

## **What we want this information for**

**Purpose of the information:** We are requesting this information because as user rights representatives we lack empirical evidence on the size and scope of the effect that (automated) rights management systems have on the freedom of expression and other rights of platform users. Article 17(10) requires the outcome of the stakeholder dialogue to take special account “of the need to balance fundamental rights and of the use of exceptions and limitations”. In order to have an informed discussion at the upcoming meeting of the stakeholder dialogue that focuses on these issues user organisations require empirical evidence.

Specifically we are interested in understanding how widespread automated blocking/take down is on major platforms, in how far users contest such decisions, and in understanding (in aggregate) the outcome of such disputes. Given the different priorities of different types of rightholders that have emerged during the previous meetings of the stakeholder dialogue we are also interested in understanding if these practices result in measurable differences between the exercise of rights in musical works and that of rights in AV works.

**Use of the information:** We are requesting this information in line with the provision laid down in Article 17(10) of the directive and intend to use it solely in the context of the stakeholder dialogue. We will not use the information provided outside the stakeholder dialogue and do not have any intention to do so.

Brussels, 07 January 2020

## **Request for information by users’ rights organisation participating in the stakeholder dialogue on the application of Article 17 of the Directive on Copyright in the Digital Single Market.**

According to Article 17(10) of the CDSM directive, which provides the basis for the ongoing stakeholder dialogue “users' organisations shall have access to adequate information from online content-sharing service providers on the functioning of their practices with regard to paragraph 4.”

After 4 meetings of the stakeholder dialogue we have come to the conclusion that quantitative information that allows us to understand the scope of the use of automated content recognition tools is lacking.

In line with the provision in Article 17(10) we are therefore asking the Commission to request OCCSPs to make the following information relating to the functioning of currently deployed content rights management systems and procedures available to us and all other participants in the stakeholder dialogue.

## **1. Questions on rights management systems (Content ID, Facebook Rights Manager, and similar “detection and action” systems):**

**1.1** Percentage of pieces of user uploaded content on your platform that is identified as containing material claimed by 3rd party rightholders and where the rightholders request to block or disable access. (note: “claiming” is used to mean registering a reference file in a rights management system to establish a claim of rights ownership)

- total
- claims relating to audio
- claims relating to video
- claims relating to both
- claims relating to other types of content

**1.2** Percentage of all claims to block or disable that are contested by uploaders?

- total
- claims relating to audio
- claims relating to video
- claims relating to both
- claims relating to other types of content

**1.3** Percentage of all contested claims where the rightholder upholds the claim (once or more)?

- total
- claims relating to audio
- claims relating to video
- claims relating to both
- claims relating to other types of content

**1.4** Percentage of all contested claims where the rightholders releases the claim (eventually)?

- total
- claims relating to audio
- claims relating to video
- claims relating to both
- claims relating to other types of content

**1.5** Percentage of all contested claims that result in a Notice (under legal Notice and Takedown regime)?

- total
- claims relating to audio
- claims relating to video

- claims relating to both
- claims relating to other types of content

## **2. Questions on Notice and Takedown procedures (Notices served outside of rights management systems)**

**2.1** Percentage of pieces of user uploaded content on your platform for which the platform receives Notice and Takedown requests under applicable legal frameworks?

- total notices
- notices relating to audio
- notices relating to video
- notices relating to both
- notices relating to other types of content

**2.2** Percentage of all notices that are contested by the uploaders under applicable legal frameworks?

- total notices
- notices relating to audio
- notices relating to video
- notices relating to both
- notices relating to other types of content

**2.3** Percentage of all contested notices that are resolved in favor of the claimant

- total notices
- notices relating to audio
- notices relating to video
- notices relating to both
- notices relating to other types of content

**2.4** Percentage of all contested notices that are resolved in favor of the uploader

- total notices
- notices relating to audio
- notices relating to video
- notices relating to both
- notices relating to other types of content

## **3. Other questions:**

**3.1** Does your platform have any minimum thresholds in place that apply to any form of automated blocking/removal?

- Yes
- No

- If yes: please describe the thresholds and to what type of content they apply to.

**3.2** Does your platform whitelist uploads, e.g. by ‘trusted uploaders’?

- Yes
- No
- If yes: what are the criteria for getting uploaders whitelisted?

**3.3** Does your platform blacklist uploads, e.g. by ‘offender uploaders’?

- Yes
- No
- If yes: what are the criteria for getting uploaders blacklisted?

**3.4** Do you submit takedown-notice and counter-notice procedures as well as staydowns and other actions following from detection filters to external databases like Lumen?

**3.5** What percentage of ownership claims of works in notice-and-takedown or automated detection-and-action procedures have been found to be false?

**3.6** How do you organize the human review of claims and counter-claims? How many staff are working on review - inhouse and/or outsourced? How are they qualified?

**3.7** Percentage of copyright-based content decisions (detection & action, notice & action) that is executed fully automatically vs. content decisions that might have been flagged algorithmically but are ultimately taken by human review?