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## Copyright proposal: Copyfails reloaded

### Mandatory upload filters create a censorship machine

#### What was proposed?

The European Commission proposed rules that appear to have the goal of enabling payments from online content-sharing services to the owners of rights to music, films, and other types of content. Internet hosting services will be obliged to monitor all uploads to identify and filter copyrighted works. The effectiveness and proportionality of the software that would need to be created for this purpose are not evident in the Commission's proposal.

#### What is the problem?

The proposed measures will require monitoring and filtering of anything that European citizens upload to content-sharing services. The censorship machine required for this will have to ignore any freedoms (existing exceptions to copyright) to use somebody else's creation: for example for the purpose of quotation, teaching or parody, as already foreseen by the European legislator.

#### Why is this important?

The proposal poses a threat to human rights protected by the European and international law. The censorship machine proposal chooses to ignore the case law of the Court of Justice of the European Union stating that monitoring and filtering content is a breach of freedom of expression and of privacy ([Scarlet/Sabam ruling](#) and [Sabam vs. Netlog](#)).

#### Will the proposal fix the problem?

No. Creation of a filter that can potentially serve as a censorship machine will infringe users' fundamental rights.

#### How can this be fixed?

The European Institutions should develop a fundamental rights-compatible approach that would improve payment arrangements between rightsholders and large online services.