



15 January 2021

(21-0481)

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**Council for Trade-Related Aspects of  
Intellectual Property Rights**

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS  
UNDER ARTICLE 63.2 OF THE TRIPS AGREEMENT**

SWEDEN: LAW (2020: 544) AMENDING THE PLANT BREEDERS' RIGHTS ACT (1997: 306) -  
ISSUED ON THE 17<sup>TH</sup> OF JUNE 2020

<b>Notifying Member</b>	SWEDEN
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**Details of the notified legal text**

<b>Title</b>	Law (2020: 544) amending the Plant Breeders' Rights Act (1997: 306) - Issued on the 17 <sup>th</sup> of June 2020
<b>Subject matter</b>	Patents (including plant variety protection)
<b>Nature of notification</b>	<input checked="" type="checkbox"/> Main dedicated intellectual property law or regulation <input type="checkbox"/> Other law or regulation
<b>Link to legal text*</b>	<a href="https://ip-documents.info/2020/IP/SWE/20_7339_00_et.pdf">https://ip-documents.info/2020/IP/SWE/20_7339_00_et.pdf</a> <a href="https://ip-documents.info/2020/IP/SWE/20_7339_00_x.pdf">https://ip-documents.info/2020/IP/SWE/20_7339_00_x.pdf</a>
<b>Notification status</b>	<input type="checkbox"/> First notification <input checked="" type="checkbox"/> Amendment or revision to notified legal text <input type="checkbox"/> Replacement or consolidation of notified legal text(s)
<b>Previous notification(s) referred to</b>	<a href="#">IP/N/1/SWE/P/2/Rev.1/Add.1</a> ; <a href="#">IP/N/1/SWE/P/2/Rev.1</a>

**Brief description of the notified legal text**

With the amendments new levels of penalties have been introduced for intentional serious offences in the Swedish intellectual property acts. The applicable penalty for standard offences is a fine or imprisonment for up to two years. If the infringement was committed intentionally and is considered serious, the penalty is imprisonment for a minimum of six months up to a maximum of six years. When assessing whether an infringement is serious, particular consideration has to be given to whether the act concerned

1. has been preceded by particular planning;
2. was part of criminal activities conducted in an organized form;
3. was conducted on a large scale; or
4. was otherwise of a particularly dangerous nature.

As a consequence of these amendments new crime classifications have been introduced. Furthermore, the rules on when the prosecutors can initiate proceedings have been changed in all intellectual property acts. It is now only possible for the prosecutors to initiate proceedings under these acts if it is motivated for being in the public interest.

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<b>Language(s) of notified legal text</b>	English, Swedish
<b>Entry into force</b>	1 September 2020
<b>Other date</b>	

**Notification details**

<b>Submission date of notification</b>	27 November 2020
<b>Other information</b>	
<b>Agency or authority responsible</b>	Anna Enbert Deputy Director at the Ministry of Justice <a href="mailto:anna.enbert@regeringskansliet.se">anna.enbert@regeringskansliet.se</a> +46(7)27157297

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\* Links are provided to texts of laws and regulations notified under the TRIPS Agreement in the form supplied by the Member concerned; the WTO Secretariat does not endorse or revise their content.