

PRESS KIT

The  YouTube Case

Public Debate in Europe
UNDER ATTACK

— 15 March 2019

EUROPE FOR CREATORS 

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An Open Letter to Susan Wojcicki, CEO of YouTube

15 March 2019

After almost three years' worth of in-depth examinations and negotiations involving the three EU Institutions, 28 Member States, 751 MEPs, and thousands of experts and stakeholders, the European Parliament is about to take a formal decision on the directive on Copyright in the Digital Single Market.

The aim of one of the main provisions of this directive – Article 13 – is to ensure that platforms such as YouTube fairly compensate the creators whose works are made available through their services. In other words, to play fair and respect the creators who made YouTube what it is today.

We believe that the Copyright Directive will create a level playing field for the European Digital Single Market, with fair and equal rules for all.

There is ample public debate around this directive and your right to defend your position, as a concerned party, is not in question. Indeed, the positions you have taken in the media or through your own videos against Article 13 are well known and nourish the public debate.

However, since the European Parliament voted overwhelmingly on Sept. 12 to approve its version of the Copyright Directive, YouTube has been actively using its own services to influence public opinion, often with misleading or false information.

You have taken advantage of your considerable influence over 1.8 billion monthly users as the biggest media entity in the world to:

- Circulate your own message to video makers and YouTubers
- Create a uniquely formatted page, similar to SaveYourInternet, on Youtube.com
- Create a portal comprising all videos defending your position on Article 13
- Run banners, pop-ups and push notifications on YouTube defending your point of view and directing traffic to your unique YouTube.com webpage

This is unprecedented and raises ethical questions.

Moreover, YouTube enabled the propagation of misinformation - such as the claims that Article 13 would lead to the shutting down of YouTube channels, kill European startups, put an end to memes and gifs and harm freedom of speech. In other words: change the Internet as we know it. Such scaremongering deliberately ignores the special protections provided in the text and misleads public opinion.

It interferes with the democratic and balanced debate that all European citizens are entitled to. We believe it is totally unfair and unacceptable that your service, which dominates the online market, is exclusively used as a Media service to promote your own commercial interests in a debate over European legislation.

You advocate freedom of expression but what we have seen is a media service dedicated to the promotion of its own views, based on false information and scare tactics.

We believe in pluralism and open, democratic debate. We believe our views also need to be voiced to your audience. That is what freedom of speech is all about.

This is why we are asking you to let us, over the week of March 18-24:

- Send a message to the same YouTubers so we can share with them our vision of Article 13 – the one we promote on our website, www.article13.org.
- Publish banner ads on YouTube as you did for the "saveyourinternet" campaign

Acting as a Media service requires responsibility and accountability to ensure democratic debate.

Best regards,

The YouTube Case

Public Debate in Europe

UNDER ATTACK

We are Europe for Creators, and we've written this open letter to the YouTube CEO.

YouTube has used its powerful platform and its access to a massive audience to lobby against Article 13 of the EU Copyright Directive. We are asking to be allowed to use the same tools YouTube employed in its ethically challenged lobbying effort to express our point of view -- that the Copyright Directive is good for creators.

In Sept. 12, 2018, the European Parliament adopted by a large majority its proposal for the Copyright Directive. Among other updates, Article 13 of the text requires big Internet platforms like YouTube or Facebook to sign licensing agreements with content creators whose works are made available on the platforms.

The tremendous flow of culture and information on the Internet should not come at the expense of creators while only fattening the profits of the technology giants.

The tech giants refused to accept the result of the elected representatives' vote. From the summer of 2018, they conducted an intense but surreptitious lobbying campaign. Third-party structures like OpenMedia or Create Refresh, supported by the U.S. tech giants, were deployed to fight Article 13, the part of the Copyright Directive that deals with licensing agreements between rights holders and platforms.

As soon as the vote went against them, the tech giants, notably Google, which owns YouTube, radically shifted strategy. Susan Wojcicki, YouTube's chief executive, posted a video on October 22 denouncing what she claimed would be dire unintended consequences of the European Union's adoption of Article 13. This video was just the start of something unprecedented: a tech giant began using its powerful communications network to defend its own interests.

YouTube used its database of creators' email addresses to spur them to fight Article 13, ignoring the fact that the statute of host that YouTube continues to hide behind calls for neutrality. Banner ads posted on YouTube with the hashtag #SaveYourInternet led users to a petition against the directive. A dedicated page was created with a selection of videos hostile to Article 13. Nothing like this had ever been done before.

In addition to the campaign carried out on the massive and ubiquitous YouTube platform, a huge amount of sponsored content was purchased on other social networks to fight Article 13. With the deployment of its dominant information infrastructure and its purchasing power, it was inevitable that YouTube's message would appear on the screens of a vast number of Internet users. Power plus money equals influence.

Europe for Creators, a group representing European artists, has decided to carry out a symbolic action:

We are asking YouTube to let us, over the week of March 18-24:

- Send a message to the same YouTubers so we can share with them our own vision of Article 13 – the one we promote on our website (article13.org)
- Publish banner ads on YouTube as you did for the “saveyourinternet” campaign

A healthy European public sphere depends on the extent to which platforms assume their responsibility to foster honest debate. YouTube executives decided to put freedom of expression at the center of their campaign, so we think they should take it upon themselves to let creators’ organizations like ours speak out.

Financial firepower was added to already dominant communications infrastructure. We live in a world where those with the most money get their messages across – their content gets placed in front of users’ eyes in exchange for cash. Those who do not have the funds to put into the game risk never reaching the people most concerned.

Pertinent information must be available and accessible, otherwise money decides everything. How much has Google paid for sponsored posts in its effort to suppress a European Union legal initiative? Do you have to earn \$9 billion in profit per quarter to be read, heard or seen? (That’s how much Alphabet, parent to Google and YouTube, earned in the final quarter of 2018). Do we have to accept this new paradigm of democracy? Do we have to feed the ogre that will eventually devour us?

Exhibit No.1

Video of Susan Wojcicki posted
on YouTube on October 22nd, 2018



October 2018 Creator Letter | Article 13 and other updates

— Post by Susan Wojcicki underneath the video:

“Here’s how Article 13 will put the entire creator economy at risk. Plus, some updates on the Learning Fund, YouTube Giving and more. Read the full Creator Letter here: <https://goo.gl/5PDnv4>
More about Article 13: <https://youtube.com/yt/saveyourinternet>
<https://www.youtube.com/watch?v=EM-No65BGcc>
Learning Fund form: <https://goo.gl/6Ujh9s>”



— Extract from the full Creator Letter available at <https://goo.gl/5PDnv4> and dated October 22nd, 2018 :

“All of this is possible because of the creative economy powered by you. However, this growing creative **economy is at risk**, as the EU Parliament **voted on Article 13, copyright** legislation **that could drastically change the internet** that you see today.

Article 13 as written **threatens to shut down the ability of millions of people -- from creators like you to everyday users -- to upload content to platforms like YouTube.** And **it threatens to block users in the EU from viewing content that is already live on the channels of creators everywhere.** This includes YouTube’s incredible video library of educational content, such as language classes, physics tutorials and other how-to’s.

This legislation poses a threat to both your livelihood and your ability to share your voice with the world. And, if implemented as proposed, **Article 13 threatens hundreds of thousands of jobs, European creators, businesses, artists and everyone they employ.** The proposal could force platforms, like YouTube, to allow only content from a small number of large companies. It would be **too risky** for platforms to host content from smaller original content creators, because the platforms would now be directly liable for that content. We realize the importance of all rights holders being fairly compensated, which is why we built Content ID and a platform to pay out all types of content owners. But the unintended consequences of **article 13 will put this ecosystem at risk.** We are committed to working with the industry to find a better way. This language could be finalized by the end of the year, **so it’s important to speak up now.**



Please take a moment to **learn more** about how it could affect your channel and **take action immediately**. Tell the world through social media (#SaveYourInternet) and your channel why the creator economy is important and how this legislation will impact you”

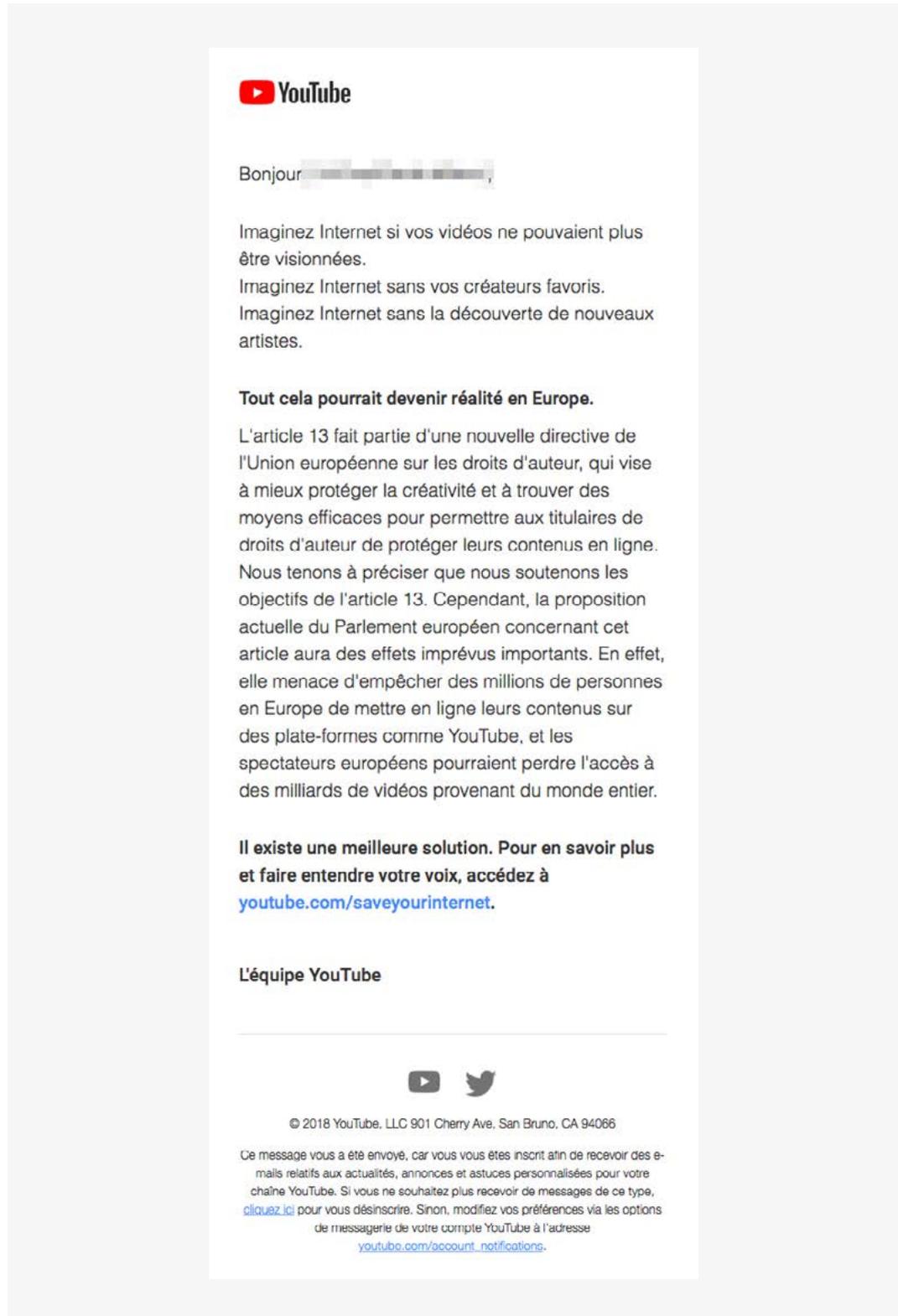
The video and letter posted by YouTube CEO Susan Wojcicki on YouTube.com were designed to create a climate of defiance in regards to the Copyright Directive. Note the link to the SaveYourInternet page (<https://youtube.com/yt/saveyourinternet>) in Susan Wojcicki’s post below the video. **(See Exhibit No.3)**.



Exhibit No.2

Email sent by YouTube

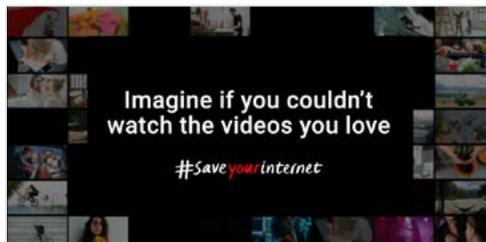
- YouTube Creators <no-reply@youtube.com> to a YouTuber
Date: nov. 2018
Subject: [YouTuber], comprenez-vous l'Article 13 ?



YouTube used a database of its users' emails to send a mass message outlining its openly anti-Article 13 position and inviting users to visit this page <https://youtube.com/yt/saveyourinternet> (See Exhibit No.3).

Exhibit No.3

The page is accessible here <https://www.youtube.com/saveyourinternet/> and is the backbone of YouTube's lobbying campaign against Article 13 of the Copyright Directive :



- Reference is made to this page in Susan Wojcicki's post dated October 22. **See Exhibit No.1.**
- Reference is also made to this page in the email sent by YouTube to its YouTubers **See Exhibit No.2.**
- Reference to this page is also made in the social toolkit created by YouTube and offered to its users for the purposes of spreading YouTube's position against Article 13 of the Copyright Directive. **See Exhibit No.6.**

YouTube translated this page into 36 languages, so there are 36 pages with this atypical format:

- The pages' graphical presentation and format are unusual for the platform and are not accessible to regular users.
- The page stands alone and does not link out to other pages on the YouTube.com platform.

The anti-Article 13 position is clearly set out:

- Black banner
- List of videos from YouTubers mobilized against the text. (Contacted by the platform by phone and by email).
- Question 10 links to a petition against the proposed directive and is a call to political action: (<https://www.change.org/p/parlement-europeen-arrêtez-la-machine-de-censure-sauvez-l-internet>)



- Make a video about Article 13
- Tweet about Article 13 using the #SaveYourInternet hashtag
- Sign up to the change.org petition
- Redirect toward a graphic outlining « 6 myths about Article 13



— https://drive.google.com/file/d/1maUHFiy60EqLnNurN7wJLN_plm-BNDHq/view

Furthermore, YouTube brands the page with its logo, at the upper left of the page in question, which when clicked just redirects back to that same page.

Exhibit No.4

Page of videos created on YouTube hostile to the draft legislation



Exhibit No.5

Article « YouTube now runs pop-ups on videos that warn users of EU copyright proposal »



published in [theverge.com](https://www.theverge.com), dated November 20th, relaying YouTube lobbying means deployed against the Article 13 of the Copyright Directive.



“Save Your Internet” banners have also run on YouTube Creators’ official accounts



<https://twitter.com/ytcreators>

Exhibit No.6

Article «They told me the Internet was in danger»: How Google mobilized YouTubers against Article 13



published in [lefigaro.fr](https://www.lefigaro.fr), dated November 22th, 2018 and updated on December 18th, 2018, reporting on YouTube lobbying deployed against the Article 13 of the Copyright Directive.



- The #SaveYourInternet Social Tool Kit offers YouTubers a complete set of **templates** to support YouTube position on social medias (texts, overlays and watermarks).

YouTube Video Thumbnail Overlay
Custom Overlay

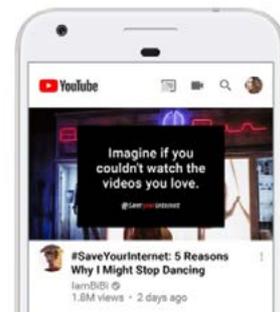
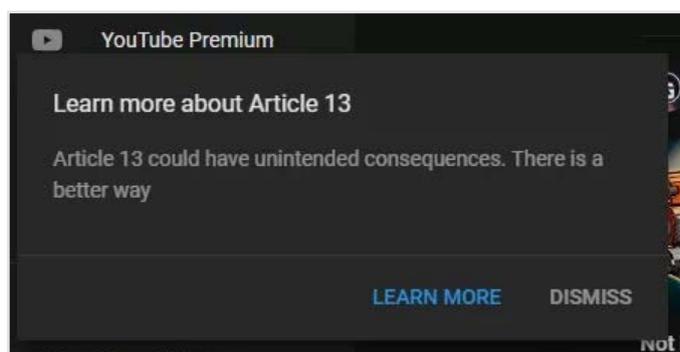


Exhibit No.7

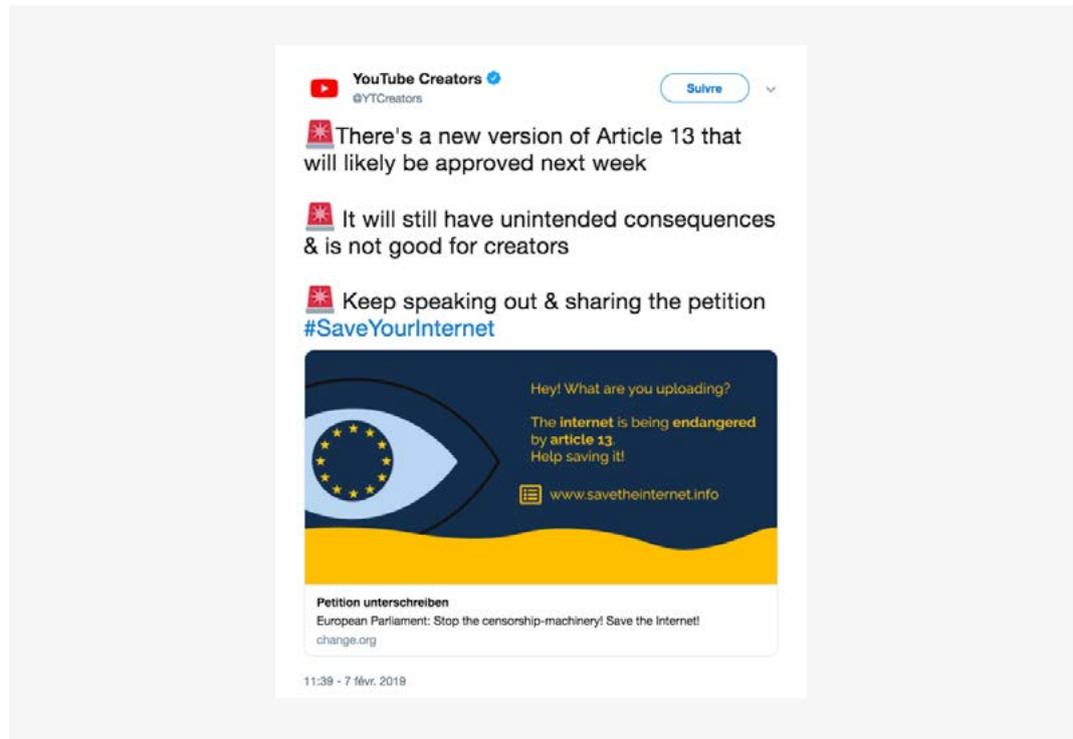
Alarmist anti-Article 13 push notifications and pop-ups have appeared on pages visited by many of your users



Article 13 pop-up that displays on YouTube videos.
Image: YouTube

- The #SaveYourInternet Social Tool Kit offers YouTubers a complete set of **templates** to support YouTube position on social medias (texts, overlays and watermarks).

YouTube Campaign on Twitter promoting the [Change.org](https://www.change.org/p/european-parliament-stop-the-censorship-machinery-save-the-internet) petition



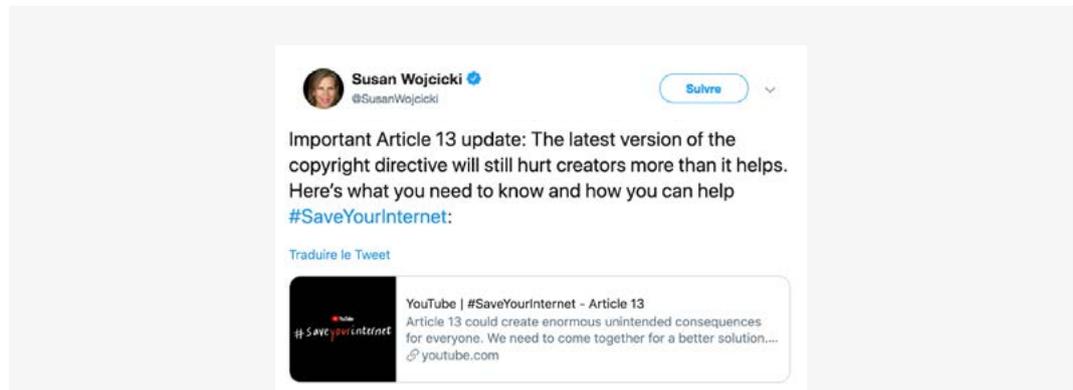
— @YTCreators



— @YouTube



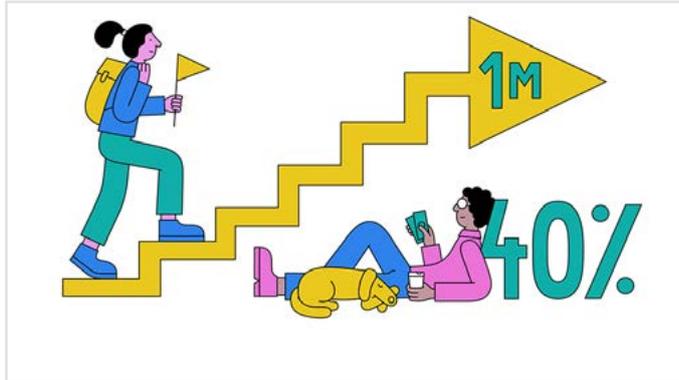
— @SusanWojcicki

A screenshot of a tweet from Susan Wojcicki (@SusanWojcicki). The tweet text reads: "Important Article 13 update: The latest version of the copyright directive will still hurt creators more than it helps. Here's what you need to know and how you can help #SaveYourInternet:". Below the text is a link to a YouTube video. The video thumbnail shows the text "# Save your internet" and the YouTube logo. The video title is "YouTube | #SaveYourInternet - Article 13" and the description is "Article 13 could create enormous unintended consequences for everyone. We need to come together for a better solution...". The video URL is "youtube.com". There is also a "Traduire le Tweet" link.

— @SusanWojcicki

Press articles

The YouTube CEO's letter



Illustrations by Martina Paukova

- YouTube in 2019: Looking back and moving forward
youtube-creators.googleblog.com

The article in the French business magazine Challenges about YouTube's lobbying campaign



AFP Photos/archives - Lionel Bonaventure

- L'incroyable campagne de lobbying de YouTube pour contourner le droit d'auteur
challenges.fr

About us

We are **EUROPE FOR CREATORS**. A gathering of professional organisations of writers, musicians, producers, comedians, films makers coming from all over Europe.... We represent some 12 million* jobs across the European cultural and creative sectors. We are people, not bots. And we are protesting against the false divide that has been put between citizens and us.

Join us in our fight to allow culture to flourish so that we can keep entertaining, enriching and inspiring you today... and in the future. Share this site to spread the word. Our moment is now. We will not get another.

* European Commission study – 2015 “Boosting the competitiveness of cultural and creative industries for growth and jobs”

Futher information

For further information, please contact:

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Partners

All over Europe, organisations are committed to this movement

