerging information society, which is characterized by diversity and openness. We do this by requiring an increased level of respect for the citizens and their right to privacy, as well as reforms to copyright and patent law.

The three core beliefs of the Pirate Party are the need for protection of citizen's rights, the will to free our culture, and the insight that patents and private monopolies are damaging to society.

Ours is a control and surveillance society where practically everyone is registered and watched. It is counterproductive to a modern judicial state to impose surveillance on all its citizens, thereby treating them as suspects. Democracy pre-supposes a strong protection for citizen's rights.

Copyright was created to benefit society in order to encourage acts of creation, development and spreading of cultural expressions. In order to achieve these goals, we need a balance between common demands of availability and distribution on the one hand, and the demands of the creator to be recognized and remunerated on the other. We claim that today's copyright system is unbalanced. A society where cultural expressions and knowledge is free for all on equal terms benefits the whole of the society. We claim that widespread and systematic abuses of today's copyrights are actively counter-productive to these purposes by limiting both the creation of, and access to, cultural expressions.

Privatized monopolies are one of society's worst enemies, as they lead to price-hikes and large hidden costs for citizens. Patents are officially sanctioned monopolies on ideas. Large corporations diligently race to hold patents they can use against smaller competitors to prevent them from competing on equal terms. A monopolistic goal is not to adjust prices and terms to what the market will bear, but rather use their ill-gotten rights as a lever to raise prices and set lopsided terms on usage and licensing. We want to limit the opportunities to create damaging and unnecessary monopoly situations.

Trademarks are primarily useful as consumer protection devices. We feel trademarks mostly work fine today, and do not suggest any changes here.

## Democracy, Citizens' Rights and Personal Freedoms

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The citizen's right to privacy is written in the Swedish constitution. From this fundamental right springs several other basic human rights like the rights to free speech, freedom of opinion, to obtain information as well as the right to culture and personal development. All attempts by the state to curtail these rights must be questioned and met with powerful opposition.

All powers, systems and methods that the state can use against its citizens must be under constant evaluation and scrutiny by elected officials. When the government uses surveillance powers against regular citizens who are not suspected of any crime, it is a fundamentally unacceptable and clear violation of the citizen's right to privacy.

Each citizen must be guaranteed the right to anonymity which is inherent to our constitution and the right of the individual to control all use of his or her personal data must be strengthened.

The Pirate Party takes a stand against special legislation for terror-related crimes. The penalties and criminal codes that are already in place for actions that harm or threaten Swedish citizens or their property are sufficient. Today's anti-terror laws nullify due process of law, and risk being used as a repressive tool against immigrants and dissidents.

The government must respect the constitution not just in saying, but in practice. Respect for the citizens and their privacy shall mean that principles like prohibition of torture, integrity of lawmaking, due process of law, messenger immunity, and the postal secret are not negotiable. The Pirate Party shall and will act to expose and bring down an administration that the party considers doesn't respect human rights, as expected from a western democracy.

*Translator's Note: the Swedish constitution includes a hard reference to the European Convention on Human Rights, which is therefore included in the constitution. / Some countries have a name for messenger immunity akin to the term "Common Carrier Principle". It refers to the fact that the messenger is never legally responsible for the contents of a carried message.*

The postal secrets act shall be elevated to a general communications secrets act. Just as it is prohibited to read someone else's mail today, it shall be forbidden to read or access e-mail, SMS or other forms of messages, regardless of the underlying technology or who the operator may be. Any and all exceptions from this rule must be well-motivated in each and every case. Employers shall only be allowed to access an employee's messages if this is absolutely necessary to secure the technical functionality or in direct connection with the employee's work-related duties. The government shall only be allowed access to a citizen's means of communication or put a citizen under surveillance in the case of a firm suspicion of a crime being committed by said citizen. In all other cases, the government shall assume its citizens to be innocent and leave them alone. This communications secrets act must be given a strong legal protection, as the government has repeatedly shown that it is not to be entrusted with sensitive information.

*We want to repeal the Data Retention Directive and strengthen the citizens' right to privacy.*

The Pirate Party has no opinion on whether Sweden should or should not be a member of the European Union, but now that we are, we have a right to demand that the union is governed by democratic principles. The democratic shortage in the Union must be addressed in the long term, and the first step is to prevent it from being set in stone through a bad constitution. The proposed European Union constitution that France and the Netherlands voted against shall not be accepted, neither in its original form nor with cosmetic changes.

Decision-making and governmental administration in both Sweden and the European Union shall be characterized by transparency and openness. Swedish representatives in the EU shall act to bring the Union closer to the Swedish principle of public access to records.

*Translator's Note: The Swedish principle of public access to records – "offentlighetsprincipen" – means that anybody has the right to request any document from any part of the administration, without identifying themselves. While documents may be explicitly classified and thus exempted from this principle, such a secrecy stamp must be justified by strict and rarely applicable criteria, and can be appealed by the public. To illustrate the strength of this principle,*

*minors can view video material censored by the Cinema Administration Board, as long as they show up at the board's offices. Remember, the board is prohibited from asking for identification or similar proof of age.*

*Foundations of democracy shall be protected, both in Sweden and in the EU.*

## **Free Our Culture**

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When copyrights were originally created, they only regulated the right of a creator to be recognized as the creator. It has later been expanded to cover commercial copying of works as well as also limiting the natural rights of private citizens and non-profit organizations. We say that this shift of balance has prompted an unacceptable development for all of society. Economic and technological developments have pushed copyright laws way out of balance and instead it infers unjust advantages for a few large market players at the expense of consumers, creators and society at large. Millions of classical songs, movies and books are held hostages in the vaults of huge media corps, not wanted enough by their focus groups to re-publish but potentially too profitable to release. We want to free our cultural heritage and make them accessible to all, before time withers away the celluloid of the old movie reels.

*Immaterial laws are a way to legislate material properties for immaterial values. Ideas, knowledge and information are by nature non-exclusive and their common value lies in their inherent ability to be shared and spread.*

We say that copyrights need to be restored to their origins. Laws must be altered to regulate only commercial use and copying of protected works. To share copies, or otherwise spread or use works for non-profit uses, must never be illegal since such fair use benefits all of society.

We want to reform commercial copyrights. The basic notion of copyrights was always to find a fair balance between conflicting commercial interests. Today this balance is lost and needs to be regained.

We suggest a reduction of commercial copyright protection, i.e. the monopoly to create copies of a work for commercial purposes, to five years from the publication of the work. The rights to make derivative works shall be adjusted so that the basic rule will be freedom for all to make them immediately. Any and all exceptions from this rule, for example, translations of books, or the usage of protected musical scores in movies, shall be explicitly enumerated in the statutes.

*We want to create a fair and balanced copyright.*

All non-commercial gathering, use, processing and distribution of culture shall be explicitly encouraged. Technologies limiting the consumer's legal rights to copy and use information or culture, so-called DRM, should be banned. In cases where this leads to obvious disadvantages for the consumer, any product containing DRM shall display clear warnings to inform consumers of this fact.

Contractual agreements implemented to prevent such legal distribution of information shall be declared null and void. Non-commercial distribution of published culture, information or knowledge – with the clear exception of personal data – must not be limited or punished. As a logical conclusion of this, we want to abolish the blank media tax.

*We want to create a cultural commons.*

## Patents and Private Monopolies Harm Society

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Patents have many damaging effects. Pharmaceutical patents are responsible for human deaths in diseases they could have afforded medication for, research priorities are skewed, and unnecessarily high, and rising, cost of medicines in richer parts of the world.

Patents on life and genes, like patented crops, lead to unreasonable and harmful consequences. Software patents retard technological development and constitute a serious threat against Swedish as well as European small- and medium-sized businesses in the IT sector.

Patents are said to encourage innovation by protecting inventors and investors in new inventions and manufacturing methods. In reality, patents are increasingly used by large corporations to hinder smaller companies from competing on equal terms. Instead of encouraging innovation, patents are being used as "mine fields" when waging war against others, often patents the owner has no plans on developing further themselves.

We believe patents have become obsolete and that they actively stifle innovation and the creation of new knowledge. Besides, just by looking at all business areas that is not patentable it is clear that patents simply are not needed - the market forces derived from being first-to-market is quite sufficient for fostering innovation. Inventors should compete fairly with natural advantages like innovative designs, customer benefits, pricing and quality, instead of with a state-awarded monopoly on knowledge. Not having to pay small armies of patent lawyers will free resources that can be used for creating real innovation and improve products at a faster rate, benefiting us all in the end.

*We want to abolish patents gradually.*

Apart from abusing patents, large corporations attempt to create monopolies by other means. By keeping information on things like file formats and interfaces secret, they try to create vendor lock-in, thereby limiting competition with a blatant disregard for the value of **a free and fair market**. This practice leads directly to higher prices and a lower rate of innovation. Whenever the publicly funded sector procures information systems or produces information itself, it must actively counteract the formation or continuation of these private monopolies on information, knowledge, ideas, or concepts. **Initiatives like Open Access, with the purpose of making results of research freely available, shall be encouraged and supported.**

*Private monopolies shall be combated.*

**The public sector shall archive documents and make them publicly available in open formats. It shall be possible to communicate with the government without being tied to a certain private supplier of software. The use of open source in the public sector, including schools, shall be stimulated.**

*Open formats and open source shall be encouraged.*

## Closing words

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We wish to guard citizen's rights, their right to privacy and basic human rights. When the government routinely put its citizens under surveillance, it invariably leads to

abuse of powers, lack of freedoms and injustices. We demand a correction of these injustices. We demand justice, freedom and democracy for the citizens.

Today's copyright and patent laws lead to harmful monopolies, the loss of important democratic values, hinders the creation of culture and knowledge, and prevents them from reaching the citizens. We demand the abolishment of patents and fair and balanced laws of copyrights, rooted in the will of the people, to enrich people's lives, enable a healthy business climate, create a knowledge and cultural commons, and thereby benefiting the development of society as a whole.

Our work with this is now focused on parliamentary means and therefore we seek a mandate from the people to represent them in these issues.

The Pirate Party does not strive to be part of an administration. Our goal is to use a tie breaker position in parliament as leverage, and support an administration that drives the issues in our platform in a satisfactory manner. When they do, we will support that administration on other issues where we choose to not hold opinions of our own.

**To unite as a strong movement, we have chosen to not take a stand in any political issues not connected with the principles declared herein.**

**We stand united around our protection of the right to privacy, our will to reform copyrights, and the need to abolish patents.**

**Note to translators:** The differences between Principles 3.0 (adopted in February 2006) and Principles 3.1 (January 2008) have been highlighted in purple. The differences between Principles 3.1 and Principles 3.2 (December 2008) have been highlighted in green.