

Piracy and Digital Film Culture

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The second episode of the TV series *The Playlist* (2022)—about the rise of Swedish streaming giant Spotify—is almost entirely devoted to piracy and illegal file sharing. Entitled ‘The Industry’, the episode is set in Stockholm in the mid-2000s and focuses on record label director Per Sundin (played by Ulf Stenberg). He struggles to understand a young generation and its new internet-based patterns of media consumption and music listening, epitomized by the notorious The Pirate Bay (TPB)—in contrast to Spotify as a promising technical solution to a music business in steep decline. Watching his son using TPB, Sundin is amazed by the sheer volume of accessible media torrents, but also irritated by annoying porn banners inappropriate for his son to watch. Portrayed as a dedicated media executive, Sundin gradually realizes that he is completely out of tune with his time. In the episode he consequently tries to persuade Sony to take an interest in Spotify—in vain. Sundin also fails to engage in dialogue with Peter Sunde, the spokesperson for TPB (played by Valter Skarsgård). While Sundin sees the potential of Spotify, he also takes delight when Sunde and his two cronies—Fredrik Neij and Gottfrid Svartholm—are found guilty and sentenced to prison for assistance to copyright infringement in the TPB trial in Stockholm (in 2009). In reality, Sundin never got in touch with Sunde. In a review of *The Playlist* the latter lamented the fact, ‘I would have liked it if he had asked’. Sunde also added that he never ever ‘sported the pornstar mustache à la 1971 that Valter Skarsgård portrays me with—nor was there porn advertisement on TPB as long as I was involved’ (Sunde 2022).

Even if the web is full of information about TPB, its (hi)story is shrouded in mist. Some argue that the administrators made a lot of money through advertisement, making illicit profits from copyrighted works. Others have stated that TPB operated at a loss, since costs for bandwidth, power, and hardware were substantial. What is true, however, is that Scandinavia during the second half of the 2000s played a pivotal role in changing global media consumption practices, an alteration where piracy became a key practice. ‘Norwegians, Like Swedes, Want Free File Sharing’, *Wired* claimed in 2007 (van Buskirk 2007). A year later, *The Guardian* reported that Norway and Sweden had the most intensive web use in Europe, and that almost forty percent of young male Swedes shared media files online. In a population of nine million there are already ‘685,100 P2P file sharers’ (Kiss 2008). And in 2010, Finland became the first country in the world to make broadband a legal right for every citizen. If some countries (as Sweden) took action to prosecute file sharers and limit internet connections against those who ‘persistently download

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music or films for free', the Finnish communication minister told the BBC, that 'we are not planning on cutting off access' (BBC 2010). The internet and the medium of the web seemed to promise free content for everyone. In the spur of user-generated content and new web 2.0 platforms such as Myspace and YouTube, free culture was stridently advocated—online, in society and in politics. The Swedish Pirate Party even entered the European Parliament in 2009. In contrast, big media seemed to use 'technology and the law to lock down culture and control creativity', to quote the subtitle of Lawrence Lessig's influential book *Free Culture* (2004).

If the founders of TPB envisioned the internet as a free haven of cultural consumption through radical new forms of distribution, the launch of Spotify is usually understood as a techno-cultural effect of TPB. The industry episode of *The Playlist* is one indication thereof, the notion that Spotify today still offers a free version is another (Eriksson et al. 2019). However, the most popular torrents on TPB were nearly always Hollywood blockbusters and (later) popular TV series (not music). Long before the advent of video on-demand services, piracy on TPB hence boosted a pioneering digital film culture. Arguably, its contours first became visible in the Scandinavian countries with its tech-savvy users, and their access to fast broadband. By completely neglecting copyright, TPB envisioned the database as a new form of film archive with infinitely reproducible content. Steve Jobs' idea of iTunes—launched the same year as TPB in 2003—was similar, but it was a digital marketplace for music with purchasable MP3 files for simple downloading. Music files were neatly compressed and relatively small, and movie rentals first became available on iTunes much later (always after films were first released on DVD). And on YouTube—also free to use like file sharing—video clips at the time were limited to a hundred megabytes, and usually not longer than a minute (Snickars and Vonderau 2009).

In contrast to iTunes and YouTube, TPB offered both popular and more culturally refined feature films, often with DVD quality measured in gigabytes through speedy technology; initially Spotify was built around similar peer-to-peer (P2P) protocols. Celluloid and projectors seemed to belong to the past when the *cinematic dispositif* was computationally upgraded to include torrents (files that only contained metadata of other files and folders to be distributed), an index of sort used by communication protocols as BitTorrent and client programs as Azureus or LimeWire. Piracy has thus loomed in the age of 'post-cinema' with its loss of medium specificity and ontology (Hagener et al. 2016). Importantly, however, TPB only dealt with torrents. It was never a platform with media content, merely a server that handled and stored torrent files, like a library containing metadata. Even though the founders of TPB were sent to jail—since they *assisted* in copyright infringement—what they did was provide information about seeders (who uploaded a file), leechers (who downloaded it) and peers (who did both). But since a sophisticated protocol such as BitTorrent combined these roles, every user became a contributor of copies to be shared. The real criminals using TPB were its millions of users. TPB was a facilitator, an assemblage of hardware and software, people and content (Figure 21.1).

The idea of sharing information—as well as notions of asserting rights to its free exchange and use—stretches a long way back in media history. During the history of printing in the 17th and 18th century such piracy was associated with another medium (the book). Then piracy—or more commonly reprinting—had a predominantly positive meaning in terms of dissemination, and also contained notions of the taken-for-granted right to improve an original copy. Before the first international agreement on copyright, the Berne Convention of 1886, pirate printing was the rule rather than the exception. The same can be said about the development of the daily press during the 19th century, since newspapers were compiled by *default* cut and paste practices. Identical news items traveled from one paper to the next, making scissors as important as pens in a textual traffic of constant theft. Copyright laws gradually changed these media practices, and with the advent of cinema around 1900 they also had to include moving pictures. Initially US film producers famously registered their movies as a collection of still photographs. In addition, most early film companies put trademark logos on set pieces



Figure 21.1: The most famous logo worldwide for file sharing was Sweden's The Pirate Bay—including the ironic reference to the British anti-pirate copying campaign from the 1980s: 'Home Taping Is Killing Music' (the cassette tape with crossed bones).

The material remnants of film piracy are often hard to detect—but they do exist. After a plaintiff filed by (among others) the Danish entertainment company Nordisk Film in 2006, Swedish police raided the server hall of The Pirate Bay in Stockholm and confiscated server 24, made up of two Hitachi hard drives (of 40 and 80 GB) and an Intel processor Pentium 4. After The Pirate Bay trial in 2009, the server was donated to the Swedish National Museum of Science and Technology.

in their films—V for Vitagraph, the polar bear for Nordisk, a rooster for Pathé, etc.—so that films could not be duped or illegally copied (and then resold) without the company knowing. Even if film was a technical medium based on photo-chemical copying, it remained hard to illicitly duplicate. But with the introduction of computer software during the 1960s piracy in a way re-entered media history. In 1976, Bill Gates's infamous 'An open letter to hobbyists' expressed his irritation that the amateurs in the Homebrew Computer Club failed to pay him royalties for the computer programs he had written (he got rich anyway). A decade later, 'Information wants to be free' (Stewart Brand) became the battle cry of the IT culture in Silicon Valley. It accentuated the tension in the history of computerization between free and controlled information, between the sharing of software and its commercial potential, between creating and spreading information. Other media soon followed. If the Napster moment around the millennium made sharing music files into a global phenomenon, TPB became a similar pirate beacon for moving images.

It comes as no surprise that the first ever captured screenshot of TPB on the Internet Archive's Wayback Machine (from late 2003) features a top five torrent list with both a DVD version of the Hollywood romance, *Bridget Jones: The Edge of Reason* (starring Renée Zellweger), and Steven Soderbergh's heist comedy, *Ocean's Twelve* with George Clooney (TPB 2003). Piracy replicated cinema audience cultural preferences. Popular culture was always in demand on TPB. Still, the platform also became publicly known because its administrators maintained a brazen public profile, defending what they saw as the right to facilitate free information exchange. That such information was copies of copyrighted Hollywood films screened in cinemas for profit made little difference. Consequently, it was the Motion Picture Association of America who first took legal measures. In 2004—after TPB had been in operation only a year—DreamWorks, for example, noticed that *Shrek 2* was available as a torrent on TPB. When the company requested the removal of all pages containing torrents of the film, Anakata (alias Svartholm) replied:

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As you may or not be aware, Sweden is not a state in the United States of America. Sweden is a country in northern Europe [and] US law does not apply here ... You are morons [and] please go sodomize yourself with retractable batons.

(Anakata 2004)

The anarchic and juvenile attitude also included humiliating rights holders by making all mail exchanges publicly available online at TPB under the header Legal Threats.

Naturally, the claims made by Hollywood (and others) were commercially inevitable. However, the legal arguments put forth remained problematic; users of TPB were stealing (or rather copying) content, not the administrators of the site. Since it was technically impossible to show exactly who file shared what, because sharing was distributed between a potentially infinite number of users, TPB in a drastic way underlined an important principle for the new internet society and its internet service providers: namely that such players should not be held accountable for what users did online. The issue was related to internet privacy, a topic of increased interest after the millennium. On the internet, nobody knows you're a dog—the well-known cartoon had stated already in 1993, and TPB's protocols required no user to confirm their identity. Another common analogy used at the time was to the postal service delivering a package: they don't open it to check the contents. Nonetheless, Hollywood and the Motion Picture Association of America had every right to be angry since file sharing was hardly a phenomenon on the margin. Statistics vary and were always vague but around 2010, TPB belonged to one of the hundred most popular sites on the entire web. At the same time P2P networks accounted for approximately half of the whole internet's bandwidth, since high-definition feature film torrents were comparatively large to share (Andersson & Snickars 2010). P2P traffic was especially intense in digitally connected but low-income countries in Eastern Europe, and later among Arab audiences (Buccianti 2016).

File sharing, in short, became a contested issue, and TPB—at least initially—a symbol of the radical benefits or detriments of networked society (depending on perspective). Even if the Swedish prime minister in 2006 publicly stated that he had no intention of criminalizing an entire youth generation due to file sharing, three years later the TPB trial resulted in convictions and prison sentences. By then, however, file sharing had spread via a number of BitTorrent sites, as for example 1337x (launched in 2007) and KickassTorrents a year later. Prior, Hong Kong-based Megaupload and German RapidShare had been started around the same time as TPB. A year before Megaupload was shut down and seized by the US government in 2012, an anti-piracy commercial report claimed that the top-three websites classified as digital piracy generated more than 20 billion visits per year (MarkMonitor 2011). Today, TPB and 1337x are still two of the most popular torrent websites, including (in the latter case) an almost infinite URL domains (with slightly different names) such as: 1337x.to, 1337x.gd, 1337x.stx, 1337x.ws, x1337x.eu, x1337x.se and so on.

From a film perspective, an interesting similar development was the emergence of specific member only forums with torrents of arthouse cinema, experimental film, cult classics or rare movies. At the private BitTorrent community Karagarga almost any such film could be found. Catering to film buffs, during the 2010s Karagarga grew into an impressive film archive with tens of thousands of film torrents. DVD versions of all classic Scandinavian directors could for example be found, from the early cinema of Mauritz Stiller and Carl Th. Dreyer, to Ingmar Bergman's and Bo Widerberg's 1960s auteur cinema, up until more recent films by Lars von Trier and Aki Kaurismäki. Karagarga was based on a member ratio model; in order to download you had to provide films as well—in strict proportions. Karagarga was (and still is) secretive and invite only, but the community has 'managed to keep their collaborative networks under the radar from the law' (Tapia Jáuregui 2019). Nonetheless, community forums such as Karagarga or Ubuweb are always balanced between distributing hard-to-find cinematic relics and digital piracy.

Even if it remains hard to evaluate how TPB affected film culture in Scandinavia more generally, I argue that the site at least occasionally worked in a similar fashion as Karagarga (and the like). Naturally, torrents

of Hollywood films dominated, but TPB also gave access to film history, arthouse and world cinema in an unprecedented way to millions of users. Piracy indeed fostered an increased interest in watching digitized moving images—of all types. Regarding the cultural impact of TPB, another observation to be made is simple and puts emphasis on hardware and the computer as a new form of media machine. While downloading of film torrents was step by step superseded by streaming, in Scandinavia TPB arguably contributed making digital devices and screened based media *default* whether on laptop, tablet or smartphone. Cinema no longer only had to compete with television when the networked computer became an almost infinite movie apparatus. Piracy on TPB thus somewhat paradoxically made the Scandinavian digital market increasingly mature, paving the way for streaming services with audiovisual offerings. The yearly report *Svenskarna och internet—The Swedes and the Internet*, published since 2000 by Internetstiftelsen—chronicles how file sharing was entwined with emerging commercial solutions (predominantly Spotify). In 2007 and 2008 almost half of all young male Swedes used file sharing to get access to digital film copies via TPB (and the like) since commercial solutions offered too few titles, were technically inferior and too expensive. However, a pattern also emerged in later reports from Internetstiftelsen that file sharers were more prone (than others) to pay for content. In other words, a personal interest in film (or music) and usage of TPB and other torrent sites were complemented by an increased tendency to become subscribers—foremost regarding Spotify, a service that by 2014 had more than sixty percent of young Swedes as paying subscribers (Internetstiftelsen 2007, 2008, 2014).

In a way piracy in Scandinavia hence seemed to have acted as a market mechanism of sort that *created* demand—a sought-after requirement that media corporations in general, and the film industry in particular were slow in adapting to. Already in 2012 business scholars noted that the specific Hollywood windowing system with fixed temporal slots for theater screenings, DVD and digital releases had a negative impact on revenue and international box office sales. Longer release windows were associated with decreased box office returns, a relationship that was stronger in contexts (such as Scandinavia) where piracy was more prevalent (Danaher & Waldfogel 2012). Even if Hollywood kept repeating that the statistical relation between piracy and film culture was one-sided, such a claim was disputed. Digital demand was simply different. Following long tail business strategy, endless choice had the ability of creating unlimited demand (Anderson 2006). Hollywood's blockbuster economy and window system, in short, seemed ill suited for the internet with its possibility to gain profits by offering and selling low volumes of hard-to-find films to many customers, which in essence was what TPB offered—and later subscription services such as Netflix, which was launched in Scandinavia in 2012.

By 2015, Netflix had attracted half a million subscribers in each of the Nordic countries (Kardelo 2015), but an observation to be made is that piracy maintained its popularity due to lack of viable commercial alternatives for moving images. If for some, file sharing remained amoral—film production was after all particularly expensive and stealing films (albeit in digital form) was straightforwardly deemed unlawful—for others it became a practical solution provided by digital networks, not least since commercial solutions for online access to moving images was not around. Even today, a 'Spotify for film and TV' does not exist, making piracy and digital film culture a still vibrant topic, twenty years after the foundation of TPB.

During the 2010s, TPB mutated and an anonymous community started running the site, constantly coming up with new solutions to keep it alive, and to escape detection from law enforcement. The documentary film, *TPB AFK: The Pirate Bay Away from Keyboard* (2013), directed by Simon Klose, tracks these changes and gives a vivid impression of the founders of the site, the politics of file sharing and what happened after the trial. *TPB AFK* was an online film production, naturally with a free release on TPB (and YouTube), as well as a testimony to the vivid public interest in TPB even a decade after its foundation. File sharing and torrents continued to be debated, and between 2012 and 2014 Google even made a number of so-called pirate updates to its search algorithm making it harder for people to discover movie (and music) torrents. Even so, the Motion Picture Association of America (MPAA) reiterated complaints that Google

did not do enough to ‘slow down internet piracy’ (Maxwell 2013). TPB also attracted increased scholarly attention, every so often with a focus running contrary to MPAA. In his book, *Online File Sharing* (2014), media scholar Jonas Andersson Schwarz for example argued that piracy had fostered new forms of innovations in media consumption (the subtitle of his book) and a basic idea of *digital politics* characterized by a transnational, globalized and technophile exchange. Through interviews with file sharers in Sweden, Andersson Schwarz detected both a justificatory discourse and a mentality of innovation. The latter eventually lead to increased consent of business-friendly forms (such as Spotify). While some file sharers were occasional activists—with TPB being linked both to the Pirate Party as well as Piratbyrån, a Swedish think tank established in 2003 to support free sharing of information, others tried to balance individual autonomy with collectivism. Ultimately, the file-sharing ‘justificatory regime’ (Andersson Schwarz 2014: 19) hinged on a common view of what the internet is—or should be: a place for unrestricted exchange of information or a regulated sphere, sanctioned and controlled by accountable providers (Figure 21.2).

Today, file sharing via downloadable torrents might seem technologically redundant, even if numerous BitTorrent sites (as TPB) are still operational. Nowadays, these foremost cater to moving images (TV series and feature films) since such content in its entirety is not provided by one single platform. This is, however, the case with music, and commercial services such as Apple Music and Spotify have become so omnipresent that file sharing of music has become obsolete. Despite such services, however, piracy is still around—but now in streaming formats. Media scholars today speak of the ‘fragmentation

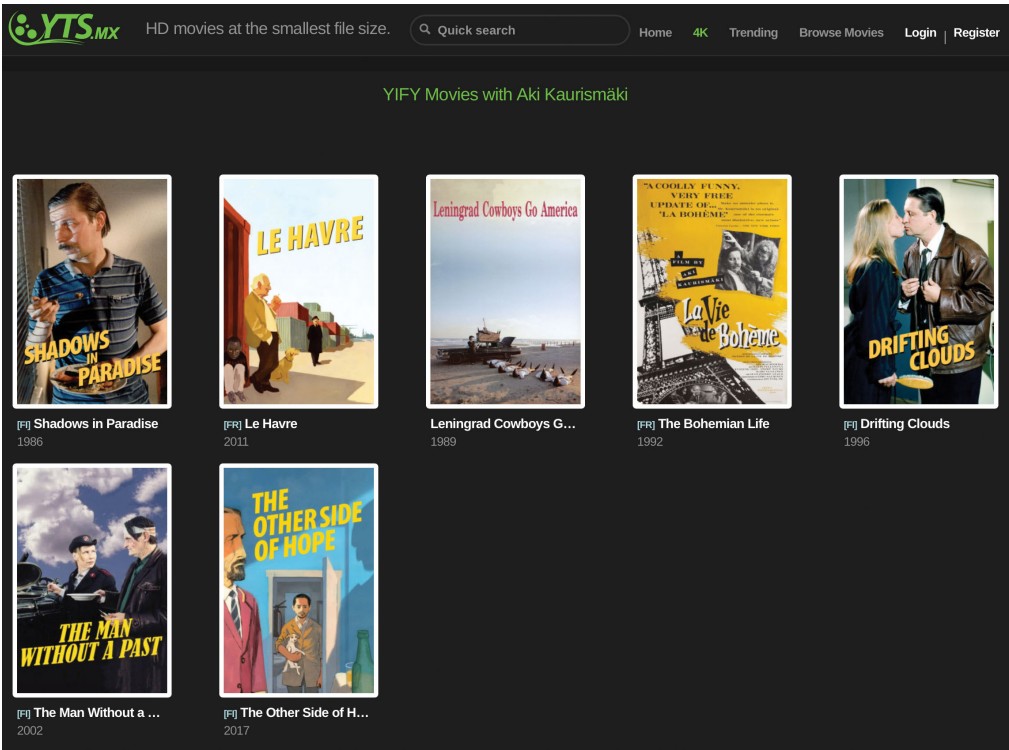


Figure 21.2: For some, file sharing might belong to the past—but online it is still a vibrant cultural phenomenon.

On yts.mx (a clone of YIFY Torrents) tens of thousands of Scandinavian feature films are accessible via film torrents. Seven of Aki Kaurismäki films are, for example, to be found in various storage formats, including Blu-ray versions of several gigabytes. Plot summary, film reviews and comments are also provided by the file-sharing community.

of piracy' (Storstein Spilker & Colbjørnsen 2020) and the EU worries and tries to combat piracy streaming of live events, in particular sports. Technically, all streaming media can *always* be replicated, copied, mirrored, appropriated or cloned in one way or the other. Piracy streaming sites such as SolarMovie, AZMovies, Movieuniverse (and many, many more) offer extensive collections of films taken from Netflix and the like. As soon as a film or TV series is released online it appears instantly on these illegal streaming sites. They tend to be interchangeable and provided through temporary indexing sites; they are based on tricking of platform filters, geoblock-violations through VPN services or jailbreaking of devices. Bosscast, for example, offers free streaming of sport events, but also has a number of annoying drawbacks such as poor stream quality and plenty of pop-up advertisements. If Peter Sunde stated that there were no porn ads on TPB, this is certainly not the case for piracy streaming. Since the latter is so full of noise, it comes as no surprise that original file sharing on TPB—or at least the story around the site—continues to attract attention. If *The Playlist* told the story about Spotify, the TV series *The Pirate Bay*—commissioned by Swedish public service television (SVT) and produced by B-Reel Films, tells the 'amazing story of three genius young men who opened Pandora's Box' (Pham 2023). The six episodes premiered on SVT in December 2024, with the series focusing on how TPB changed the entertainment industry, portraying a media historical shift between the analog world of entertainment to the streaming world of today. Even though the series received a fair amount of criticism, 'distorting the history of TPB' (Fleischer 2024), it comes as no surprise that the Motion Picture Association of America was depicted as the main foe and antagonist. Or as a reviewer stated online: the TPB series 'has all the ingredients of a captivating drama ... What, easily, could have become a formulaic Hollywood production manages to maintain an indie vibe—a vibe that feels particularly relevant given the topic' (Philip 2024). TBP lost the battle and Sunde and his complicit went to jail—but in the long run they won the war.

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