Mr President,

Article 13 of the EU Copyright Directive Threatens the Internet

As a group of the Internet’s original architects and pioneers and their successors, we write to you as a matter of urgency about an imminent threat to the future of this global network.

The European Commission’s proposal for Article 13 of the proposed Directive for Copyright in the Digital Single Market Directive was well-intended. As creators ourselves, we share the concern that there should be a fair distribution of revenues from the online use of copyright works, that benefits creators, publishers, and platforms alike.

But Article 13 is not the right way to achieve this. By requiring Internet platforms to perform automatic filtering all of the content that their users upload, Article 13 takes an unprecedented step towards the transformation of the Internet from an open platform for sharing and innovation, into a tool for the automated surveillance and control of its users.

Europe has been served well by the balanced liability model established under the Ecommerce Directive, under which those who upload content to the Internet bear the principal responsibility for its legality, while platforms are responsible to take action to remove such content once its illegality has been brought to their attention. By inverting this liability model and essentially making platforms directly responsible for ensuring the legality of content in the first instance, the business models and investments of platforms large and small will be impacted. The damage that this may do to the free and open Internet as we know it is hard to predict, but in our opinions could be substantial.

In particular, far from only affecting large American Internet platforms (who can well afford the costs of compliance), the burden of Article 13 will fall most heavily on their competitors, including European startups and SMEs. The cost of putting in place the necessary automatic filtering technologies will be expensive and burdensome, and yet those technologies have still not developed to a point where their reliability can be guaranteed. Indeed, if Article 13 had been in place when Internet’s core protocols and applications were developed, it is unlikely that it would exist today as we know it.

The impact of Article 13 would also fall heavily on ordinary users of Internet platforms—not only those who upload music or video (frequently in reliance upon copyright limitations and exceptions, that Article 13 ignores), but even those who contribute photos, text, or computer code to open collaboration platforms such as Wikipedia and GitHub.

Scholars also doubt the legality of Article 13; for example, the Max Planck Institute for Innovation and Competition has written that “obliging certain platforms to apply technology that identifies and filters all the data of each of its users before the upload on the
publicly available services is contrary to Article 15 of the InfoSoc Directive as well as the European Charter of Fundamental Rights.”

One of the particularly problematic provisions of Article 13 as originally proposed by the Commission, and in the compromise texts put forward by the Council and the Parliament, is that none of these versions of the text would provide either clarity or consistency in their attempts to define which Internet platforms would be required to comply with the provision, and which may be exempt. The resulting business uncertainty will drive online platforms out of Europe and impede them from providing services to European consumers.

We support the consideration of measures that would improve the ability for creators to receive fair remuneration for the use of their works online. But we cannot support Article 13, which would mandate Internet platforms to embed an automated infrastructure for monitoring and censorship deep into their networks. For the sake of the Internet’s future, we urge you to vote for the deletion of this proposal.

Yours sincerely,

Vint Cerf, Internet Pioneer
Tim Berners-Lee, Inventor of the World Wide Web
Anriette Esterhuysen, Senior Advisor, Association for Progressive Communications
Brewster Kahle, Founder & Digital Librarian, Internet Archive
Brian Behlendorf, primary developer of Apache Web server, founding member of the Apache Software Foundation
Bruce Schneier, Bell Labs, cryptography writer and expert
Dave Farber, Keio University/CMU
Ethan Zuckerman, Senior Researcher, Berkman Klein Center for Internet & Society at Harvard University
Guido van Rossum, Founder and developer of the Python programming language
Jimmy Wales, Co-Founder, Wikimedia Foundation
Joichi Ito, Director of the MIT Media Lab
John Gilmore, Co-Founder of the Electronic Frontier Foundation and Cygnus Solutions
Katherine Maher, Executive Director, Wikimedia Foundation
Mitch Kapor, Co-Founder of the Electronic Frontier Foundation and Founder of Lotus Development Corporation
Mitchell Baker, Executive Chairwoman, Mozilla Foundation and the Mozilla Corporation
Pam Samuelson, Richard M. Sherman ’74 Distinguished Professor of Law and Information at the University of California at Berkeley, Director of the Berkeley Center for Law & Technology
Radia Perlman, Inventor of routing technology fundamental to computer networks
Rebecca MacKinnon, Director, Ranking Digital Rights at New America
Tim O’Reilly, Founder and CEO of O’Reilly Media, Inc.
Tim Wu, Professor, Columbia Law School
Dame Wendy Hall, Regius Professor of Computer Science, University of Southampton

1 Affiliations are listed for identification only.
Aaron Rabinowitz, networking and network security consultant
Aaron Zuehlke, CISSP Senior Risk & Threat Intel Analyst
Alan Kay, President, Viewpoints Research Institute
Alaric Snell-Pym, open standards engineer and developer
Alfred Ganz, network consultant
Alfred Z. Spector, computer scientist and research manager
Allan Gottlieb, Professor, Computer Science Department within the Courant Institute of New York University
Andrew McConachie, Internet Architecture Engineer
Andrew Wolfe, computer systems consultant
Avi Rubin, Professor, Computer Science, Technical Director, Information Security Institute, John Hopkins University
Avleen Vig, Production Engineer, Facebook
Ben Mobley, Technology Security Officer, Colonial Group International
Bob Frankston, software industry pioneer
Brandon Ross, Founder, Network Utility Force
Chip Rosenthal, Staff Engineer, major broadband manufacturer
Chris Bacon, systems analyst
Cliff Sojourner, computer scientist
David L. Dill, Donald E. Knuth Professor, Emeritus, in the School of Engineering, Stanford University
David Patterson, Professor of the Graduate School, Computer Science, UC Berkeley
David Peters, Director of Software Engineering at Zillow Group
Dave Snigier, Systems Architect, University Information Technology Services, UMass Office of the President
David Xia, software engineer
Desiree Miloshevic, UK Internet pioneer
Doug Lea, Professor of Computer Science at the State University of New York at Oswego
Ed Lazowska, Bill & Melinda Gates Chair, Paul G. Allen School of Computer Science & Engineering, University of Washington
Eleanor Saitta, security analyst
Frank Yellin, software engineer
Frederick P. Brooks, Jr., Kenan Professor of Computer Science, Emeritus, University of North Carolina at Chapel Hill
Gerald Jay Sussman, Panasonic Professor of Electrical Engineering at MIT
Gordon Jacobson, Portman Communications
Hal Abelson, Professor of Computer Science and Engineering, MIT Department of Electrical Engineering and Computer Science
Hugh Connelly, Head of IT, Dept. Environmental Engineering, Technical University of Denmark
James Cronin, UK Internet pioneer
James Doty, Telecommunications Industry Consultant
James Renken, systems administrator and attorney
Jim Waldo, Gordon McKay Professor of the Practice, Chief Technology Officer, Harvard University
Joe Hameline, network engineer
John Bartas, contributor to early Internet technology
John Carbone, Managing Partner, bonify.io
John Romero, programmer and game designer
John Souvestre, IT Consultant
John Villasenor, Professor of Electrical Engineering, Public Policy, and Management, UCLA
Jonathan Poritz, Associate Professor of Mathematics and Interim Director of the Center for Teaching and Learning, Colorado State University - Pueblo
Josh Maida, Partner and Director of New Product, Six Foot
Josh Triplett, Free and Open Source Software developer
Joshua Bloch, Professor, Carnegie Mellon University and Java pioneer
Jude Robinson, Global Head of Front-End Development, Springer Nature
Justin Findlay, software engineer
Katie Albers, Founder & Principal Consultant, firstthought.com
Kraig Beahn, CEO, Enguity Technology Corp
L Peter Deutsch, founder of Aladdin Enterprises and creator of Ghostscript
Lester Earnest, Senior Research Computer Scientist Emeritus, Stanford University
Martin Odersky, Professor at LAMP/IC, EPFL
Matthew Bishop, Professor, University of California at Davis
Miguel de Icaza, Founder of the GNOME, Mono, and Xamarin projects
Mike Trest, Principal Consultant, Trest Consulting
Neal Gafter, Computer Programming Language Designer
Neil Hunt, CEO, Curai, Inc. (former CPO, Netflix Inc.)
Patrick Koppula, Head of Product and Founder - GarageBand.com and Principal, Innovate for Society
Paul Menchini, past Architect of the VHDL language
Philip Wadler, Professor of Theoretical Computer Science, University of Edinburgh
Ray Charbonneau, computer consultant
Robert Oliver, Solution Architect, Dassault Systèmes
Ron Teitelbaum, Chief Executive Officer, 3D Immersive Collaboration Consulting
Simon Phipps, President, Open Source Initiative
Stefano Zanero, Associate Professor, Dipartimento di Elettronica, Informazione e Bioingegneria, Politecnico di Milano
Steve Holton, software engineer
Tim Peieris, President of SeatYourself.biz
Tim Pozar, network architect
Tom Ritter, Security Engineer, Mozilla
Tony Ageh, Chief Digital Officer, New York Public Library.
Tyler Lawrence, CEO, Arcpoint
William Cook, Associate Professor, Department of Computer Sciences at the University of Texas at Austin
President of the GUE/NGL Group
gabriele.zimmer@europarl.europa.eu

Ryszard Antoni Legutko MEP
Co-chair of the ECR Group
ryszardantoni.legutko@europarl.europa.eu

Manfred Weber MEP
Chair of the EPP Group
manfred.weber@europarl.europa.eu

Mr Jean-Claude Juncker
President
European Commission
Rue de la Loi 200
1049 Bruxelles
Belgique/België

Her Excellency Liliana Pavlova
Minister for the Bulgarian Presidency
EU Council
Rue de la Loi/Wetstraat 175
B-1048 Bruxelles/Brussel
Belgique/België