

Link tax and upload filtering, Friction & Core Values

Summary of the Session at IGF 2018

Session Time: Wednesday, 14 November, 2018 - 09:00 to 10:00

Location: Room X, UNESCO, Paris

URL: <https://www.intgovforum.org/multilingual/content/igf-2018-dc-core-internet-values-link-tax-and-upload-filtering-friction-core-values>

After introduction of panellists, the session started with a short review of what were “Core Internet Values” as defined in prior years, emphasizing that they are technical bases on which the Internet was built.

The Chair, speaking on behalf of Alejandro Pisanty who had difficulty joining us remotely, read some of Alejandro’s points about GDPR, with an emphasis on the Core Internet Values being broken by GDPR, namely the nature of GDPR introducing borders for legislation on an Internet that is borderless. Desiree Miloshevic followed-up with a counter-point that GDPR also reinforced the user centricity core value, as it gave users more control of their personal data.

Desiree then explained the concerns over Article 11 of the Directive of the European Parliament and of the Council on copyright in the Digital Single Market. Primarily, irrespective of the concerns regarding the geographical allocation of rights that does not apply for content across the globe but purely to content falling under EU jurisdiction, the main concern of the concept commonly known as “Link Tax” whereby a news aggregator or a publisher would have to pay to link to the news source, closes the open nature of the Internet where pages can include links to further information, sources, related information, et cetera, the very fabric of the Open Internet.

Diego Naranjo followed-up with a short presentation about the risks of Article 13 of the said Directive. This included the serious concern about opaque algorithmic upload filters, indiscriminate pre-emptive blocking of content that would affect legal content too, as well as the lack of any redress for blocked content. Diego gave several examples of content originators finding their own content being taken down and having a hard time to get their own legal content back up. Algorithms did not recognise parodies nor memes nor measures relating to creative commons. The Article would result in putting smaller content providers and platforms at a disadvantage. But it was not too late to act – and made a call to action for anyone who has concerns to join the “Save Your Internet” campaign: <https://www.saveyourinternet.eu/>

Andrew Sullivan emphasized the key fact that Internet was “Inter Net” – thus interoperability is a necessary condition for an Internet. The fundamental problem with many of the mechanisms that are being developed is that they are not intended to allow the network to work, but to fix a social problem by messing with the underlying technology. Andrew emphasized that he did not see “Link Tax” being implemented anytime soon, as this would likely require a technical change in the features of every browser used to access the World Wide Web and for everyone to agree to being taxed. He found it unlikely that democratic, free-market economies could impose such deep technical changes would be imposed, as there is no self-interest of the client to deploy such technology. “The last time we forced everybody on the Internet to upgrade on the same day, was 1983, we had a copy on paper of the names and addresses of every single person that was connected to the Internet in those days and it didn’t work anyway.” Let’s create

the incentives for people to deploy things that are good for them. The fundamental mistake made, a deep technical mistake, is that this is a centralised system that can be directed from above. Whilst the actual problems that need to be resolved are important, the legislation that is being brought forward is actually harmful to the end goal that governments are trying to achieve.

How do we convince Governments that this is a category error that Governments are making?

Comments from the floor:

Desiree agreed that big social platforms could strengthen their position from Link Tax and Upload filtering as they had the means to implement it. Yet Diego reminded everyone that the large corporations had lobbied very hard against GDPR. Diego also was concerned about the trend worldwide that every social problem now appeared to “have a technology solution to solve it”.

Sivasubramanian Muthusamy agreed that governments made categorical errors as they had not received proper input and advice.

Sébastien Bachollet asked how could we resolve this problem? How can we do something as our respective organisations but also as a dynamic coalition? Why are governments not here and engaging other stakeholders? Andrew responded that perhaps some people participating in these discussions do not care about breaking the Internet. Called for a rise in the population to express their concerns that what is being done by governments is in fact not delivering the goods.

Eduardo from Copyfighters – members of the European Parliament are saying this is a directive made against main American corporations. Google’s content system costing millions of dollars doesn’t work at all. How can small startups even try to compete with that system? Agreed by Diego and unfortunately alternatives proposed were not taken up. Desiree added that big companies might license their content filtering system.

Roberto Gaetano –The Internet is a pawn in a greater political game. For some issues which are affecting ICANN, like GDPR, we have had an inability to solve these issues in a multistakeholder process.

Beatriz Busaniche - Argentina Vialibre foundation – for many people around the book, Internet is Facebook. So if we go to these people about Internet Values, the people say these are Facebook values. So people agree with news outlets asking for Link Tax as they side against Google and Facebook that have a lot of money. In Europe we speak about freedom of speech, but in other parts of the world we need a different narrative.

Closing words:

Diego: support GDPR, do not support Article 13. Go to <https://www.saveyourinternet.eu/>

Desiree: this coalition is about values of underlying layers of technical Internet Architecture. Agrees with Roberto Gaetano regarding GDPR trying to solve societal issues with technical solutions.