

Brussels, 4 September 2018

Dear Member of the European Parliament,

The Center for Democracy & Technology (CDT), a non-profit public policy organisation focused on technology policy as it pertains to civil liberties and human rights, is deeply concerned about the filtering obligations that Article 13 of the DSM Copyright Directive proposal imposes on internet platforms, and its consequential impact on society at large.

CDT supports securing fair remuneration for artists and creators no matter how their works are distributed. However, Article 13, as drafted by the European Commission, does not do that. It seeks to influence the terms of commercial negotiations between “middlemen”: record labels, collecting societies and internet platforms. It is by no means clear that Article 13 will secure artists and creators a greater proportion of the revenue generated by online content. Neither does it empower them as internet users. Quite the contrary.

Internet users are bound to find the upload of their content being *blocked* by upload filters mandated in Article 13, even if it is a perfectly legitimate use of copyrighted content. These technologies are far from perfect and are [not able to recognize certain contexts](#), such as under a copyright exception. Even the most expensive and state-of-the-art technology in this field (Content ID) [frequently gets it wrong](#), and blocks, for example, public domain material. It is unacceptable, and against the EU Charter of Fundamental Rights, to mandate a system that is certain to erroneously censor legitimate content.

The proposal also undermines intermediary liability protections for *all* manner of websites, not only the handful of global platforms it targets. This disrupts the internet as an open space for innovation and creativity. Protecting intermediaries from liability and from broad or open-ended obligations to control the behaviour of users and third-parties is essential to fostering innovation, access to information services, and free expression on the internet. These protections enshrined in the E-Commerce Directive must be left unaltered by this proposal.

In this debate the rights of internet users are unfortunately often left out. On 12 September, you have the chance to help elevate citizens’ freedom of expression and cultural diversity online by rejecting mandated upload filtering.



MEPs in the Civil Liberties and Internal Market Committees found much more balanced solutions, safeguarding online free speech and innovation. We sincerely hope you will work on that basis in the upcoming vote.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'JH Jeppesen', is centered on a light gray rectangular background.

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