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Article 13 ? An Existential Threat to Free Software

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Created 25/06/2018 - 8:29pm

Submitted by Roy Schestowitz on Monday 25th of June 2018 08:29:26 PM Filed under [OSS](#) [1] [Legal](#) [2]

The Electronic Frontier Foundation has published a letter from more than 70 leaders in the emerging meshed society (including me) which criticises Article 13 of the European Union's proposed new copyright regulations. This Article starts from the assumption that the only role of an individual is to consume copyrighted works and hence deduces that any act of publication on the part of an individual must be infringing the copyrights of a corporation unless proven otherwise. The text doesn't state things that clearly, but the effect is unmistakable. It's as if a politician was proposing to ban syringes because addicts use them, without considering that hospitals do too.

The regulations go on to use the power of 'safe harbour' ? an increasingly popular legislative device that grants delay

or immunity from prosecution as a party to an offence to a company if it can demonstrate it has taken specified actions. For example, it's 'safe harbour' that induces YouTube to take down your videos when a copyright holder asserts the bird song in the background is in fact a song they published. Getting that video re-posted involves you, an individual, taking on terrifying potential liability in the event the copyright holder litigates so YouTube can be absolved of it.

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[1] <http://www.tuxmachines.org/taxonomy/term/72>

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