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# Article 13:

Frequently Asked  
Questions about  
Censorship Machines  
and their Impacts

save the @link

# What is Article 13?

Article 13 refers to one of the sections in a proposed copyright law in the European Union which will introduce a rule that will lead to censorship of user-generated content, by requiring all online services that allow users to upload content to install automated programs which detect and flag copyrighted content as it is uploaded.

The proposed law means that "Sites where users create content must install programs to scan, filter, and ultimately block an upload if it recognises it as content that has been flagged by a rightholder as infringing."\*

\* Source: Deconstructing the Article 13 of the Copyright proposal of the European Commission, European Digital Rights



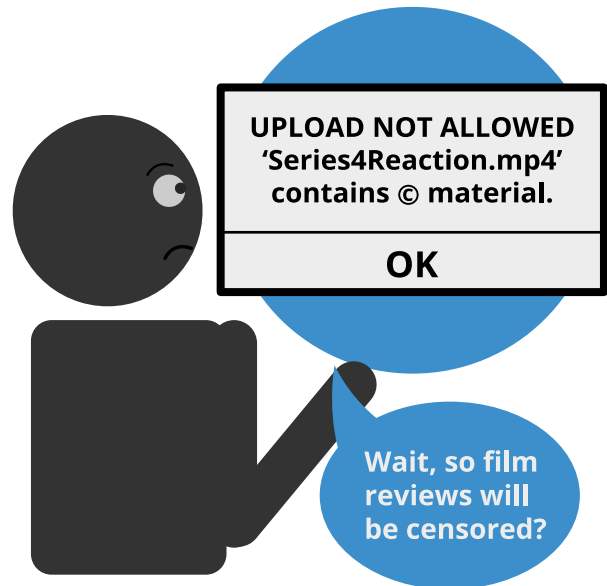
**UPLOAD NOT ALLOWED**  
**'Series4Reaction.mp4'**  
**contains © material.**

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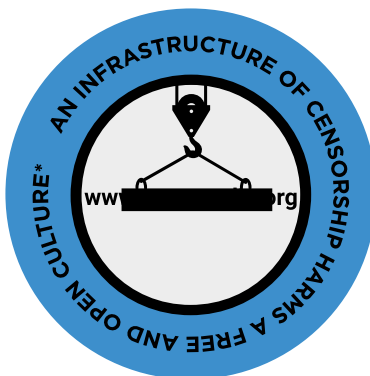
**OK**

# How does it harm fundamental rights?

The problem is that automated systems are **incapable** of making sophisticated judgements and will inevitably err on the side of censoring creativity and speech that is perfectly legal.



## THIS MATTERS BECAUSE:



~~FREE EXPRESSION~~



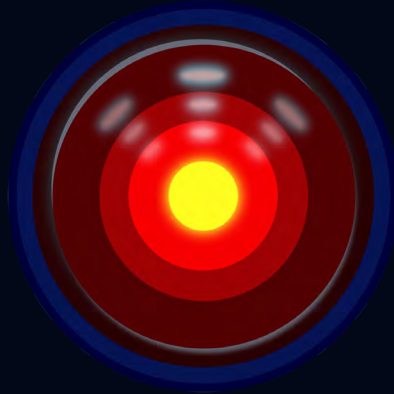
~~RIGHT TO PRIVACY~~



~~RULE OF LAW~~

\*REMEMBER: Educational uses, remixes, media criticism, political commentary, and other uses will be affected by this.

# Why do we call it 'censorship machines'?



*"I am sorry. I am afraid I can't allow you to post that."*

-HAL, as a Censorship Machine

The scheme effectively put bots and algorithms in charge of speech. The impact of bots grading videos on YouTube was demonstrated earlier this year when content by LGBT creators was demonetised and flagged as 'adult' based on a few key words.

YouTube learnt from this experience - but what about Soundcloud, Twitch, Reddit & all your favourite Podcast platforms? All of these companies will have to install automated systems to stop and block what gets made and shared.

In this law, for something to be blocked it doesn't actually have to be illegal. It just has to be flagged by the copyright holders as something they want blocked.

They would uphold corporate power and massively restrict free speech.

# How does this impact the right to link?



When content is blocked or disappears from the Internet, it leads to broken links and dead ends – usually with no transparency as to how or why the content is gone.

Our work to Save the Link is work to stop censorship. It is intimately entwined with the fight to prevent perfectly legal and legitimate expression from being taken offline or made inaccessible.

# Will this help *creators*?

**Politicians don't see certain types of online creators as legitimate** — so they don't build rules that will protect them. In a parliamentary debate one MEP, Mary Honeyball, said that "User generated content is great, but we need to protect quality". Politicians who take this view define creators as those signed up to major record labels, and those who are represented by big publishing houses.

**Internet creators are never invited to the negotiating table.** This always means that the people with the best lawyers and the most money get to decide, after they are passed, how they are implemented. It will be agreements between big publishers, record labels, and a few big websites like Facebook and Google that ultimately decide how we're able to share and collaborate online.

Many works of art and online creations and projects contain snippets that are copyrighted, but still legal. In the U.S. this is known as "fair use" and in Europe it is covered through



'exceptions' to copyright law. For example: the creator already has permission, they are critiquing something, it's for educational purposes, it's a quotation, it's a parody, or it contains only tiny amounts of copyrighted work, such as background imagery. This inclusion does not make the creativity involved in making a new work any less valuable. It is often exciting and transformative and new.



# Has this been implemented anywhere before?

This system would be similar to YouTube's "Content ID". However, the Content ID program has taken almost a decade to develop, cost many millions of dollars, and has a robust system for disputing the nature of a takedown built into it. Yet according to many, it's still deeply flawed – removing far more content than is really infringing and negatively affecting the business of professional creators on the platform.

of copyright infringement. Like the EU, it provides platforms with filtering technology that can allow infringing materials to be blocked from upload or download, the same technology can be used to comply with political take downs.

Wherever these content filtering mechanisms exist they have been shown to over-block and create infrastructures of censorship. As our friends at EFF say, the world over, "Copyright systems are abused for political reasons as a fast way to remove content."



The next closest example is in China where the Copyright Society of China launched in early 2017 its new 12426 Copyright Monitoring Center – dedicated to scanning the Chinese Internet for evidence



# Who is concerned about this proposal?

Politicians should note how many people have criticised this proposal. A policy with this many negative responses should not be going forwards.



10

**RESEARCH INSTITUTES**  
signed an open letter from  
against Articles 11 &13.



22

**STARTUPS**  
gave their statement  
opposing Article 13.



57

**CIVIL LIBERTIES  
ORGANISATIONS**  
signed an open letter from  
against Article 13.



**SEVERAL  
THOUSAND**

people from across  
Europe have written  
letters to their MEPs  
against this  
proposal

## READ MORE ABOUT ARTICLE 13

-  *EU copyright should protect users' rights and prevent content filtering*
-  *EU Copyright Directive – privatised censorship and filtering of free speech*
-  *Europe's Censorship Robots: An attack on our basic rights*



# WHAT CAN *YOU* DO ABOUT ARTICLE 13?

Go to [savethelink.org](https://savethelink.org) to learn more and take action  
or use our tool at [savethelink.org/call](https://savethelink.org/call) to call your  
MEP directly – you will find helpful talking points  
on the site.

save the  link



Written by Ruth Coustick-Deal and designed by  
Marianela Ramos Capelo for OpenMedia.org

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