

Proposal for Spring Congress

Proposal
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LYMEC Spring Congress, April 05.-07., 2019 in Brussels

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Status: accepted rejected transferred to _____

The Spring Congress may decide:

1 Open and Free Internet

2 *Considering that:*

- 3 • Last 26th of March, 2019, the European Parliament voted 348-274 (with 36 abstentions) in
4 favour of the Directive on Copyright in the Digital Single Market.
- 5 • This Directive keeps Article 13, which requires that nearly all for-profit web platforms get a
6 license so as to be able to share content with copyright for each user that uploads or
7 installs filters of content or censors content; if they do not have it, they have to make
8 whatever they can to avoid this content from being uploaded if they do not want to be
9 subject of infraction.
- 10 • Article 11, which was also approved, forces content aggregators or compilers to pay
11 editors if they want to link their stories.

12 *Noting that:*

- 13 • The Directive could have been approved excluding these two controversial articles, but
14 that the preliminary voting of the amendments was turned down by a margin of 5 votes,
15 forcing the Parliament to vote on the entire package;
- 16 • According to a TechDirt report, several MEPs – thirteen, specifically – who voted against
17 the amendment vote declared to have voted mistakenly, believing they were voting on
18 something else.
- 19 • There was a large popular movement through a campaign against the Directive that got
20 more than 5 million firms, a significant amount of e-mails and calls to MEPs,
21 demonstrations with more than 170,000 participants, web pages and communities
22 blackouts, warning by academics, consumer groups, startups and companies, and by the
23 Special Rapporteur on Freedom of Expression of the UN;
- 24 • The scientific community considers that the Directive poses too many restrictions on the
25 use of TDM techniques, which also have applications for artificial intelligence research;
- 26 • Spain and Germany tried to approve a similar piece of legislation in 2014 and failed;
- 27 • A free and open internet is crucial for a whole generation of young people that has grown
28 with it and that having it or no will define future generation and their relation with the
29 Internet.

30 *Considering that:*

- 31 • For the application of Article 13 the use of content filters was required from nearly all
32 digital platforms, which consist on programs that detect content with copyright, similar to

33 contented, the one used by YOUTUBE. This algorithms have provenly shown a
34 significant number of false positive, and current technology is not yet ready to assure that
35 exceptions to Article 13 (educative content, comedy, etc.) will not be equally censured;
36 • This Directive not only is applicable to Internet giants, but also to medium platforms.
37 These webs of smaller size do not have the negotiating power required to get good deals
38 with the holders of copyright licenses, nor the economic capacity to implement content
39 filters. Therefore, these would cause an increase in the polarization of the Internet
40 market, leading us towards an oligopoly even more severe.

41 LYMEC:

- 42 • Considers that Article 13 poses a danger to competition, creativity and freedom of
43 expression in the digital environment, on top of favouring large right-holders, harming
44 online communities, lowering or even stopping innovation and entrenching established
45 big tech actors;
- 46 • Fears that Article 13 may give platforms the capacity to act as a filter to prevent user of
47 uploading any content that may potentially violate copyrights or even arbitrarily block
48 user-generated content that re-uses perfectly legal content to make a parody, for
49 instance, forcing thus the removal of totally innocent content;
- 50 • Warns that the Directive acts against small competitors in favour of big companies such
51 as Facebook or Google, as the former will not be capable of deploying the technology
52 Article 13 requires;
- 53 • Warns that Article 13 may also lead towards a greater marginalization of specific groups
54 and voices that are often under-represented on the media;
- 55 • Esteems that Article 11 could harm the users' capacity to share content through the web;
- 56 • Believes that the Directive begins a dangerous path towards the increase of control in the
57 web for the sole benefit of big right-holders to the expense of users' rights and public
58 interest;
- 59 • Asks Member States to apply and interpret the Directive in a way that minimizes the
60 potential risks it encloses, thus making the best use of the ambiguity in its writing;
- 61 • Calls for the legitimate challenges related to a fair remuneration of content creators to be
62 addressed via innovative solutions instead of excessive restrictions to the common
63 Internet and the associated fundamental rights and freedoms of expression and
64 information;
- 65 • The LYMEC Bureau to forward this resolution to the ALDE Party and to the ALDE
66 Council;
- 67 • The LYMEC member organisations and member contacts in the EU member states and
68 applicant states to pressure their mother parties and other politicians to achieve the aims
69 of this resolution.

Attention: This is a preview! The official text is printed in the proposal book for Spring Congress 05. - 07. April 2019.