

Frankfurter Allgemeine

ZEITUNG FÜR DEUTSCHLAND

Special publication of Frankfurter Allgemeine Zeitung from August 18, 2018

Anatomy of a political hack

The European Parliament will adopt a new Directive on Internet copyrights in September of this year. Parliamentarians are being bombarded with emails and calls from allegedly concerned citizens. But the truth is another story. By Volker Rieck

The New Testament is filled with accounts of miracles attributed to Jesus Christ. One of those refers to the miraculous multiplication of the loaves. According to the account, Jesus is to have multiplied seven loaves and small fish to feed a multitude. In more recent events, a similar miraculous multiplication took place during the debate on the EU Copyright Directive at the end of June of this year. Unlike in the New Testament, neither bread nor fish were multiplied in this case, but protest was – or rather, something that was made to look like protest.

In September 2016, EU Commissioner Günther Oettinger proposed a Directive on copyrights for the digital single market. Time passed, and Oettinger would soon no longer oversee the digital economy portfolio. Still, everything took its routine bureaucratic course right until the Directive was to be voted on by the European Parliament's legal committee.

Prior to the vote, the customary rule was that voiced by the former leader of the German SPD party, Peter Struck, according to which no single law leaves Parliament in the same way it entered. There were numerous amendments and supplements which the rapporteur, Axel Voss (CDU/EVP) was asked to negotiate.

At a very early stage, the sole delegate of the German *Die Piraten* party, Julia Reda, opposed the proposals. She greatly distorted and simplified the matter in her campaign. Combining words to create the term Link Tax which Reda used to combat Article 11 of the Directive and believing that there is a tax (the collection of which is known to be the job of fiscal authorities) on

hyperlinking texts, is involuntarily hilarious.

Using the combat term Upload Filter to fight Article 13 of the Directive was not much better. Although there is absolutely no mention of upload filters in the submission, the term lends itself to fan fear. Julia Reda did in fact manage to make some of her proponents believe that in future, everything online will be filtered if the copyright directive was to be adopted as such, and memes – yes, our beloved memes – would all be prohibited.

It is of only minor importance that the Directive in fact targets something completely different. It stipulates that platforms (and platforms only) would be expected to enter into license agreements for User Uploaded Content, meaning they would have to sign licence agreements with the individual rights holders, or copyright collectives.

In this case, the platform would be the one handling licences and consumers would be completely left out. The platform would have been asked to comply with transparency requirements which aim to make licencing more relatable and would have been required to forward any royalties to the respective rights holder. If a platform did not want to sign such a licence agreement, it would, according to the EU Directive, at least be responsible for keeping its own shop clean. Just how the platform performs this is for the platform to decide. However, it would have to prevent any copyright infringements.

So far, so brief on the meaning of Article 13 of the EU Copyright Directive. To thoroughly read the content of the latest version of the proposed Directive and grasp its in-

attention was, it seems, too much to ask for from many of those who had spoken out. Starting with the Parties' online associations, to Sascha Lobo who wrote of *censoring machines in Spiegel* magazine. If only they had simply taken the time to read what they publicly decried! They might have noticed that, when on a platform which has not licenced its content, a user has far-reaching rights for the first time, including mediation in the event of being blocked. Right here it should have been clear that the term *censoring* is a poor choice, to say the least. Maybe it was simply too complicated to acquire and comprehend the latest version of the paper?

But let us talk about platforms, since it is they that are affected by this – and one of its most successful ones, YouTube. Those are the only platforms the directive refers to – not to start-ups, not to selling platforms or open-source platforms.

For years, YouTube has been using a Content ID system. This system enables a rights holder who has uploaded their work onto the platform to determine what is to happen to their work if used. Options include, for example monetisation – such as when a consumer uploads a music video and the rights holder receives a share from the proceeds every time the clip generates income from advertising – or even the blocking of videos. The goal is specifically to prevent third parties from making money from such work without authorisation.

And it gets even better: YouTube has developed a Copyright Match system for its channel providers which is up and running by now. As something of a light Content ID version, it is to help YouTubers in particu-

lar to protect themselves against uploads of identical videos. The first uploader automatically receives a message and may decide what is to happen with duplicates, which can even be blocked.

Does anybody consider branding these options as censoring? Obviously not, because so far, there have been no protests against Content ID and Copyright Match, and neither has there been a public outcry against YouTube's *censoring machinery*. Julia Reda, Sascha Lobo or even LeFloidd, a YouTuber who also expressed outrage, have to this day neither deleted nor blacked-out their YouTube channels to protest these upload filters.

Protest is the next cue. There was one against the Directive and it took place in Berlin on 24th June. Unfortunately, it rained on that day, otherwise one could have added the throngs of tourists that tend to flock to Brandenburg Gate to the turnout.

Instead, roughly one hundred fifty people turned up. An earlier protest against the media's ancillary copyrights recorded equally low attendance figures, with press photographers presumably outnumbering activists.

Campaigns like these suffer from the Internet's 90/9/1 rule, no matter how encompassing the alliance calling the protest is: ninety percent of consumers surf the net passively; nine percent click the Like button every now and then; and only one percent is actively involved and uploads content online.

But that does not mean that the opponents' resources were completely dried up. What followed was the hour of the bots, those automatically-generated mails, or auto-dialled calls and thus the miraculous multiplication of protest or what one was to consider protest. During the week preceding the vote, the mailboxes of EU delegates were flooded with auto-generated emails. Some EU delegates reported approximately 60,000 emails that reached them. In total, six million emails are to have been sent to EU delegates in this manner. Now put this in relation to the few protestors in Berlin.

Almost all emails were of the same content, preformulated, preformatted, and quite a few were sent multiple times from the same sender. As they say: volume matters. The sender's domain that was frequently used was *opendata.eu*. The page itself does not have any content. Registered by an English company which is majority-owned by an American company, it makes money trading in domain names and services. None of this has anything to do with civil rights groups. Was it ultimately too precarious to be made responsible for

such bombardment? Matters were similar on Twitter, where accounts were also spammed, often with threats.

What had happened? Pages like, for example, *saveyourinternet.eu* provided tools to create email carpet bombs. The page is supported by a number of Internet lobbyists, like the Electronic Frontier Foundation, or EFF.

And who is behind *saveyourinternet.eu* you ask? The campaign was created by Copyright for Creativity (C4C) and their N-Square office. C4C counts 42 members and, according to its own statements, is financed mainly by the Open Society Foundation (of George Soros) and the Computer & Communications Industry Organization. Members of this US industry association include, for example, Amazon, Cloudflare, Facebook, Mozilla, Google or Uber.

To execute the campaign, N-Square (a lobbying activist of KDC Group which works also for Google) hyperlinks to various campaign pages. It is very unclear who is behind this as only half of the partner and tool pages involved in the *saveyourinternet.eu* campaign feature an imprint. Not even *saveyourinternet.eu* has an imprint, only hyperlinks. The ECommerce Directive stipulating that it is mandatory to publicise an imprint, is simply ignored.

Only a Who-Is search indicates that *saveyourinternet.eu* was registered by C4C. The C4C, KDC Group, N-Square conglomerate has registered further websites that played a role in this hack: *fixcopyright.eu* and *voxscentia.eu*. Neither page discloses who created them. Again, a Who-Is search is the only way to find out that once again, they are part of the KDC Group.

A further analysis of the traffic on *saveyourinternet.eu* is highly enlightening.

Most visitors recorded by the end of June came from Poland. This might be explained by Polish sites with banners advertising the campaign. These banners were booked via the dubious English/Russian ad network, Propellerads. According to an investigation by UK-based Incopro in 2015, Propellerads is the number two ad network that finances piracy pages through advertising. Illegal pages that commercially infringe copyrights routinely employ Propellerads for their advertising content. Even visitors from the United States who came in fourth on the visitors' charts of *saveyourinternet.eu* were able to contact EU delegates using those tools.

The American blogger David Lowery describes in his blog that goes by the name of *TheTrichordist* how he himself was able to place a phone call with an EU delegate in the United Kingdom. As several EU dele-

gates told us, they received anywhere between 50,000 and 70,000 emails.

If we assume that the full toolkit (best value) was ordered from New/Mode for 50,000 emails plus an add-on of 25,000 emails, the entire DDoS attack cost a mere US\$ 549, or € 470. That amounts to only € 0.60 per delegate. Always assuming that a single click attacks multiple EU delegates at the same time with emails.

Wikipedia also joined the campaign. The Directive is completely irrelevant to Wikipedia, and so it invoked an attack on the free Internet, which Wikipedia considers to be part of. Imagine the German Motor Transport Authority ordering a recall of certain Volkswagen models and BMW drivers protesting the attack on motorists. The close connection between Julia Reda's office manager, Mathias Schindler with his former employer – he was a project manager at Wikipedia until 2014 – was surely beneficial to the campaign.

And even Mozilla joined in. Newsletter subscribers were asked to contact EU delegates. A *Call Now* button was included a total four times in the newsletter. It goes without saying that the call was free of charge. An organisation that received over US\$ 500 million in royalties in 2016 for including search engines in its Firefox browser can easily afford that.

EU delegates reported that callers made use of a conversation guideline. This means that pre-formulated strings of text were used here, too. Callers had little to say in response to questions asked, or counterarguments presented. Here and there, the odd death threat was expressed against a parliamentarian.

The mail, Twitter and telephone terror had its consequences. Many EU delegates did not attend the vote, possibly because they took the death threats seriously, and those initially in favour now voted against the Directive as they may have considered the protest to be real.

What do the events mean for political processes? It is any citizen's good right to share their personal concerns, reservations and troubles with their delegate. In this case, however, this right is pushed to the absurd. Any independently formulated message was hopelessly drowned out by the deluge of auto-generated mails. And that was the very goal of the campaign. To silence other voices and to simulate a huge protest. Just like the Bible says: miraculous multiplication. Only that here, it was not a miracle but technology, or DDoS, to be precise.

So will he or she be the winner in the future who has the better technology but

not the better argument? If that is the case, minorities will have a hard time being heard, let alone partake in the shaping of political opinion unless they can afford the respective technology. But even then, weighing the arguments must account for something, not the number of pre-formatted spam messages, threats or pre-created phone calls.

Ultimately, US-based Internet companies have financed major parts of campaigns in Europe to influence EU policy. The campaign is to look like a grassroots movement to the outside but is artificial lawn at best, designed to simulate a big movement.

Since the ID of participants is not checked and moreover, this campaign is actively marketed outside of the EU, it remains totally unclear to which extent third-country nationals and/or bots were involved in creating automated or semi-automated messages against Article 11 and 13

of the EU Copyright Directive. The campaign relies on dubious advertising marketers and many of the parties involved do not in the least meet the minimum imprint requirements, thereby breaching the General Data Protection Regulation. Possibly because this perfectly diffuses the responsibility and is to make it difficult to find out who is indeed behind the campaign.

This campaign was consequently designed and carried out to create confusion about its sources, its supporters and modalities and to prevent a clear understanding of the true nature of the campaign.

It is high time for the EU to analyse the events in detail and to create measures to avoid any future political hacks like these. Shitstorm-style governance cannot be in the interest of democratically-elected administrations, least of all its voters. The EU must figure out how to respond to those secretive attacks on the democratic institutions of the EU and how it can secure that

those lobby-driven attacks do not jeopardise its ability to work with fairness to the benefit of EU citizens and their interests. There is every reason to assume that the same parties will apply similar, if not identical tactics until the final vote on the Directive in September. Steps must therefore be taken now to prevent any manipulation of our political processes by foreign, non-human protagonists.

Volker Rieck is the managing director at FDS File Defense Service, which routinely advocates the protection of works and copyrights on the Internet and is a contributing author to the Webschauder.de blog.

Translation by Schleicher Sprachservice

© All rights reserved. Frankfurter Allgemeine Zeitung GmbH, Frankfurt. Provided by Frankfurter Allgemeine Archiv. www.fazrechte.de/sonderdrucke.htm.