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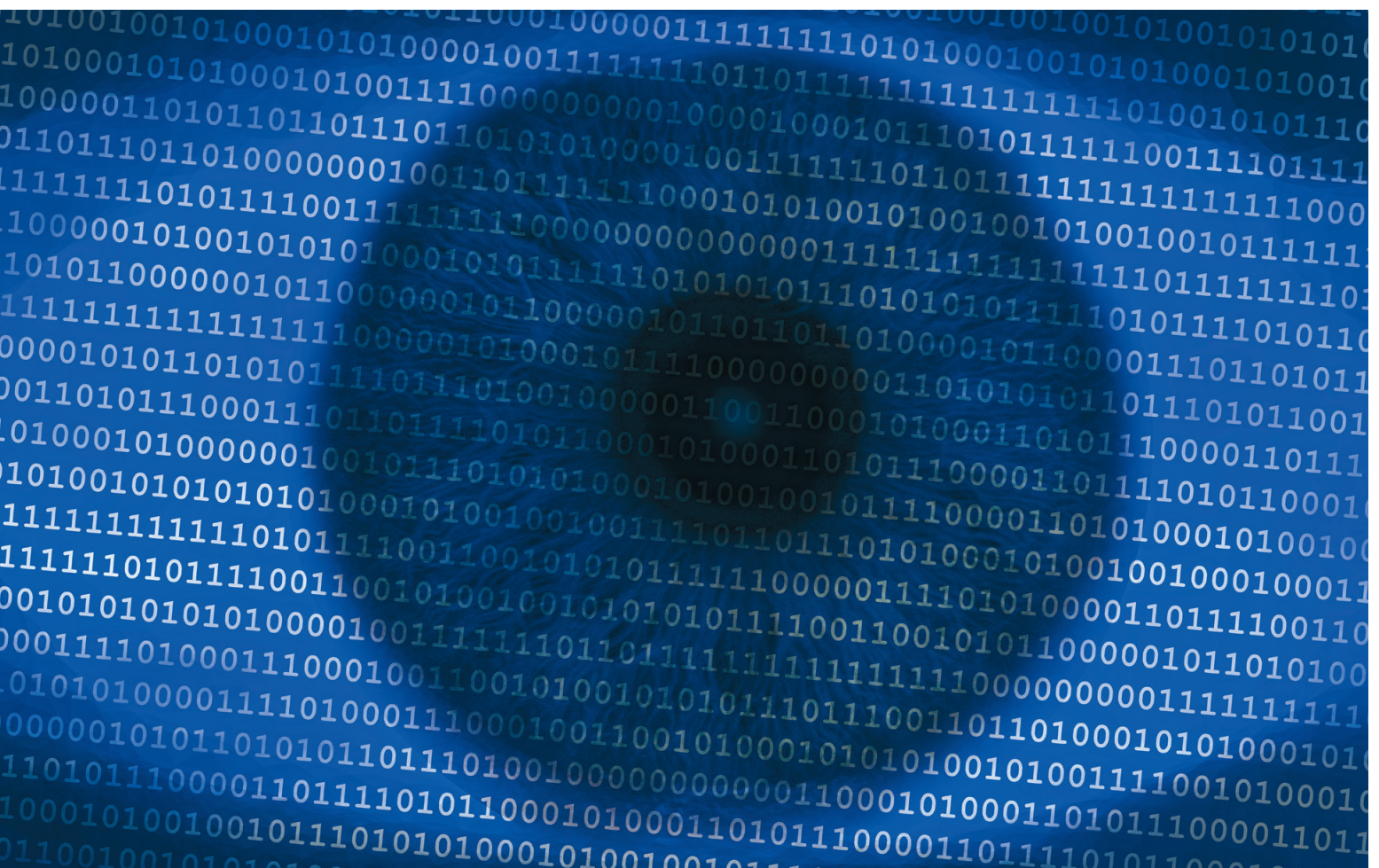
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Introduction

We are pleased to present another issue of the IP Tech Report, in which members of the Setterwalls' IP Tech group comment on selected legal topics in relation to technology and intellectual property.

This issue has a particularly strong focus on recent or upcoming technologies.

In *Artists' remuneration from on demand streaming – a system that needs to be reviewed*, Louise Hjelm and Magnus Fridh comment on the discussion regarding artists' remuneration for on demand streaming. Bobi Mitrovic and Johan Lind examine another hot technology in *Is Big Data too big to manage from a privacy perspective?*

Agnes Andersson and Emelie Kuusk-Jonsson discuss the IPR aspects of *3D-printing in 3D-printing – A new dimension to intellectual property rights*. Another IPR issue – colour trademarks – is highlighted by Josefin Leiman and Lovisa Nelson in *Fifty shades of purple? The scope of protection of the colour trademark*.

Finally, Jörgen Axelsson and Erik Sandström outline the potential effects of the proposed EU data protection regulation in *One Regulation to Rule Them All*.

Setterwalls' IP Tech group continuously and closely monitors all the issues raised in our reports as well as many other questions in the IP Tech area. You are always welcome to contact us to discuss how your business can best meet its legal challenges.

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Artists' remuneration from on demand streaming – a system that needs to be reviewed

The European Commission is currently reviewing the EU copyright framework in order to ensure that it is suitable for the digital environment, which has reshaped the ways content is created, distributed and accessed. One part of the review is an open consultation on the content in the digital single market. In this part, one of the topics that has been brought to attention, is the artists' remuneration for on-demand streaming.

According to the Act on Copyright in Literary and Artistic Works (1960:729) ("Copyright Act") performing artists have the exclusive right to exploit their performances by making the performance or a fixation of it available to the public. An exception to this exclusive right is the compulsory license. Based on this license, anyone may use a sound recording of an artist for a public performance or for a communication to the public. An example of such communication is when a song is played on the radio or on TV. When a performance is used based on the compulsory license, the neighboring rights holders remuneration is statutory and gathered by the collecting societies, in Sweden SAMI. Neighboring rights holders generally include the record label, the featured artist and non-featured artists such as a guitarist or a background singer.

In the Infosoc Directive (2001/29/EC), on-demand streaming was excluded from the compulsory license with the intention that the right holders should keep the control of where and to whom their performances were spread through on demand streaming services. Hence, an on-demand streaming service, such as Spotify, can only use a record with a license from the individual right holders.

Thus, streaming services may only exploit the song with a license from the right holders. The remuneration is negotiated individually between the on-demand streaming service and the right holders.

In practice, a performing artist will enter into an agreement with a record label and transfer his or her exclusive right to exploit the performance. The record label then enters into a license agreement with the on-demand streaming service, which includes the right to receive remuneration for the use of the recording and the artist's performance.

The intention that the artists should keep the control over their performances regarding on-demand streaming is somewhat undermined since generally all exclusive rights are transferred to the record label. Furthermore, artists are normally in a weak bargaining position when entering the agreements with the record label. This is especially true for the non-featured artists, who are often left with only a lump sum for their rights regardless of the future exploitations and the number and frequency of streams.

Hence, in reality the current copyright framework puts performing artists in a worse position when their performances are distributed through on-demand streaming than e.g. by radio with the compulsory license. A statutory right to remuneration managed by collecting societies makes the process transparent and the artists have a greater opportunity of getting fair remuneration.

In the consultation to the Commission, SAMI proposed that artists should enjoy an unwaivable right to equitable remuneration for on-demand streaming and that it should be managed by performers' collective management organizations. This system would put especially non-featured



artists in a better position since remuneration for their performances would be guaranteed. For instance, Spain has a system similar to the proposal, where the collecting society has forced remuneration rights through courts and entered remuneration agreements with the key users of on-demand services in Spain. However, in order for artists to be guaranteed remuneration regardless of where in Europe their performance is streamed, their right must be statutory on an EU level and not just in the individual member state.

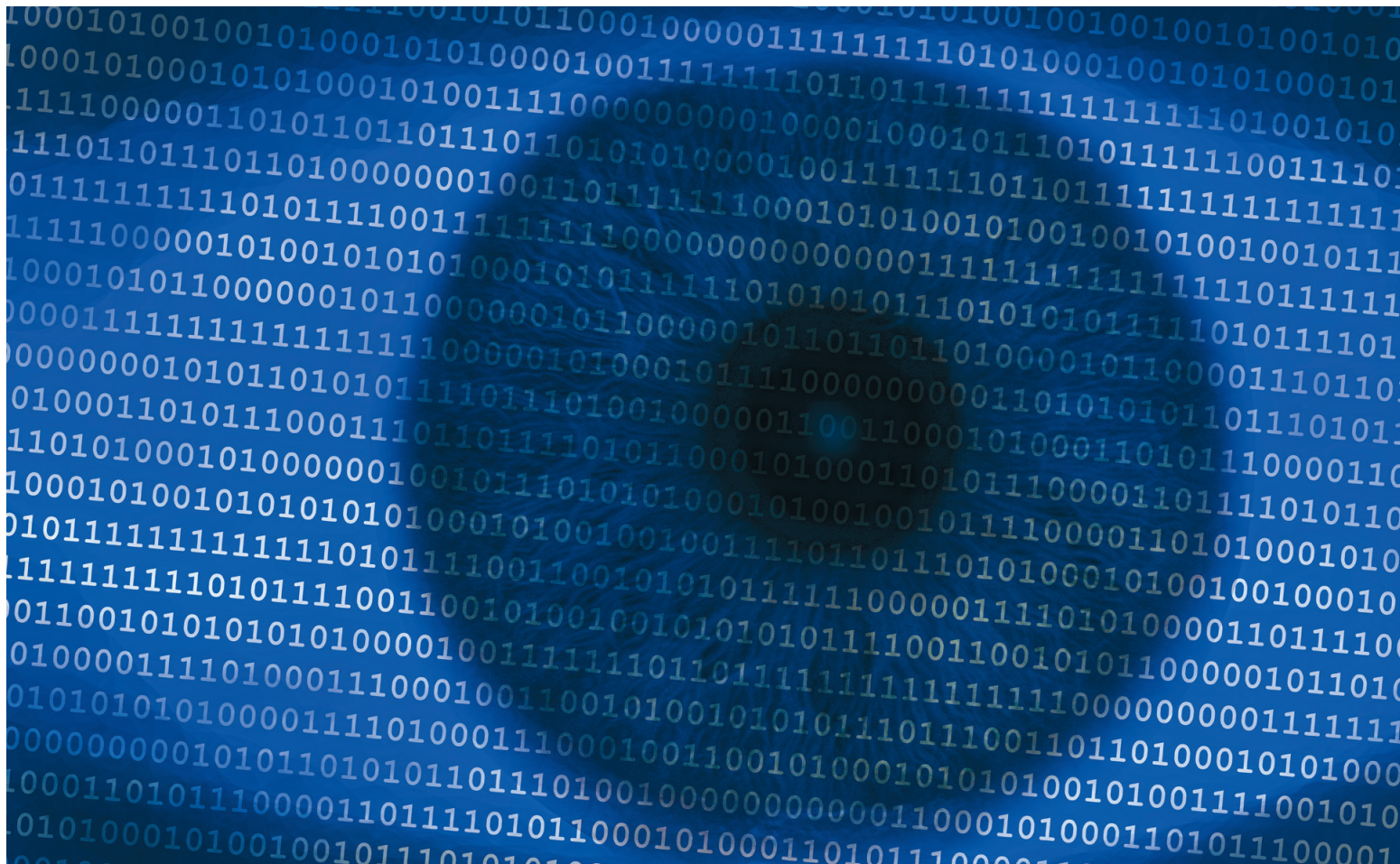
One can argue that this solution is insufficient and that in order to strengthen the economic position of the artists, a statutory remuneration level for streams must be implemented as well. The remunerations paid for streams are very low in comparison to the physical sales of CD's which is an increasing problem since streaming services are taking market shares from physical sales. The position of the streaming services is generally that levels of payment will rise as the number of paying subscribers increase globally, but this remains to be seen.

The consultation period of the Copyright framework is now over and the Commission has received a large amount of

input from the stakeholders. Over 55 000 submissions have been made by interested parties, so the attention is huge. The new Commission, which is to be elected later this year, will have a dire job to continue going through and concluding the opinions of right holders, collecting societies and other interested parties. It remains to be seen if the consultation will result in artists being able to enjoy a remuneration right better suited to today's music distribution and whether this is sufficient to strengthen their economic position.

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Is Big Data too big to manage from a privacy perspective?

By 2003 we were creating as much information every two days as we had from the dawn of civilization until 2003, and today we create even more. On any given day we create 2.5 quintillion bytes of data – so much that 90% of the data in the world today has been created in the last two years alone. This data comes from everywhere and relates to everything and the power of Big Data allows you to analyse it. However, the sheer power of Big Data may be what puts obstacles in its own way.

What is Big Data?

Big Data refers to large volumes of high velocity, complex and variable data that requires advanced techniques and technologies to enable the automated analysis and eventually use of the data. The data is collected both from traditional and digital sources inside and outside companies e.g. through public databases, purchasing data and statistics, social network interactions, web surfing, time and location data, and from countless more sources.

Big Data does not simply mean the vast amounts of input data but also inherently refers to the tools to manage and analyse it and the output of the analysis. Such tools are becoming more and more accessible as the required software, process power and data storage are becoming cheaper and cheaper. This gives ordinary companies the possibility of tapping into that reserve of knowledge and applying it to their own company specific environments in order to further their business interest and to gain a better understanding of their business, customers, and the marketplace. What will distinguish successful companies is the ability to analyse the data and put it in the right business context, e.g. by understanding its customers and the marketplace.

For companies not able to administer Big Data themselves, an industry of service providers offering Big Data services has sprouted up making Big Data available for any big or small company. Big Data has already been shown to aid companies in several different areas including healthcare, mobile communications, smart grid, traffic management, fraud detection, marketing and retail, both on- and offline.

Anonymised data or personal data

To get the best out of Big Data, you need to collect as much data as you can, keep it as long as possible, and use it for as many different purposes as you can. Big Data creates a problem here because what is not said in the definition is that a lot of the data directly relates to individual people and their behaviour, i.e. the information in Big Data is often personal data in disguise.

Considering the obligations that come with processing of personal data, Big Data is often only interested in using anonymised data as the processing of anonymised data is not subject to personal data protection legislation. However, it has been shown that the great powers of Big Data may be its Achilles' heel as anonymised data easily can be de-anonymised with few extra data.

In 2006, Netflix released over 100 million movie ratings made by 500,000 subscribers to their online DVD rental service. Netflix had anonymised the data set by removing any personal details to protect its customers' privacy. Despite this, researchers could shortly afterwards announce that they were able to de-anonymise the data by comparing the Netflix data against publicly available ratings on the Internet Movie Database (IMDB).¹

Under our current legislation, any anonymised data which is possible to de-anonymise and reconnect to an individual e.g. by the availability of the original record or other information, will still be considered to be personal data (the original record does not have to be available for the processor, it is sufficient that the reconnection is possible). Put briefly, even though data may seem anonymised it might not be in a world of Big Data.

Hence, based on the Netflix-problem, companies cannot feel safe and disregard personal data protection based on the presumption that the data is anonymised which will have a major impact Big Data in general and specifically on so called "profiling"² which utilizes Big Data to predict customer behaviour in order to render a company's actions more effective. Instead, companies that wish to strengthen their business by using Big Data will need to take a more

pre-emptive and structured approach and exert themselves to handle any data referring to, or produced by, individuals in accordance with personal data legislation.

Legal landscape for Big Data

The processing of personal data by Swedish entities, or for entities established in Sweden, is regulated by the Personal Data Act which is based on principles contrary to Big Data. Put simply, the current legislation does not take the latest technological development into consideration. For the market to be able to make the most of this new tool, we would need new legislation in the area. Fortunately, European data protection legislation is in the process of being updated as the future of privacy is about to be harmonized within the European Union.³ However, what is less uplifting, strictly from a Big Data perspective, is that the current version of the regulation goes the other way and makes Big Data even more problematic. This paired with the fact that the new regulation proposes heavier sanctions, further emphasises the need for companies to review their processing of data.

Conclusion

In essence, we have a new analytics tool that promises to be of great help on all different markets, but which is also hard to fit into the personal data legislation both of today and of tomorrow. Should, however, companies choose to tap into the new possibilities of Big Data it is advisable to structure any processing of data with personal data protection in mind to avoid investments being squandered.

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¹ http://news.cnet.com/8301-13739_3-9826608-46.html

² Profiling is defined in the Regulation as "any form of automated processing of personal data intended to evaluate certain personal aspects relating to a natural person or to analyse or predict in particular that natural person's performance at work, economic situation, location, health, personal preferences, reliability or behaviour;"

³ Regulation of the European Parliament and the Council concerning the protection of natural persons in connection with personal data processing and with regard to the free movement of such data (the "Regulation") dated 25 January 2012, COM (2012) 11 final.



3D-printing – a new dimension to intellectual property rights

3D-printing is an exciting technology. It enables users to easily create prototypes, intricate designs, customized items and small production runs that would not be possible using traditional manufacturing methods. 3D-printing has been a hot topic in technology circles, but until recently it has been a fairly inaccessible and expensive technology. Now, more and more companies and even individuals can afford and operate their own 3D-printer. Virtually anything can be printed, provided that the materials and the blueprints (normally a CAD-file) are available. The potential of 3D-printing is in part due to the possibility for people to share information through the internet. Like any other digital file, a blueprint is easy to copy and send to others.

Opportunity or threat?

Although the technology offers many new opportunities, it might not be entirely without disadvantages. One issue is that individuals will be able to recreate products that have required expensive investments, which in turn might lead to reduced incentives for businesses to invest in R&D. Concerns have even been raised that the 3D-printer, and free access to blueprints on the internet, will make much industrial production redundant. This should particularly apply to companies that produce and/or sell products that are relatively easy to copy and that do not require unusual materials, for example spare parts, ornaments, tools and toys. Furthermore, the new production techniques will make it more difficult to determine who has created a particular product, and therefore, who is to be responsible for it.

The world of intellectual property rights is now starting to spin with speculation and concern about the impact that 3D-printing will have on the protection of intellectual property rights. Could the situation be compared with the entrance of the printing press, the copying machine or the tape recorder – or will it have an even bigger impact on intellectual property rights? So far the debate regarding the 3D-printer's implications for intellectual property rights has, however, been limited in Sweden. Presumably since 3D-printer technology, in Sweden as elsewhere, is still in its infancy. In this article we will highlight some of the legal difficulties that might arise regarding 3D-printers and the current Swedish laws regarding intellectual property rights and infringement.

Copyright

The main issue with 3D-printing and copyright is the potential for widespread manufacturing of copyrighted objects independent of established markets in ways that cannot be detected, prevented or controlled. In Sweden, no registration is required (or even possible) for the creation to be protected from unauthorized use. If a person is copying a copyrighted creation, it constitutes an act of copyright infringement. In addition, it is illegal to help a person commit a copyright infringement.

Copyright infringement principles also apply to 3D-printing just as they apply to any other copyrighted material. 3D-printing is to three dimensional objects what MP3's and peer-to-peer sharing networks were to the music and the movie industry. These technologies were used to copy and exchange, in many cases illegally. Copying a copyrighted product using a 3D-printer would therefore appear to be impermissible. Furthermore, it is likely to be an offense to enable copyright infringement by distributing copyrighted blueprints online. Analogies can be made to the highly publicized Pirate Bay trial where the creators behind a

BitTorrent site were sentenced, not for their own copyright infringement, but instead for enabling others to commit such an infringement.

At first glance, the Swedish Copyright Act may seem to provide a fairly comprehensive protection against unauthorized copying. There are, however, limitations. For one thing it is not all types of products that can get copyright protection, since the protection requires originality and the products need to be regarded as a piece of art. Furthermore not all types of infringements are prohibited, and a person can use a 3D-printer to copy products for their own personal use.

Patent

Another potentially common subject of 3D-printing is patented objects or designs. Patents protect inventions which have been duly registered at the Swedish Patent and Registration Office (Sw.: Patent- och Registreringsverket). A patent gives the holder the exclusive right for a defined period of time to use the invention in a commercial context.

In terms of 3D-printing, patents come into play when the objects being printed are useful or functional objects. Granted, most patents are for complex products with a number of constituent parts, but there are some products that are capable of being produced by 3D-printing that are patent protected. For instance, 3D-printing can produce complex items with moving parts that could have patent protection, such as certain medical devices. In addition, small parts could be 3D-printed and then assembled to form a patented product or used to replace broken parts from a larger patented product.

Unauthorized commercial production of a patented invention by 3D-printing can constitute a patent infringement by the user of the printer. Furthermore, a patent infringement is probably also committed, albeit indirectly, by the person who distributes without authorization patented blueprints online. In the latter respect, one can probably make analogies to the Pirate Bay case. Patent infringement is committed, in the same way as copyright infringement, only when copying is made for commercial purposes. Another limitation of patent protection is that it does not necessarily protect against unauthorized production of spare parts. If a patent relates to a product consisting of several parts, it may thus be possible to copy one or more of these parts, even though it is an infringement to copy the entire product.

Design rights

In some cases, objects may be protected by design rights. Design rights protect the appearance of a product or product part, especially in terms of lines, contours, colors, shape and texture. The protection for a design is normally obtained by registration (although the 3 year unregistered Community Design Right is also valid in Sweden) and it gives the holder the exclusive right to use the design in a commercial context.

Design rights will probably be the most useful form of intellectual property rights for the purpose of challenging 3D-printed products, since they are most readily found to subsist in everyday objects. However, design protection contains the same limitations as patents and copyrights, in that it does not protect against private copying for personal use. Another important limitation, distinctive for the design protection, is that it is not possible to protect such details in a product that are entirely determined by its function. This means that products such as spare parts and accessories rarely receive design protection.

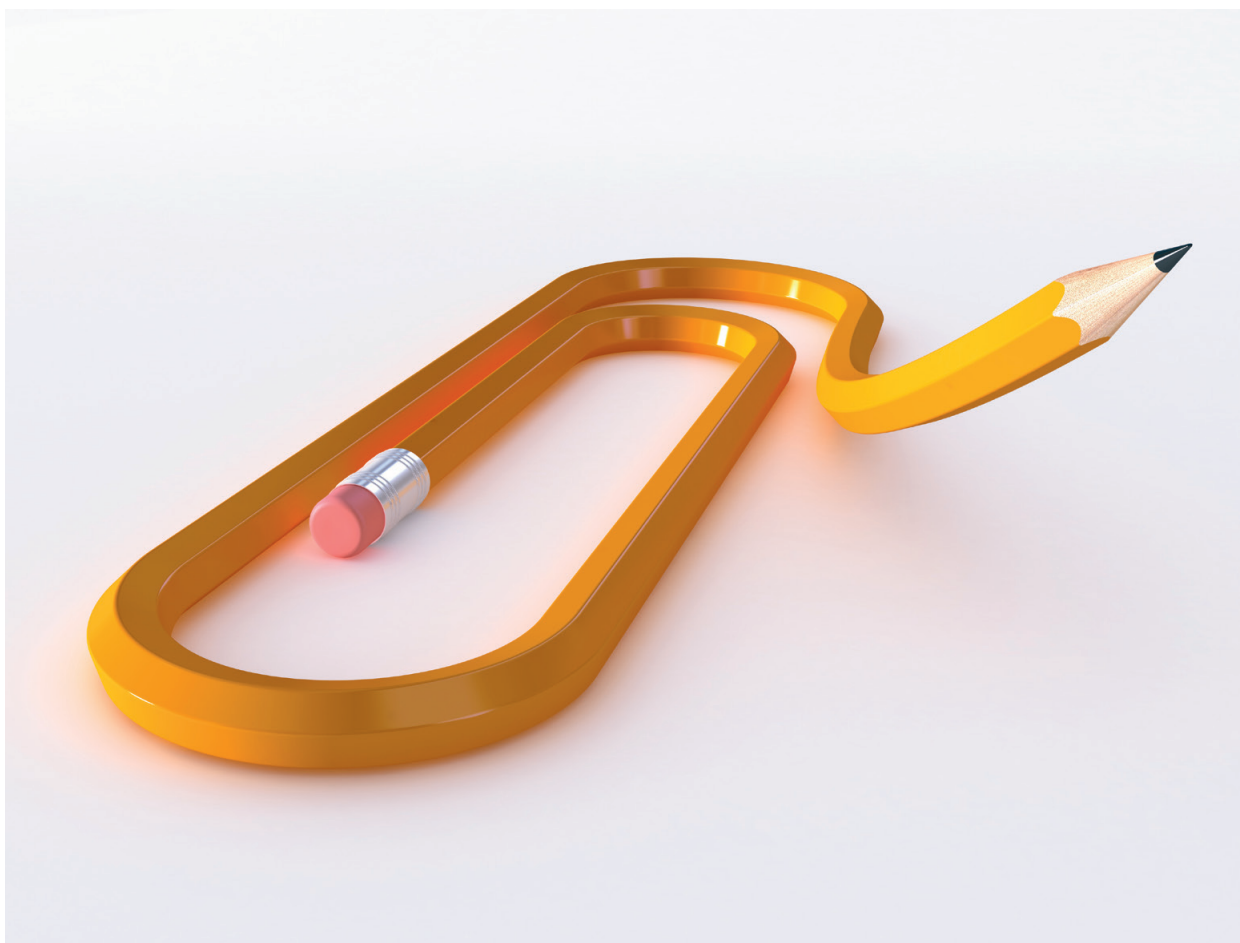
Trademarks

A company's trading name, brand names and logos can all be protected as registered trademarks (subject to certain rules for registration) or by establishment on the market. Regardless of how the right is obtained, it gives the holder the exclusive right to use the trademark in business activity. In certain circumstances, trademarks can also be registered for the shape of products, although this form of protection is notoriously difficult to obtain.

If a commercial 3D-printing service is reproducing a rights holder's trademark on a printed object or printing an object that in itself is protected by 3D trademark, this would normally constitute trademark infringement. On the other hand, where a private individual prints an object which includes a registered trademark she is not normally committing trademark infringement, if doing so without a commercial interest.

The future

It has been said that change is the only constant and that is undoubtedly true when it comes to technological advancements, but as technology evolves so must the law. It may be possible under existing Swedish intellectual property law to hold responsible those who use the new 3D-technology



and infringe other people's intellectual property rights may. However, today's legislation cannot prevent people from using their 3D-printers for their own personal use. As long as the 3D-printer is not in every person's home this may not pose a threat for businesses. But such a threat may arise within the foreseeable future, at least for some business sectors.

One obvious way to tackle this is to change the law so that copying for personal use is also prohibited. However, while perhaps appealing in theory, such change is likely not realistic in practice, for example since it would be impossible to ensure that the law was respected.

Another possible way to go, is to impose special taxes on 3D-printers. This kind of solution was used by the Swedish government during the 80's, in response to the potential threat that the cassette tape was to hurt the music industry. The tax was supposed to compensate the rights holders for their loss of income. Albeit a possible solution, this type of special tax for 3D-printers would pose some practical difficulties. The special tax on cassette tapes was facilitated by the existence of a central association for musicians (STIM), which manages and licenses all music rights in Sweden. No such association exists regarding other intellectual property

rights and it would therefore be difficult to distribute the collected taxes. Furthermore, it would be difficult to assess how large a portion each respective rights holder should receive.

What the future might hold regarding the regulation of intellectual property rights is of course hard to predict, but to tackle the challenges ahead the legislator will have to be as inventive as the brains behind the 3D-printing technology.

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Fifty shades of purple? The Scope of Protection of a colour trademark

In an increasingly commercialized world, it is important for companies to find their own ways to attract the attention of consumers. In order to protect its trademarks, and to avoid infringements, companies registers its distinctive signs such as words, shapes, figures and even colour. For many companies, the colour is a vital part of communicating and clarifying their trademarks to the market. For example, who wouldn't associate a purple coffee package with a certain Swedish coffee producer?

Registration of a colour, as a trademark, requires that it can be distinguished and represented graphically. Relatively few colours have been approved for registration. This may partly be due to the fact that the possibility of registering colours is relatively new, but also to the fact that there are only a number of colours that are actually available for trademark registration. Only colours that stand out in such a way that they can only be associated with one company can be registered. This means that colour registration is possible only in exceptional cases before the trademark is put on the market because the distinctive character in most cases is generated through establishment.

The legal situation, and perhaps above all the scope of protection, of colour registrations is still unclear. Last fall, however, the Court of Appeal in England ruled on a colour registration matter that could have consequences for colour registration in the future.

The case concerned the chocolate manufacturer Cadbury's purple colour as used for some of its chocolate products.

The colour was represented as follows:

"The colour purple (Pantone 2685C), as shown on the form of application, applied to the whole visible surface, or being the predominant colour applied to the whole visible surface, of the packaging of the goods"

It was the competitor Nestlé that struggled for five years to have Cadbury's application for trademark registration of this colour rejected.

For a registration of a colour trademark to be distinguishable, the colour must, according to case law, be "clear, precise, self-contained, easily accessible, intelligible, durable and objective."

Not the simplest of descriptions. And of course, one can discuss what a colour that is "self-contained" looks like.

The image shows the Cadbury logo, which is the word "Cadbury" written in a stylized, blue, cursive script font. The letters are connected and have a classic, elegant feel.

Either way, the Court of Appeal found, as opposed to the first instance, the High Court and the British Trademark Office, that the registration would not be approved since

the use of the word "predominant" meant that the description was too subjective and not sufficiently precise, clear or intelligible.

For a colour to be registered, the Court held that it must be clear how the scope of protection is to be determined. If Cadbury had clarified what is meant by predominant in its application, for example that the colour must be on at least 50 percent of the surface, the outcome could have been different.

Since it is not a Swedish court or the European Court of Justice that ruled on this case, it is not directly binding on a Swedish court. However, the ruling may serve as guidance for the examination of colour registrations and it may be well worth a Swedish company taking it into consideration when attempting to register a colour.

What the ruling makes clear is that it is not enough for the graphical representation to produce a colour sample and a colour code, but the colour must also be “clear, precise, self-contained, easily accessible, intelligible, durable and objective”. This means that the application must clearly show how the reproduced colour should be used. Trademark proprietors must, therefore, be consistent in their use of the colour in order to register it. It also means that it takes more than what Cadbury has presented to get a colour trademark registered and that the scope of protection is kept narrower. A narrower scope of protection can, legally speaking, be preferable, simply in order to not make exclusivity unjustifiably strong. On the other hand, the consumers’ limited ability to perceive nuances entails that a broader scope of protection would risk becoming ineffective.

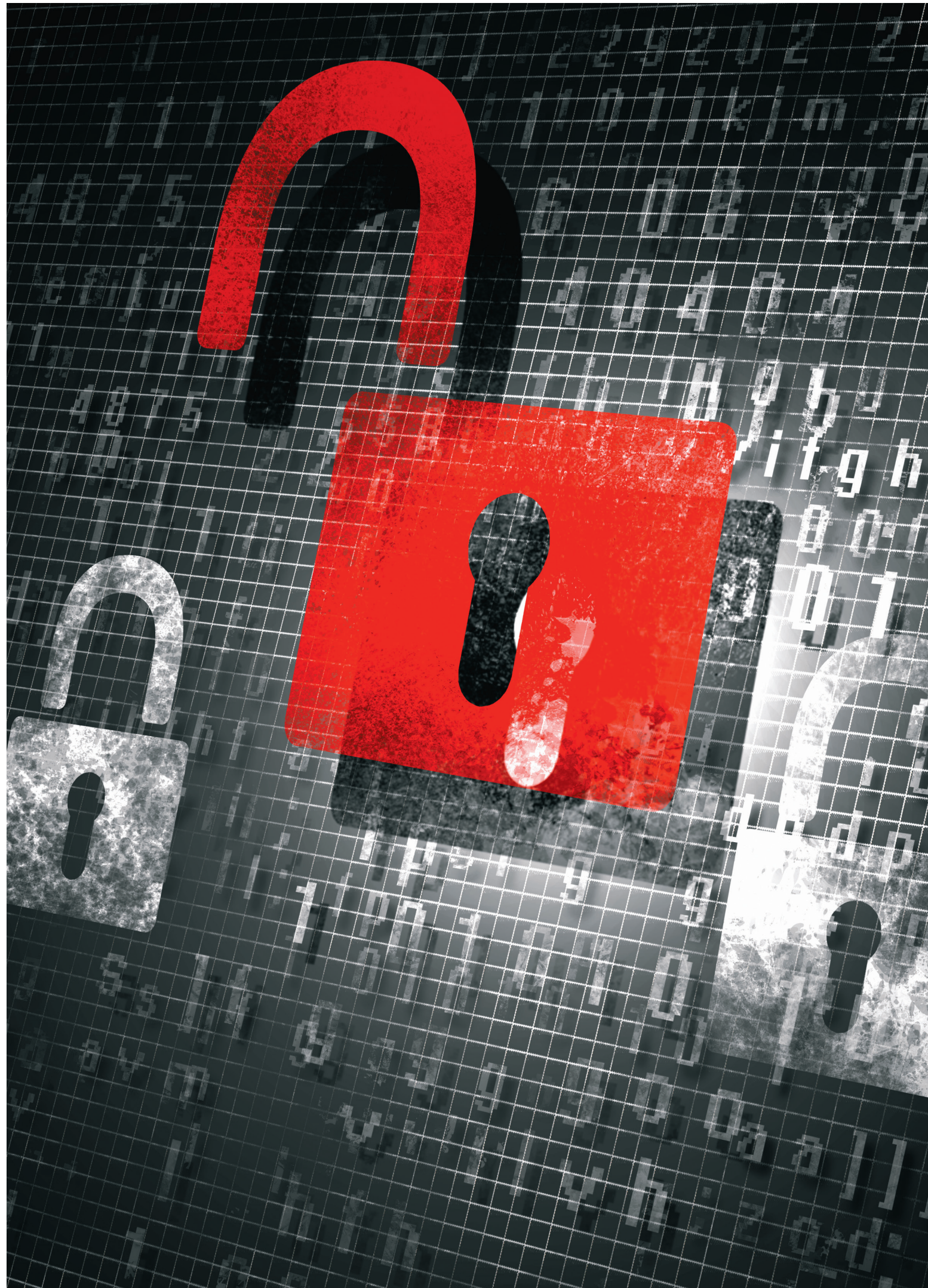
Swedish doctrine tends to advocate a broader scope of protection. This opinion is based precisely on the average

consumer’s limited ability to perceive nuances. The fading memory image, which of course is the benchmark in assessing the likelihood of confusion, tends to be difficult to apply in terms of shades of colour as opposed to colours as such, or even traditional trademarks. There are simply an infinite number of shades of colour, but the consumer’s ability to distinguish and remember shades is limited. Gradually, as more questions are answered, the scope of protection of the colour trademark will be clarified and then more people will be able to evaluate the benefits that a colour registration can actually mean.

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One Regulation to Rule them All

Earlier this spring, the EU Parliament voted for the implementation of a new EU Data Protection Regulation, as proposed by the EU Commission. Next step is for the Council to adopt the Regulation, in which case it may become effective from 2016. It may, thus, be time to take a closer look at what news the Regulation will bring.

Harmonisation

The obvious big leap forward is from a directive to a regulation. While a directive – such as the current EU Data Protection Directive – must be implemented by the member states, a regulation – such as the proposed Regulation – must be followed directly, regardless of any national legislation.

The current Directive has been implemented into the national legislation of each member state. Unfortunately, the implementation and interpretation of the Directive has not been consistent throughout the member states. The discrepancies bring unnecessary costs for businesses that are active in several member states.

Take, for example, a cloud service provider who wants to make its service compatible with applicable data protection legislation, so that its customers who use the service to process personal data can abide by applicable law. Today,

the cloud service provider will have to adapt its service to the national data protection legislation of each member state where the services will be offered.

The Regulation will be directly applicable in all member states. Hence, the cloud service provider in the example above would only have to adapt to the Regulation in order to cover all member states. Hopefully, this will make it easier for cross-border business in the future, even if it will take some time before all relevant authorities have harmonized interpretation of the Regulation.

Increased stakes

In Sweden – as in many other member states – the data protection legislation has often been regarded as rather toothless due to the enforcement options available to the local data protection supervisory authority. Individuals may seek damages and prosecutors may prosecute for serious breaches of the data protection legislation, but such options are only really applied in extraordinary cases. The normal enforcement path is for the supervisory authority to order correction of a breach. Only if such order is not followed (or successfully contested) may the company or organisation be obliged to pay a penalty.

The Regulation will introduce more severe sanctions in the form of fines of up to 100 000 000 euro or, if it is a company, 5 % of the annual worldwide turnover. This will increase the stake of data protection compliancy.

The increased stakes are amplified by the Regulation making data processors (entities processing personal data on behalf of another entity) liable for wrongful processing in addition to the data controller (the entity on whose behalf the data is processed). In the example above, the cloud service provider may thus become directly liable for any wrongful processing of its customers by use of the cloud service. The incentive for service providers to provide services which are adapted to data protection legislation will thus increase.

Notable changes

In much, the Regulation provides for the same basic rules as are provided for by the Directive, but there are several notable changes.

In addition to the changes described above, notable changes include, for example, the following changes which may make it simpler for businesses:

- One-stop shop. Companies and organisations established and operating in several member states will only have to deal with one “leading” data protection supervisory authority – the supervisory authority the country where they have their main establishment.

- Notification requirements. General notifications to the supervisory authority are abolished (but mandatory data breach notifications are introduced). Instead, companies and organisations are given an increased responsibility of establishing internal documentation such as policies and impacts assessments.

There are also changes intended to enhance the rights of individuals:

- Right to be forgotten. Individuals will have a right to “be forgotten”, meaning that, if there are no legitimate grounds for retaining personal data relating to an individual, the individual has the right to request that the data is erased and not further disseminated.

- Right to portability. Individuals will have the right, where personal data are processed by electronic means and in a structured and commonly used format, to obtain a copy of the data.

- Consent. The Regulation provides that, when consent is required to process personal data, such consent must be presented clearly distinguishable. Further, the execution of a



contract or the provision of a service must not be made conditional on the consent, if such consent is not necessary for the execution of the contract or the provision of the service.

Other notable changes include, for example, the following:

- Territorial scope. The Regulation will apply primarily to the processing of personal data in the context of the activities of an establishment of a controller or a processor in the EU. However, the Regulation will also apply to controllers outside the EU, when processing the personal data of individuals residing in the EU in relation to the offering of goods or services to such individuals or the monitoring of their behaviour.

- Data Protection Officers. Under the Regulation, all public authorities must designate a data protection officer (i.e. a person who monitors the data processing and to inform and advise in relation thereto). Companies and organisations must designate a data protection officer if their core activities require regular and systematic monitoring of individuals or consist of processing sensitive data, location data or data on children or employees in large scale filing systems. The same applies if the company or organisation, in any consecutive 12-month period, process personal data that relates to more than 5000 data subjects.

- Privacy by design. According to the Regulation, appropriate technical and organizational measures are to be implemented at the outset to ensure that data processing activities meet the requirements of the Regulation.

- Standardised information policies. The Regulation provides that, where personal data relating to an individual are collected, the individual shall be provided with a standardised information policy (standardised icons which are

attached to the Regulation) that describes selected particulars of the processing to be carried out.

– Unstructured processing. In Sweden, simplified rules apply to the processing of personal data in “unstructured material” such as running texts published on the internet, sounds, images and e-mail messages. This is to facilitate such processing of personal data that generally would not entail a violation of personal privacy. The Regulation does not include any similar simplifications.

Planning ahead

Data protection issues have not normally been regarded as higher management issues for Swedish companies, but the sanctions provided for by the Regulation are likely to elevate the issues to such levels. You may compare this with competition law issues, which due to the applicable sanctions have regularly been discussed on the higher management level.

If the Regulation comes to pass, companies should adapt to the new requirements and establish processes to ensure continued compliance. For companies with established processes regarding data protection, few adaptations are likely to be required. For companies who are only now starting to prioritize data protection compliance, there is a longer journey to take.

In any case, we urge companies and organisations to plan ahead for the adoption of the Regulation and, as soon as the Council has adopted the Regulation, initiate a process to review its data processing and assess compliancy with the Regulation.

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Facts and figures

Established in 1878, Setterwalls is the oldest law firm in Sweden. Today it is also one of the largest law firms in Sweden, employing more than 190 lawyers at offices in Stockholm, Göteborg and Malmö. Setterwalls has undergone substantial expansion over the past 10 years, both in terms of the number of lawyers and practice areas. Setterwalls' dynamic growth and the firm's participation in several high-profile cases and transactions have pushed the firm to its prominent position in the Swedish legal services market.

Setterwalls is organized into practice groups and trade and industry oriented teams.

Setterwalls provides legal services to all players in the IT and telecom sectors including telecom operators, Internet providers, e-commerce companies, and manufacturers

of hardware as well as computer software development companies. Setterwalls also regularly assists our other clients in IT-related matters such as procurement of systems solutions, and IT services. The IP Tech group is top ranked (tier 1) in Legal 500, 2014. According to clients interviewed by the Legal 500 our TMT (Technology, Media and Telecom) group has "very good service levels with good access at partner level often on very short notice" Chambers Europe meanwhile speaks of our lawyers as "very proactive and hard working – they really go the extra mile to provide all the necessary assistance".

The IP Tech group is one of the firm's priority groups and has had a great deal of success during 2006-2014 with a number of high profile matters. The group currently consists of 14 partners and 30 associates.

Practise areas

Aviation
Commercial
Corporate
Dispute Resolution
Employment & Labour Law
Energy & Commodities
Environment
Equity Capital Markets
EU & Competition Law
Financial Markets
Infrastructure & Construction
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Life Sciences
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Private Client
Private Equity
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Tax
Technology, Media & Telecom
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