

European Copyright Directive

From:

<https://www.eff.org/deeplinks/2019/03/european-copyright-directive-what-it-and-why-has-it-drawn-more-controversy-any>

During the week of March 25, the European Parliament will hold the final vote on the Copyright Directive, the first update to EU copyright rules since 2001; normally this would be a technical affair watched only by a handful of copyright wonks and industry figures, but the Directive has become the most controversial issue in EU history, literally, with [the petition opposing it](#) attracting more signatures than any other petition in change.org's history.

What is Article 11 (The "Link Tax")?

Article 11 seeks to give news companies a negotiating edge with Google, Facebook and a few other Big Tech platforms that aggregate headlines and brief excerpts from news stories and refer users to the news companies' sites. Under Article 11, text that contains more than a "snippet" from an article are covered by a new form of copyright, and must be licensed and paid by whoever quotes the text, and while each country can define "snippet" however it wants, the Directive does not stop countries from making laws that pass using as little as three words from a news story.

Article 11 has a lot of worrying ambiguity: it has a very vague definition of "news site" and leaves the definition of "snippet" up to each EU country's legislature. Worse, the final draft of Article 11 has no exceptions to protect small and noncommercial services, including Wikipedia but also your personal blog. The draft doesn't just give news companies the right to charge for links to their articles—it also gives them the right to ban linking to those articles altogether, (where such a link includes a quote from the article) so sites can threaten critics writing about their articles. Article 11 will also accelerate market concentration in news media because giant companies will license the right to link to each other but not to smaller sites, who will not be able to point out deficiencies and contradictions in the big companies' stories.

What is Article 13 ("Censorship Machines")?

Article 13 is a fundamental reworking of how copyright works on the Internet. Today, online services are not required to check everything that their users post to prevent copyright infringement, and rightsholders don't have to get a court order to remove something they view as a copyright infringement—they just have to send a "takedown notice" and the services have to remove the post or face legal jeopardy. Article 13 removes the protection for online services and relieves rightsholders of the need to check the Internet for infringement and send out notices. Instead, it says that online platforms have a duty to ensure that none of their users infringe copyright, period. Article 13 is the most controversial part of the Copyright Directive.