



EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Media Policy
Copyright

Brussels,

Subject: BTO - I2 and Facebook on copyright - April 15th, 2015

Participants:

For Facebook (FB) [redacted], [redacted], CA office; [redacted], [redacted], WDC office; [redacted], [redacted] BXL office; [redacted], [redacted] BXL office

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

For the Commission: [redacted] (F5), [redacted], [redacted] and [redacted]

Main points discussed during the meeting:

-FB's policy in terms of IP protection and liability of intermediaries: Contents industries are seen as essential "business partners" of FB without whom it would be impossible to detect illegal content. There are 50 people working worldwide on notices and take down requests. Every content uploaded by users is filtered through Audible magic software before actual upload. FB makes available a search tool to content owners that can be used on request, so that they can search their brands in the advertising network published on Facebook, and report to Facebook advertisements for infringing goods. The reports are then handed over to FB's investigation team [redacted] before it can decide to take more concrete measures. The measures taken are kept at the level that would allow them to keep their status as a hosting provider.

Protection of
commercial
interests
Article 4(2)

-Duty of care: FB concerned about a possible change in the liability for intermediaries under DSM. They stressed the need to distinguish IPR infringing content from other types of illegal content such as child pornography or hatred speech. Obligations for service providers cannot be the same because IPR infringing contents are not obvious illegal contents: cooperation with rights holders is necessary to assess whether a particular content is infringing or not. (More generally, FB considers that there cannot be a unilateral approach when considering what should cover the duty of care).

-Ancillary right for publishers: FB is not favourable to legislations creating such ancillary right.