

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

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 we first developed the Internet's core protocols and applications, 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,

Brewster Kahle, Founder & Digital Librarian, Internet Archive

Brian Behlendorf, primary developer of the 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

Tim O'Reilly, Founder and CEO of O'Reilly Media, Inc.

Tim Wu, Professor, Columbia Law School

Vint Cerf, Internet Pioneer

Aaron Rabinowitz, networking and network security consultant

Aaron Zuehlke, CISSP Senior Risk & Threat Intel Analyst

Alan Kay, President, Viewpoints Research Institute

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

Ben Mobley, Technology Security Officer, Colonial Group International

Bob Frankston, software industry pioneer
Chip Rosenthal, Staff Engineer, major broadband manufacturer
Chris Bacon, systems analyst
Cliff Sojourner, computer scientist
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
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
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 Connery, Head of IT, Dept. Environmental Engineering, Technical University of Denmark
James Doty, Telecommunications Industry Consultant
Joe Hamelin, network engineer
John Bartas, software engineer
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, software engineer
Joshua Bloch, Professor, Carnegie Mellon University and Java pioneer
Justin Findlay, software engineer
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
Miguel de Icaza, Founder of the GNOME, Mono, and Xamarin projects
Mike Trest, Founder of Visicom Network Services
Neal Gafter, Computer Programming Language Designer
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
Tom Ritter, Security Engineer, Mozilla
Tyler Lawrence, software engineer
William Cook, Associate Professor, Department of Computer Sciences at the University of Texas at Austin

cc:

Pavel Svoboda MEP (Czech Republic)
Group of the European People's Party
pavel.svoboda@europarl.europa.eu

Jiří Maštálka MEP (Czech Republic)
European United Left–Nordic Green Left
jiri.mastalka@europarl.europa.eu

Marie-Christine Boutonnet MEP (France)
Europe of Nations and Freedom
marie-christine.boutonnet@europarl.europa.eu

Gilles Lebreton MEP (France)
Europe of Nations and Freedom
gilles.lebreton@europarl.europa.eu

Axel Voss MEP (Germany)
Group of the European People's Party
axel.voss@europarl.europa.eu

Enrico Gasbarra MEP (Italy)
Progressive Alliance of Socialists & Democrats
enrico.gasbarra@europarl.europa.eu

Francis Zammit Dimech MEP (Malta)
Group of the European People's Party
francis.zammitdimech@europarl.europa.eu

António Marinho e Pinto MEP (Portugal)
Alliance of Liberals and Democrats for Europe
antonio.marinhoepinto@europarl.europa.eu

Mary Honeyball MEP (United Kingdom)
Progressive Alliance of Socialists & Democrats
mary.honeyball@europarl.europa.eu

Lidia Joanna Geringer de Oedenberg MEP (Poland)
Progressive Alliance of Socialists & Democrats
lidiajoanna.geringerdeoedenberg@europarl.europa.eu

Udo Bullmann MEP
President of the S&D Group
udo.bullmann@europarl.europa.eu

Ska Keller MEP
Co-President of the Greens/EFA Group
franziska.keller@europarl.europa.eu

Gabriele Zimmer MEP
President of the GUE/NGL Group
gabriele.zimmer@europarl.europa.eu

Emil Radev MEP (Bulgaria)
Group of the European People's Party
emil.radev@europarl.europa.eu

Jean-Marie Cavada MEP (France)
Alliance of Liberals and Democrats for Europe
jean-marie.cavada@europarl.europa.eu

Joëlle Bergeron MEP (France)
Europe of Freedom and Direct Democracy
joelle.bergeron@europarl.europa.eu

Sylvia-Yvonne Kaufmann MEP (Germany)
Progressive Alliance of Socialists & Democrats
sylvia-yvonne.kaufmann@europarl.europa.eu

Kostas Chrysogonos MEP (Greece)
European United Left–Nordic Green Left
kostas.chrysogonos@europarl.europa.eu

Mady Delvaux MEP (Luxembourg)
Progressive Alliance of Socialists & Democrats
mady.delvaux-stehres@europarl.europa.eu

Tadeusz Zwiefka MEP (Poland)
Group of the European People's Party
tadeusz.zwiefka@europarl.europa.eu

Rosa Estaràs Ferragut MEP (Spain)
Group of the European People's Party
rosa.estaras@europarl.europa.eu

Sajjad Karim MEP (United Kingdom)
European Conservatives and Reformists
sajjad.karim@europarl.europa.eu

Guy Verhofstadt MEP
President of the ALDE Group
guy.verhofstadt@europarl.europa.eu

Philippe Lamberts MEP
Co-President of the Greens/EFA Group
philippe.lamberts@europarl.europa.eu

Syed Kamall MEP
Co-chair of the ECR Group
syed.kamall@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

Antonio Tajani MEP
President of the European Parliament
antonio.tajani@europarl.europa.eu

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