Is it legal to download movies in Norway using torrent?

I'll research this in the Norwegian legal sources — the Copyright Act (åndsverkloven), its preparatory works and relevant case law.

Used 12 tools, read 3 pages, loaded tools

No — not for copyrighted films you don't have permission to share. Torrenting a film normally involves two separate acts, and Norwegian law prohibits both. The BitTorrent technology itself is legal; the problem is what it's used for.

1. Downloading: no "private copy" exception for illegal sources

Åndsverkloven § 3 gives the rights holder an exclusive right to make copies of the work, permanent or temporary. The usual exception for private copying in § 26 applies only when the copy is *not* made from "et verk som er gjengitt i strid med denne loven" (a work reproduced in breach of the Act). A pirated film on a torrent tracker is exactly that kind of source, so the private-use exception doesn't cover you.

2. Uploading (seeding) is the more serious part

Torrent clients upload pieces of the file to other users while you download. That is "making available to the public" under § 3 second paragraph (d). The Government's bill, Prop. 104 L (2016–2017) (commentary to § 3), confirms that putting content online for others to access breaches the author's exclusive right.

The Supreme Court addressed torrenting directly in HR-2022-328-A, which I read in full:

- **Para. 10:** Installing BitTorrent to get a film helps others get it too, and stopping this requires the user to actively switch off uploading.
- **Para. 68:** Citing the CJEU's *Mircom* ruling (C-597/19), the court said making a film or parts of it available via BitTorrent is itself a copyright infringement.
- **Para. 73:** Automatic uploading counts when assessing how extensive the infringement is. Users who agreed to software after being told how it works are treated as acting with full knowledge of the consequences.
- **Para. 74:** A user can still argue that their main purpose was to watch the film, not to share it, but only if this can be shown.

3. What can actually happen

- **You can be identified.** Under § 87, a court can order an internet provider to hand over who holds the subscription behind an IP address. It first weighs the subscriber's privacy against how serious, extensive and harmful the infringement was. In HR-2022-328-A, the court upheld an order requiring Telenor, Telia, Altibox and NextGenTel to disclose 2,353 subscribers who had shared films via BitTorrent (paras. 28 and 89).
  - Paras. 62 and 72 set the threshold: an infringement "of a certain extent," with less needed for uploading than for downloading.
  - In the earlier HR-2017-833-A, disclosure of eight users was refused because that extent wasn't proven. I'm relying on the court's summary page here, not the full text.
- **Compensation claims.** Under § 81, anyone who infringes intentionally or negligently must pay reasonable compensation or damages. If the infringement was intentional or grossly negligent, the rights holder can demand double the normal licence fee instead.
  - Downloading alone from an illegal source only triggers payment if it was intentional.
  - That relief doesn't apply to uploading, where negligence is enough.
- **Criminal liability.** § 79 sets fines or up to one year in prison for infringing § 3. Prop. 104 L notes that criminal punishment requires intent.

When torrenting *is* fine

Using BitTorrent for content you're allowed to share is legal. Examples are public-domain films, works released under open licences, or software distributions. The court itself noted that the technology is used for entirely lawful purposes (para. 10).

Caveats: I searched Lovdata, the preparatory works and Høyesterett's decisions only. Lower-court judgments, where most damages amounts are set, aren't covered. The full decision texts are on the court's own pages linked above. I'm not a lawyer, and this is information from these sources, not legal advice. If you've received a claim letter, a lawyer should look at it; you can find one via Advokatenhjelperdeg, or contact Jussbuss for free help in the Oslo area.

Sources:

- Åndsverkloven § 3, § 26, § 79, § 81, § 87
- Prop. 104 L (2016–2017)
- HR-2022-328-A (full text PDF)
- HR-2017-833-A

14 minutes ago

Ask Claude your own question