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## Europe's New Copyright Law Could Change the Web

Robert S. Want, Esq., Posted April 8, 2019.

The European Parliament has passed sweeping [copyright legislation](#) that, much like its privacy law (the General Data Protection Regulation), could have an impact far beyond Europe.

### Article 13

The most controversial part of the legislation is Article 13, which significantly increases the legal responsibility of sites like YouTube and Facebook for material that violates copyright.

Critics argue that Article 13 will effectively force all but the smallest website operators to adopt "[upload filters](#)" similar to those used by YouTube, and apply them to all types of content to stop users from uploading copyrighted works. That could pose problems, critics say, given how expensive such filters could be to develop and the high likelihood of false positives.

The legislation will also require site owners to pay for displaying snippets of content. Critics have called this a "link tax," though links and search engine listings are exempt from the requirement.

Proponents of the legislation say it's necessary to protect artists whose work is pirated online, as well as newspapers and journalists at risk of having their business models undermined by social media giants.

The European Parliament still needs to negotiate a final version of the proposal with its co-legislator, the European Council. Then each EU member state will need to pass its own laws implementing the legislation.

### Digital Millennium Copyright Act

Traditionally, internet users are liable for the content they upload to platforms like Facebook and YouTube, not the platforms themselves. Under U.S. law, specifically the Digital Millennium Copyright Act, the platform isn't held liable for copyright infringement or other illegal content so long as it removes that content quickly once notified.

Article 13 changes that by holding platforms directly accountable, with a few exceptions, for the content they host. This would not only affect big tech social media, but also blogging platforms like Medium and WordPress that would be responsible for making sure that user posts don't violate copyrights. Similarly, photo-sharing sites like Instagram would have to watch for copyrighted images. *(continued on next page)*

## Open Letter in Opposition

Although the rules would only apply inside the EU, it's possible that companies would apply filters globally, just as some companies are complying with EU privacy regulations even outside of Europe.

Earlier this year, more than 70 internet pioneers, including web inventor Tim Berners-Lee and Wikipedia founder Jimmy Wales signed an [open letter](#) opposing the proposal, saying that automated filters are not reliable and that the internet could not have developed as it has if Article 13 had been in effect 25 years ago.

Even the best filtering systems leave a lot to be desired, the letter argues. YouTube has a history of taking down videos [erroneously](#); while in other cases, companies have [used copyright removal notices to silence critics](#).

Still, proponents maintain that while the proposal isn't perfect, it's better than the existing system of allowing big tech companies to profit from ads run alongside material that infringes on others' copyrights.