

To the Members of the EU Parliament

March 14th 2019

Dear Members of Parliament,

As administrators responsible for discussion forums, we would like to address you and express our concerns about the new EU directive and Article 13 in particular.

We are the operators and administrators of more than 400 German-language discussion forums with more than 18 million members. We are united by the great concern that the EU Copyright Directive will endanger the existence of our forums and thus the discussion culture on the Internet.

The public discussion on the EU Copyright Directive revolves almost exclusively around YouTube and other large US platforms. In doing so, we lose sight of the fact that discussion forums of all sizes will also be affected by the new directive.

In Europe, a landscape of hundreds of discussion forums has grown over the past 20 years, in which several million people exchange information and support each other on a wide variety of topics.

Forums are not only a digital home for their own members, but also an inexhaustible source of knowledge for the general public:

- Self-help groups e.g. on cancer, disability, addictions and nutrition
- Help with computer problems
- Hobbies like pets, cars, photography or fishing
- History and Politics
- Holiday & Travel
- Occupational groups such as hairdressers, paramedics, firefighters or technicians

We are already in charge for copyright enforcement

To be clear: It is our understanding that the rights of the creators are a high value, which we protect daily as administrators together with our volunteer moderators.

The Internet is referred sometimes as "legal vacuum" - we have to vehemently contradict that. Even now forum operators must obey many legal regulations and enforce them daily with their members.

Imprint, GDPR-compliant privacy policies and knowledge of competition law, personal rights and of course copyright are a matter of course. Above all, we and our moderators ensure that neither personal rights nor copyrights are violated in our communities by closely accompanying discussions and immediately punishing infringements.

The current "Take down on Notice" procedure already makes us liable if we don't remove violations within 24 hours after receiving a notification. During these 24 hours, we have to review content, legally evaluate it, communicate with those involved and, if necessary, delete the contributions.

This is our responsibility, which we consciously bear.

Article 13 will, however, make us directly liable for any violation generated by our members, which exposes us to massive liability risks with unforeseeable legal and financial consequences.

Forums are affected by Article 13

In interviews and in social media, it was repeatedly claimed that "online forums are not affected".

This is not the case:

- Forums meet the central definition in Article 2 (5): The main purpose is to upload, organize and promote protected works: text contributions and images posted by our members.
- No exceptions were granted for discussion boards in contrast to platforms like Wikipedia, GitHub, eBay or Dropbox.
- The remaining exceptions are so narrow that hardly any forum would benefit: Almost all forums are older than three years and therefore liable.
- Exceptions for small platforms included in the parliamentary version in September, were dropped during the trilogue negotiations.

In the discussion vague terms are mentioned, such as "proportionality" or interpretable formulations in the recitals to the directive. However, these are so vague that courts will have to determine how they are to be applied in practice in a few years' time and after several instances.

Until then, discussion forums will have to live with enormous legal and financial risks for years to come.

Consequences of Article 13 for discussion forums

Because of these uncertainties and the legal and financial liability risk, many discussion forums will close, as small associations or voluntary operators cannot bear this situation.

Commercial operators are also endangered in their existence if they have to conclude fee-based licenses and are obliged to install expensive upload filters.

Uncertain regulations for us means years of legal uncertainty, legal risk and potential legal costs, which no operator can afford in the long run as forums usually do not generate a large amount of revenue.

As a result, the discussion culture on the European Internet will be severely impaired, and many citizens will lose their digital home in discussion forums.

Consequences for Internet culture

If article 13 of the copyright directive is adopted in its present form, the culture of communication on the Internet will change fundamentally. Platforms such as YouTube, Instagram and Facebook will be able to respond with their technical and financial resources.

However, the existence of discussion forums as the digital home for many citizens is in severe danger.

Our urgent request: Reject Article 13.

Also on behalf of our 18 million members, we urge you not to agree to Article 13 of the EU Copyright Directive:

- We believe that article 13 is fundamentally the wrong way to strengthen authors' rights: authors will benefit only minimally, while the discussion culture on the Internet will be massively impaired.
- The technical infrastructure needed to filter protected content could easily be abused by authoritarian governments to silence unpopular voices.
- As forum operators we see the existence of our platforms threatened.
- As EU citizens we see the discussion culture and freedom of expression on the Internet at risk.

Andreas Jürgensen and first signatories
for the initiative „Forums Against Upload Filters“

First Signatories

Carsten Grentrup, Forumhome (Pferd.de and 72 more communities, 3.7 mio members)

Bianca Oertel (Motor-Talk.de, 2.6 mio members)

Lars Ihring (fotocommunity, 1.7 mio members)

Robert Kattner, OMCON24 (Uhrforum.de und 16 more communities, 1 mio members)

Rüdiger Hofner (DSLR-Forum, 486,520 members)

Stefan & Matthias Petri (PSD-Tutorials.de, 407,821 members)

Steffen Weber (ComputerBase, 370,643 members)

Torsten Franz (ubuntuusers.de, 149,954 members)

Michael Reimann (Apfeltalk, 144,000 members)

Andreas Jürgensen (Systemkamera, Leica and Fuji X Forum, 143,229 members)

Klaus Harms (Netzwerk Fotografie, 125,000 members)

Matthias Dietel (minecraft-server.eu Forum, 85,771 members)

Mario Siewert (Katzen-Forum.net, 85,537 Benutzer)

Dirk Wächter (DFORUM, 71,908 members)

Thomas Mosch (REHAKids.de, 62,604 members)

Thomas Wollert (radioforen.de, 38,333 members)

Patrick Böker (POLO9N.INFO-Forum, 29,409 members)

Jörg Hähnle, (Paules-PC-Forum.de, 28,554 members)

Markus Jung (Fernstudium-Infos.de, 25,720 members)

Daniel Felten (ElderScrollsPortal.de, 16,238 members)

Dr. Volker Huck (Sternzeit 107 / Oldtimer.tips, 13,420 members)

Nils Schulte am Hülse (Pick Up Tipps Forum, 11,856 members)

Marco Hoyer (LaserFreak.net Forum, 9,100 members)

Max Schmidt (GermanMinerDE, 9,076 members)

Roger Ressel (GS-WORLD Forum, 8,670 members)

David Lüdtko (LPmitKev Forum, 6,306 members)

Matthias Proske (ValueTech-Forum, 4,657 members)