

Good morning ladies and gentlemen!

It is my pleasure to welcome you to this two-day conference entitled 'Information Technology Regulations and Policies – from Theory to Practice'. This 23rd Scandinavian Conference on Law and Information Technology couldn't have come at a better time. It coincides namely with an important anniversary - the 40th anniversary of the Swedish Law and Informatics Research Institute. The Institute, which is linked to the Faculty of Law at Stockholm University, was founded in 1968 when a Working Group for Automatic Data Processing and Law was established. 40 years of scientific advancement in Law and Information Technology has meant that the discipline now belongs to one of the Faculty's most important areas of academic research. Law and Information Technology is also one of the courses on the undergraduate law programme. In addition, the Department offers a one-year Masters Programme in Law and Information Technology.

Technology has always played an important role in people's lives, and this includes principles and laws governing communal life. From this point of view nothing has changed. What is so remarkable about information technology is its direct impact on the most fundamental of human activities, and that is the way we communicate with each other. Information technology has brought us a new means of communication through electronic media. But the success of IT has also brought about far-reaching impacts on our legal system. For example, as regards contract law we must ask ourselves whether our fundamental approach towards the way in which contracts are made can be maintained, or whether a new approach is necessary. We could try, of course, to adapt the new technology to existing law. However, the new means of communication has brought along with it new forms of embodiment of our rights. For example, paper securities have been replaced with electronic records of ownership. This means that they have been dematerialised. Changes like this entail that existing private-law principles regarding termination and transfer of holders' rights must be replaced with new ones.

Crime is a shadow of civilisation in that it follows and exploits the major systems of society: its technology, its socio-economic organisation and the legislative system. The new, more technology-intensive economy has opened the door to many new forms of criminal activity and altered the older, more familiar types of crime. In the past a crook had to approach his victim directly in order to cheat them out of their money or property. Today he can achieve the same results without any direct contact with his victim. Moreover, instead of focusing on one person at a time, a high-tech criminal will now use various electronic fraud schemes to target a group of people. This is also why fraud laws have been revamped and electronic forms of fraud have been equated with traditional forms of fraud.

Let us consider for a while electronic document forgery. We know that computer-stored communications constitute official records in accordance with the Freedom of the Press Act. This does not mean, however, that electronically stored messages can be regarded as documents in the sense that they can be forged. Only original documents can be forged. To be regarded as a document, a given text does not have to be in paper form, or bear an original signature. The problem with electronic documents is of a different kind – there is here no longer a physical original that could be the ultimate point of reference - even though the content is unique and identical to the original document. Swedish fraud law distinguishes between original documents and transcripts or copies. The original is an authentic work created by its originator. A transcript or copy, on the other hand, is a reproduction of unknown or unacknowledged authorship. It is its intrinsic anonymity which makes that it cannot be forged. The issue we are still grappling with is whether an electronically stored document

created in a word processing programme can be properly regarded as a document IF its content CAN be linked to an author, or whether it is to be regarded as a copy.

The new technology not only provides fertile ground for new forms of illegal activity, but also a suite of opportunities for direct misuse of information. For example, university teachers find all too often that their course material has been reproduced on the Internet without their permission (or that of their publisher). Such infringement of copyright law obviously deprives them of their potential profits, since students who would have bought their books do not need to do it if they have direct access to them via the Internet.

A change in approach may thus be necessary in order to keep up with the pace at which technology is developing. I hope for a fruitful discussion of these issues and of how we see future legislation in this area. With these words I declare the conference open.