

Europe Just Voted to Wreck the Internet, Spying on Everything and Censoring Vast Swathes of Our Communications

By [Boing Boing](#)

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Lobbyists for “creators” threw their lot in with the giant entertainment companies and the newspaper proprietors and managed to pass the new EU Copyright Directive by a hair’s-breadth this morning, in an act of colossal malpractice to harm to working artists will only be exceeded by the harm to everyone who uses the internet for everything else.

Here’s what the EU voted in favour of this morning:

- Upload filters: Everything you post, from short text snippets to stills, audio, video, code, etc will be surveilled by copyright bots run by the big platforms. They’ll compare your posts to databases of “copyrighted works” that will be compiled by allowing anyone to claim copyright on anything, uploading thousands of works at a time. Anything that appears to match the “copyright database” is blocked on sight, and you have to beg the platform’s human moderators to review your case to get your work reinstated.
- Link taxes: You can’t link to a news story if your link text includes more than a *single word* from the article’s headline. The platform you’re using has to buy a license from the news site, and news sites can refuse licenses, giving them the right to choose who can criticise and debate the news.
- Sports monopolies: You can’t post any photos or videos from sports events — not a selfie, not a short snippet of a great goal. Only the “organisers” of events have that right. Upload filters will block any attempt to violate the rule.

Here’s what they voted *against*:

- “Right of panorama”: the right to post photos of public places despite the presence of copyrighted works like stock arts in advertisements, public statuary, or t-shirts bearing copyrighted images. Even the facades of buildings need to be cleared with their architects (*not* with the owners of the buildings).
- User generated content exemption: the right to use small excerpt from works to make memes and other critical/transformative/parodical/satirical works.

Having passed the EU Parliament, this will now be revised in secret, closed-door meetings with national governments (“the trilogues”) and then voted again next spring, and then go

to the national governments for implementation in law before 2021. These all represent chances to revise the law, but they will be *much* harder than this fight was. We can also expect lawsuits in the European high courts over these rules: spying on everyone just isn't legal under European law, even if you're doing it to "defend copyright."

In the meantime, what a disaster for creators. Not only will we be liable to having [our independently produced materials arbitrarily censored by overactive filters](#), but we won't be able to get them unstuck without the help of big entertainment companies. These companies will not be gentle in wielding their new coercive power over us (entertainment revenues are *up*, but the share going to creators is *down*: if you think this is unrelated to the fact that there are only four or five major companies in each entertainment sector, you understand *nothing* about economics).

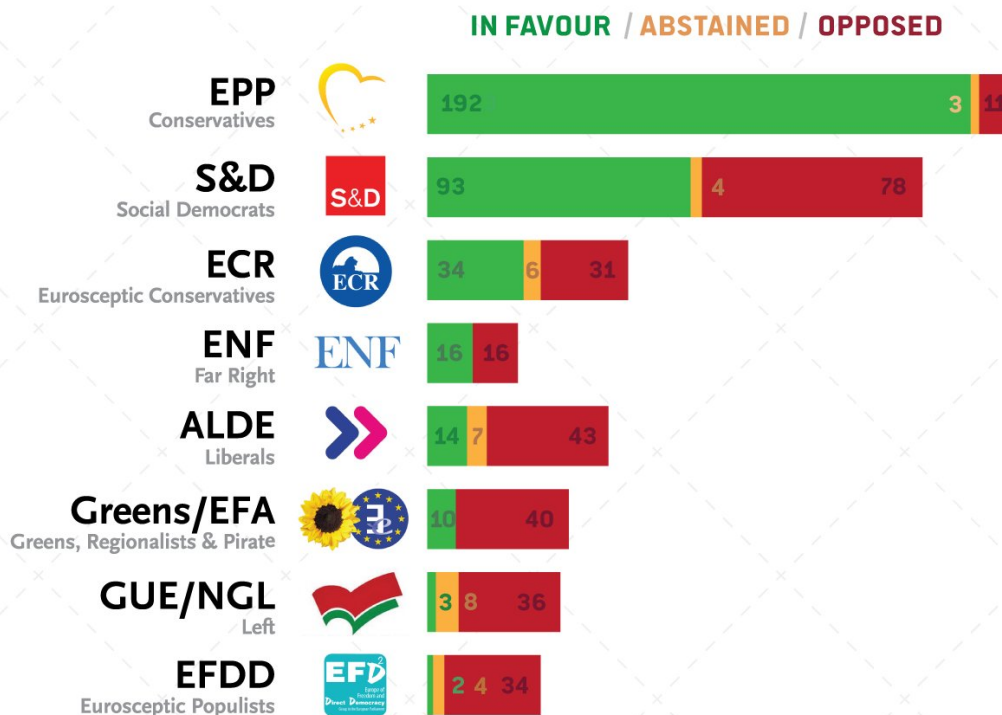
But of course, only an infinitesimal fraction of the material on the platforms is entertainment related. Your birthday wishes and funeral announcements, little league pictures and political arguments, wedding videos and online educational materials are *also* going to be filtered by these black-box algorithms, and you're going to have to get in line with all the other suckers for attention from a human moderator at one of the platforms to plead your case.

The entertainment industry figures who said that universal surveillance and algorithmic censorship were necessary for the continuation of copyright have done more to discredit copyright than all the pirate sites on the internet combined. People like their TV, but they use their internet for so much more.



Introduce mandatory upload filters?

European Parliament - September 12, 2018 - A8-0245/2018 (16)



Julia Reda:

OPPOSED

Result:

ADOPTED

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It's like the right-wing politicians who spent 40 years describing roads, firefighting, health care, education and Social Security as "socialism," and thereby created a generation of people who don't understand why they wouldn't be socialists, then. The copyright extremists have told us that internet freedom is the same thing as piracy. A generation of proud, self-identified pirates can't be far behind. When you make copyright infringement into a political act, a blow for freedom, you sign your own artistic death-warrant.

This idiocy was only possible because:

- No one involved understands the internet: they assume that because their Facebook photos auto-tag with their friends' names, that someone can filter all the photos ever taken and determine which ones violate copyright;
- They tied mass surveillance to transferring a few mil from Big Tech to the newspaper shareholders, guaranteeing wall-to-wall positive coverage (I'm especially ashamed that journalists supported this lunacy — we know you love free expression, folks, we just wish you'd share);

What comes next? Well, the best hope is probably a combination of a court challenge, along with making this an election issue for the 2019 EU elections. No MEP is going to campaign for re-election by saying "I did this amazing copyright thing!" From experience, I can tell you

that *no one* cares what their lawmakers are doing with copyright.

On the other hand, there are tens of millions of voters who will vote against a candidate who “broke the internet.” Not breaking the internet is very important to voters, and the wider populace has proven itself to be very good at absorbing abstract technical concepts when they’re tied to broken internets (87% of Americans have a) heard of Net Neutrality and; b) support it).

I was once involved in a big policy fight where one of the stakes was the possibility that broadcast TV watchers would have to buy a small device to continue watching TV. Politicians were *terrified* of this proposition: they knew that the same old people who vote like crazy also watch a lot of TV and wouldn’t look favourably on anyone who messed with it.

We’re approaching that point with the internet. The danger of internet regulation is that every problem involves the internet and every poorly thought-through “solution” ripples out through the internet, creating mass collateral damage; the power of internet regulation is that every day, more people are invested in not breaking the internet, for their own concrete, personal, vital reasons.

This isn’t a fight we’ll ever win. The internet is the nervous system of this century, tying together everything we do. It’s an irresistible target for bullies, censors and well-intentioned fools. Even if the EU had voted the other way this morning, we’d still be fighting tomorrow, because there will never be a moment at which some half-bright, fully dangerous policy entrepreneur isn’t proposing some absurd way of solving their parochial problem with a solution that will adversely affect billions of internet users around the world.

This is a fight we commit ourselves to. Today, we suffered a terrible, crushing blow. Our next move is to explain to the people who suffer as a result of the entertainment industry’s depraved indifference to the consequences of their stupid ideas how they got into this situation, and get them into the streets, into the polling booths, and into the fight.

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