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EU deal on copyright a blow to the free internet

Copyright

On the 13 February 2019, trilogue negotiations on the Copyright Directive have just finalised a text containing a worrying version of Article 11, on the link tax, and the most negative version of Article 13, concerning upload filters, to date. It goes beyond any text the Parliament has previously agreed to by including even small businesses in the controversial upload filter provision, which were previously excluded by Parliament.

Negotiators also watered down the authors' right to proportionate remuneration to the point of being useless, by explicitly allowing total buy-out contracts in the final text.

The Greens/EFA group will now fight to have the link tax and upload filters rejected in the final plenary vote before the end of the Parliamentary term.

Julia Reda, Greens/EFA Vice President and shadow rapporteur on the Copyright Directive comments:

"This deal is a threat to small publishers, authors and internet users alike and risks putting the internet as we know it solely in the hands of the tech and media giants. Upload filters do not work as algorithms simply cannot tell the difference between copyright infringements and legal parodies. Even the most sophisticated upload filters routinely block perfectly legal content. Requiring platforms to use upload filters would not just lead to more frequent blocking of legal uploads, it would also make life difficult for smaller platforms that cannot afford filtering software.

"The narrow majority for Article 13 that rapporteur Axel Voss managed to secure back in September was only possible due to an exemption for small businesses, which he has now rolled back on in siding with France and Germany during the negotiations. The content of the deal on the table no longer resembles what the Parliament voted for. We urge the whole Parliament to reject the Directive's most harmful Articles 11 and 13 on the link tax and upload filters.

"Today's news is a backwards step for freedom of expression online, but it's not the end of the road, we can still fight against damaging upload filters and a link tax. We need to send a clear message that we want to protect authors' rights as well as users and small publishers."

Background:

The compromise on Article 13 mirrors the [German-French deal](#), which will force all for-profit sites and

apps where users may share content to install upload filters, except services which fit all very narrow criteria of: being available to the public for less than three years, having an annual turnover below €10 million, and fewer than five million unique monthly visitors. The version of the link tax which was approved is extremely worrying and excludes "single words or very short extracts". This result will undoubtedly limit access to news and drive small online newspapers out of business.

The final vote in plenary could be as soon as 25-28 March, 4 April, or at the latest 15-18 April.

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