

Out of scope

**From:** "[REDACTED]" <[REDACTED]>  
**To:** "[REDACTED] (CNECT)" <[REDACTED]>  
**Subject:** Thank you for the meeting

Protection of  
personal data  
Article 4(1)(b)

Dear Mr [REDACTED],

It was a pleasure to meet you and your team yesterday – I really appreciated a possibility for an open discussion (and again apologies for making you miss your next meeting!). I am following up with our position paper attached and also link to our [IP video](#).

I also wanted to send you our presentation on Rights Manager that explains the process of enrolling and usage of the tool. Please don't hesitate to contact me if you have any questions. We also would be happy to follow up with more in depth conversation when our IP team colleagues (directly involved in working with rights owners) will be visiting Brussels next time.

I look forward to seeing you again after the summer break.

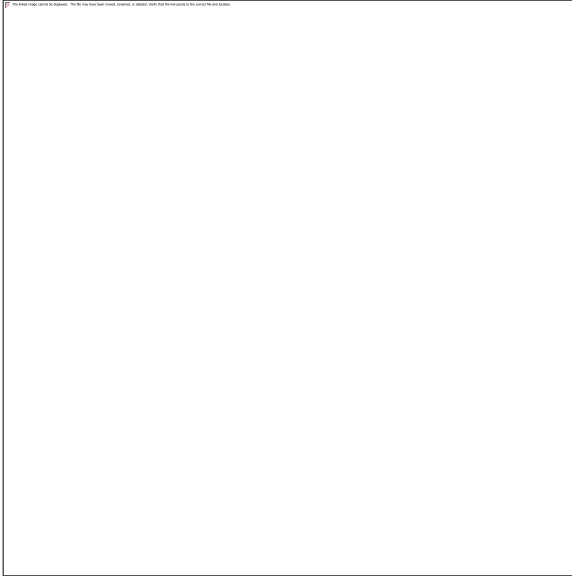
Best regards,

[REDACTED]

[REDACTED] | Policy Manager  
[REDACTED] | Brussels  
[REDACTED] | [REDACTED]

Protection of  
personal data

Article 4(1)(b)



### **Facebook's approach to IP**

Facebook takes intellectual property rights very seriously and has developed numerous measures to help rights owners protect their content. We believe these measures are important for rights owners, users, and Facebook itself, as we want to foster an online ecosystem that encourages the sharing of lawful content. We also recognize that rights owners are key partners of ours, including by creating some of the most engaging content on our platform. These partnerships have fostered many creative solutions for rights owners and Facebook, such as our Instant Articles feature that enables publishers' articles to load for users in a faster and richer format.

Facebook's measures aimed at copyright protection begin with our Statement of Rights and Responsibilities as well as our Community Standards, which explicitly prohibit users from posting content that infringes third parties' intellectual property rights. In addition, Facebook allows rights owners to report content to Facebook through various means, including via our online reporting forms as well as by more traditional means including email, fax, and letter. Our online reporting forms can be found in our Intellectual Property Help Center ([https://www.facebook.com/help/intellectual\\_property](https://www.facebook.com/help/intellectual_property)), which also contains detailed information relating to copyright and trademark issues.

Facebook maintains a global notice-and-takedown team that promptly removes content in response to valid reports of alleged infringement. This team provides around-the-clock coverage in a variety of languages, including English, French, Spanish, Italian, and others. In addition to removing reported content, we also disable the accounts of repeat infringers in appropriate circumstances. This includes removing users' profiles, disabling Pages and groups, and other actions as warranted. Beyond these steps, Facebook also employs numerous other teams working on issues such as spam and hacked accounts, which can also be associated with intellectual property infringement, and those teams take numerous actions to prevent violations of these types.

Facebook has implemented numerous additional measures that go well beyond the notice-and-takedown regime discussed above. Many of these features are based on direct feedback from rights owners, and this cooperation has resulted in numerous improvements and enhancements to Facebook's anti-infringement policies and practices over the years. Some of these are necessarily confidential, but one that has been widely discussed is Facebook's copyright management tool, Rights Manger. This tool, first announced in August 2015, supplements Facebook's other anti-infringement measures (including Audible Magic) and is intended for rights owners whose video content may be particularly susceptible to infringement. In its current form, the tool flags uploaded videos that match the rights owners' content and allows those rights owners to very quickly and efficiently report the videos to Facebook for removal.

### **Concerns with copyright proposal as drafted**

#### **1) Weakens intermediary liability protections for online services.**

- The recitals in the copyright proposal suggest an expansive “active” service provider exception to the E-Commerce Directive safe harbors for online intermediaries, by

including as “active” actions that would arguably sweep in most modern service providers (recital 38: “including by optimizing the presentation of the uploaded works or subject matter or promoting them, irrespective of the nature of the means used therefor”).

- This exception to the safe harbor would potentially swallow the rule, and render the safe harbor near meaningless by greatly expanding uncertainty and litigation over the direct liability of online services.

## **2) Mandatory filtering and blocking.**

- Language in the copyright proposal indicates that online services should be required to implement content recognition technology (in the absence of licenses). Any mandated filtering/blocking will almost certainly lead to litigation and uncertainty regarding the efficacy of such efforts. More importantly, any effort to legislate efficacy or specific requirements will likely be ineffective, as service providers need flexibility to adapt to constantly changing threats.
- As drafted, the proposal's language extends beyond audiovisual works to cover all copyrighted works, including photos and text. While mandating filtering/blocking for AV works presents all the problems above, expanding such blocking/filtering requirements to photos and text is concerning and may be technically infeasible. With respect to text, it may be legally impossible as well — e.g., how do you build a filter that will always accurately block certain words as a copyright infringement, and what are the implications on censorship and freedom of expression in Europe?
- If a content filtering/blocking directive is passed, Member States will likely disagree about how to implement that directive, increasing the possibility of counter-productive and inconsistent mandates. Combined with the weakening of the intermediary liability safe harbors noted above, these provisions would impose substantial new liability on online services operating in the EU.
- The mandatory filtering/blocking proposal is inconsistent with the existing prohibition in the E-Commerce Directive against imposing filtering requirements on online service providers (in Article 15 of the Directive).

## **3) New neighboring right for publishers.**

- The proposal to create a new neighboring right for “publishers of press publications” in respect of “digital use[s]” raises numerous questions to be considered:
  - Does the neighboring rights proposal intend to capture hyperlinking?
  - Does the proposal intend to cover snippets?
  - If the proposal covers snippets, what constitutes a snippet? How much text, for example?
  - Would a link to a press publication posted on Facebook by a Facebook user fall within the proposal?
  - What evidence demonstrates that online platforms providing hyperlinks have harmed the publishing industry?
  - If the publishing industry has been harmed, should IP law be used to address that harm?

*Additional areas of the copyright proposal requiring clarification*

- Does the copyright proposal intend to re-open the E-Commerce Directive?
- If not, how can the text propose a new, expansive, “active” exception to the E-Commerce Directive (which would in practice call into question safe-harbor protection for most modern service providers), without reopening the E-Commerce Directive? And would this new active exception apply beyond copyright law?
- What is the threshold for a “*large amounts of works*” (for purposes of the filtering requirement)? How will that be measured?
- How is the effort to tie the filtering requirement to “large amounts of works” consistent with broader policy goals of facilitating rapid growth of European platforms?
- Are the mandatory filtering/blocking provisions meant to apply to photos? Text?
- Would the filtering/blocking obligations need to be harmonized across the 28 Member States? Across different types of copyrights?
- Should IP law be used to change contractual relationships between parties who enter those contracts freely?



# Rights Manager

Overview



# What is it?

## **RIGHTS MANAGER**

Rights Manager is a set of tools that helps you manage and protect your copyrighted content on Facebook at scale.

There are four steps to using Rights Manager:

1. Establish reference library
2. Establish match rules (actions and conditions)
3. Review matches and report potentially infringing content
4. Whitelist Pages and Profiles that have the right to use content

Apply at [www.rightsmanager.fb.com](https://www.rightsmanager.fb.com)

Escalate application through your Facebook PoC

# 1. Establish Reference Library

Use Rights Manager to establish a reference library of live and VOD video content, as well as audio files. Reference files need not be published on Facebook to be monitored.

**Live: Upload live reference streams to protect live events as they're happening**

- Available via API and publisher tools

**Video files: Upload video files to protect video and/or related audio**

- Available via API, publisher tools and video library

Reference files can be sorted by a number of criteria within the Reference Library.



## 2. Establish Automated Match Rules

Create match rules to specify what to do with potential matches. Match rules dictate automatic actions on content, making it easier to manage new matches.

### Actions:

- **Allow:** Automatically allows detected matches to remain posted

### Conditions:

- *By country:* Choose whether to match based on location
- *Content type:* Match video only, audio only, or video and audio
- *Match length:* Choose whether to match based on the duration of the match
- *Publisher type:* Choose to match based on whether content was posted by a Page or a person

# Apply Match Rules Globally

In Page Settings, go to Rights Manager to establish global ownership settings for new uploads: default, or custom settings.

## Upload Settings

Select custom ownership settings to apply when uploading your video posts and reference files.

☐ Default Settings

Ownership: Video only, Worldwide. Match Rule: Show all matches. Auto-monitoring: Off.

☒ Custom Settings

Specify Ownership ⓘ

Video Only ▼

☐ Worldwide

☒ By Country

Choose countries


Apply Match Rule ⓘ

Show all matches ⇅

### 3. Manually View and Report Matches


Compare matches to reference content, and choose actions.

**Match Comparison** ×

**[FB Test Page] Move Fast and Test Metrics**  
Oct 25, 2016 · [View Post](#)


13 of 98 ◀ ▶ **Actions** ▼

**Status:** New Match  
**Match Rule:** Show all matches



**0:11** / 0:11 matches (98%)  
**7** Views  
**505** Follow this Page

**Your Video** (1 of 1)  
11111111111111



0:11 98%

**Notes** Write an explanation about the action you are choosing to take with this video. This will only be visible to admins of the page. (Optional) 0 / 200



# View and Report Matches

**Add to takedown report:** Adds matched content to takedown report for submission to Facebook IP Ops for processing. After adding Matches to Takedown Report, you must “Send Takedown Report” to submit.

**Allow:** Allow match to remain posted and visible on Facebook.

**Mark as Unseen:** Maintain “unseen” status of match so it is marked for later review by rights holder.

**Content Doesn’t Match:** Register that content was not a match and shouldn’t have been shown on the rights holder’s dashboard. Reporting mismatches helps train our system.

**Remove from Dashboard:** Remove match from being displayed on dashboard

Users can also export Match and Reference File data to spreadsheets. Matches can be sorted by a number of criteria within the Matches tab.

# Send Takedown Report


Mark matches to report for takedown  
and submit to Facebook IP Ops for processing.

- Up to 150 matches per report
- Reports must be electronically signed
- Can use internal email address (ex. [copyright@xyzco.com](mailto:copyright@xyzco.com))

Protection of commercial interest(s)

Send Takedown Report

You Are Reporting 1 Videos for Copyright Infringement



Your Contact Information

Please provide your contact information below.

(Note that we regularly provide your contact information, including your name and email address, the name of the organization or client who owns the right in question, and/or the contents of your report to the person that posted the content you are reporting.)

Your Name

First name and last name

Phone number

Email

Confirm Email

Please provide a valid email address that can be used to contact you. This may be a professional or business email address. Keep in mind the reported party may use this email to contact you.

Your Organization's Contact Information

Your organization or client

If applicable

Name of the rights owner

This may be your full name or the name of the organization or client for whom you are the authorized representative.

Mailing address

Where is the rights owner based?

Enter the country

☐ Save Organization Contact Information in [Page Settings >](#)  
[Rights Manager](#)

Declaration

By submitting this notice, you state: that you have a good-faith belief that the reported use described above, in the manner you have complained of, is not authorized by the intellectual property rights owner, its agent, or the law; that the information contained in this notice is accurate; and, under penalty of perjury, that you are authorized to act on behalf of the owner of the intellectual property rights at issue.

Do you agree

☐ Yes  
☒ No

Electronic signature

Your electronic signature should match your full name

Cancel

Send Takedown Report



# Whitelist Pages

Rights holders can choose which Pages and/or Profiles to whitelist for use of reference content.

Whitelist Pages/Profiles on the asset level.

Edit Reference File

Reference video 7

RightsPermissions

Allow Pages and p  
contain your copy

Allow these Pages and people to upload videos that  
contain this reference file.

Grant Permissions ⓘ

Add Page or Person

Delete

Cancel

Save



# Whitelist Pages

Whitelist Pages/Profiles for all assets

## Always Allow

Always allow these Pages and people to upload videos containing your reference files.

Add Page

Add Person

# Q&A



# Thank you

**facebook**