

Act on Responsibility for Electronic Bulletin Boards

Swedish Code of Statutes
SFS 1998:112

Unofficial translation of: Lag om ansvar för elektroniska
anslagstavlor

Promulgated 12 March 1998

Scope

Section 1 This Act applies to electronic bulletin boards. In this Act, electronic bulletin boards means a service for mediation of electronic messages.

In this Act messages means text, images, sound or other information.

Section 2 However, the Act does not apply to:

1. the provision of only a network or other channels for the transmission of messages or other services necessary to use a network or other channel,
2. mediation of messages within a government agency or between government agencies or within a company or group of companies,
3. services that are protected by the Freedom of the Press Act or the Fundamental Law on Freedom of Expression, or
4. messages that are only intended for one particular recipient or a designated set of recipients (electronic mail).

Information to users

Section 3 The supplier of an electronic bulletin board shall inform each person who connects himself to the service about his identity and to what extent messages received will be available to other users.

Supervision of the service

Section 4 The supplier of an electronic bulletin board shall, in order to be able to fulfil the obligations under Section 5, supervise the service to an extent that is reasonable considering the extent and objective of the service.

Obligation to erase certain messages

Section 5 If a user submits a message to an electronic bulletin board, the supplier must remove the message, or in some other way make it inaccessible, if

1. the message content is obviously such as is referred to in the Penal Code, Chapter 16, Section 5, about inciting rebellion, Chapter 16, Section 8 about agitation against a national ethnic group, Chapter 16, Section 10a about child pornography crime, Chapter 16, Section 10b about unlawful depiction of violence, or
2. it is obvious that the user has, but submitting the message, infringed the copyright or other right protected by Section 5 of the Copyright (Artistic and Literary Works) Act (1960:729).

In order to be able to fulfil the obligation under the first paragraph, the supplier is allowed to review the content of messages in the service.

The obligation under the first paragraph and the right under the second paragraph also apply to those who have been appointed by the supplier to supervise the service.

Penalties

Section 6 A person who intentionally or through carelessness violates Section 3 shall be sentenced to pay a fine.

Section 7 A person who intentionally or through gross carelessness violates Section 5, first paragraph, shall be sentenced to a fine or to imprisonment for not more than six months, or, if the offence is grave, to imprisonment for not more than two years. A sentence shall not be imposed for minor violations.

The first paragraph shall not be applied if the act is subject to criminal liability under the Penal Code or the Copyright (Artistic and Literary Works) Act (1960:729).

Forfeiture

Section 8 Computers and other equipment that have been used in an offence under Section 7 of this Act may be declared forfeited, if this is called for in order to prevent further criminality or for other special reasons. Forfeiture may be waived wholly or partly if the forfeiture is unreasonable.