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Dear Liberal Members,

On the verge of the vote on the “Report on Copyright in the Digital Single Market Directive” in the Legal Affairs (JURI) Committee in the European Parliament, we as LYMEC, the European Liberal Youth are turning to you, asking to take into consideration the impact on the image of the Liberal family as a whole, should the Group decide to support the proposed article 11 and 13 as they currently stand.

We, the youth of Europe, are the most digitally engaged generation so far. We get information on the Internet, we share on the Internet, we create, alter content and communicate on the Internet. Our life is closely related to the Internet, which is why we feel strongly for protecting the Internet as our fundamental free space. Given the above, on the verge of the European election, and given that at the last European elections we saw the lowest young voters and first-time voters participation ever, we urge you to take the following considerations into account:

- 1. On article 11: “Protection of press publications concerning digital uses”**
 - Article 11 establishes an ancillary right, or related right for press-publishers for the digital use of their press publications. The provision covers not just news aggregators but all “digital uses”.
 - While indeed the press publishers have been receiving less for their paper issues, the Internet or digitalization has reduced significantly the costs of publishing and distributing any kind of journalistic content, which is now available not only on EU soil but even world-wide.
 - News publishers already receive a fair share of the value created by the availability of journalistic content on the Internet, since the online service providers drive massive amounts of traffic to their websites.
 - It would be the young, starting and independent journalists and private bloggers, who would pay the highest price, as they will require licenses, even only to refer to other publications. Their articles would suffer reduced distribution, decreased Internet traffic resulting in lower returns on advertisements. It will additionally lead to new administrative tasks and expenses for monitoring the compliance with rights and the payments of royalties, making the revenues generated due to the new ancillary right arguably proportional to the administrative expenses incurred.

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- Even now, the Internet reality is, that publishers of online press publications have the possibility to opt-out of being indexed by search engines or news aggregators, if they wish to do so. In addition, there's the possibility to introduce a pay-wall for publisher's content, amongst other possibilities to change the business model adapting it to the current state of affairs of digitalization and the Internet.
 - The introduction of an auxiliary right on the rights in publications was not a success in Germany, why should we make it an European failure? In addition, according to the Charter of fundamental rights of the EU, the freedom of expression and information includes "the freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers". We urge you to keep it that way.
2. **On article 13:** "Use of protected content by service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users":
- Article 13 requires that **all** Internet platforms filter **all** user-uploaded content in order to detect possible copyright infringements. While it clearly protects some major right-holders, the requirement would not be limited to music or videos being uploaded, but would cover all types of used or shared content, which other than author's work can be a parody video, a remix, a meme, a blog post, comments on Reddit, livestreaming gaming experience, or even a link in a tweet, which would amount in an unprecedented censorship;
 - Currently, hosting service providers are already obliged to delete copyright infringing material in the case of actual knowledge of the infringement. Big hosting providers are already developing and using systems that automatically detect copyright infringements in the process of uploading content¹. The systems developed are definitely not perfect, given how often there's news of allegedly arbitrarily blocking or deletion of posts on the large online video platforms.
 - As it stands the proposal will discriminate against SMEs and start-up companies that lack the financial capabilities to develop the required content recognition systems. Not only that, but all the platforms will need to install content identification technology. Since the Commission doesn't make any distinction, alongside the video and music

¹ <https://youtube-creators.googleblog.com/2016/04/setting-record-straight.html>

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platforms, in the scope will fall social media platforms, forum operators, cloud service operators, crowdfunding platforms, even mere Internet access providers.

- Last but not least, given the proposal requires that all the data uploaded by users is to be screened, and given that Europe is often said to set the global standards, please do consider the human rights implications if such a censorship-friendly approach is adopted in a number of third countries, being the example set by the EU.

As Liberals, we hold the opinion that there is not enough evidence supporting such a massive intervention in the way the Internet and its digital market operates. We believe that the European Union should support innovation and new business models, not desperately try to safeguard the old ones.

Therefore, we, the European Liberal Youth (LYMEC) call on you to take a stand for the deletion of article 11 and 13 of the “Report on Copyright in the Digital Single Market Directive”, or alternatively – to support the much more acceptable position of the opinion-giving IMCO and LIBE Committees. Ultimately, we call on the ALDE Group, as a whole, not to adopt as a Group line a position, that in the end, we will be ashamed of.

We are happy to provide more information on the issue should you want to have further arguments from our side. Also please do not hesitate to contact us if you have any questions.

Sincerely,

Svenja Hahn
President
European Liberal Youth LYMEC

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