

See below minutes prepared following our meeting with Facebook.

FB: [REDACTED] (Policy Manager) Protection of personal data Article 4(1)(b)  
COM: [REDACTED] ([REDACTED]), [REDACTED]

FB presented the tools it uses/makes available to rightholders to protect their content – apart from the general notification possibility for content present on the platform, FB developed *Rights Manager* which is a tool used in addition to the services of Audible Magic. *Rights Manager* is still in testing mode and will be deployed to a broader group of rightholders in the autumn.

Regarding the copyright reform, FB's main concern is Article 13 (and Recital 38) of the Copyright Directive. FB's indicated that their goal is to work together/negotiate with rightholders and not prevent them from being remunerated. They uphold the goal of the legislation but believe that the balance in the negotiations will be in favour of rightholders as a result of the new rules. The obligation of measures cannot solve all the issues, and

Protection of commercial interests  
Article 4(2)

. FB fears that the legislative provisions will be a pretext for many litigations. For small companies, the obligation of measures will lead to high entry barriers. They also expressed concerns on the potential to fall out of the safe harbour and the high risk of liability.

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█ explained the COM's aim and described Article 13 as an obligation that will be subject to the cooperation between the parties. As to liability issues, █ explained that Article 13 does not interfere with this question and reiterated that the Com's intention is not to affect the e-commerce Directive. He also mentioned the legal uncertainty on the concept of communication to the public and some recent case law developments ("Pirate Bay").

On press publishers' rights FB clarified that they have an interest in respecting copyright and driving traffic to publishers (as publishers also drive traffic to FB). They see them as partners. FB explained the positive experience of Instant Articles for press publishers. FB also thinks that the hyperlinking discussion is not so relevant, as hyperlinks as such are not interesting without the snippet. FB fears that publishers are not clear whether existing contracts with them will have to be renegotiated if the Directive is adopted as it is now (not-common position of publishers).

A more technical discussion followed about the functioning of Instant Articles and the use of FB buttons and widgets (FB explained that press publishers can certainly use FB widgets without FB's help, but big publishers usually contact FB to agree on the use). FB also explained the challenges related to the lack of an automated tool to recognise written content in order to remove it.

Finally, FB expressed their concerns about some MEPs making a link between Article 11 and the discussions on fake news.