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Copyright Information & Anti-Piracy Centre

The Digital Services Act Commission's proposal

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Commission's proposal

- The Finnish Parliament is currently handling the proposal for Finland's position, issued on February 4th. Committee of Transport and Communications has been requested to issue a statement.
- The proposal ("Statsrådets U-skrivelse 2/2021 rd") can be read here:
https://www.eduskunta.fi/SV/vaski/Kirjelma/Sidor/U_2+2021.aspx
- No final political position yet
- Copyright holders have identified certain points where DSA needs to be improved in order to offer a meaningful tool to fight illegal sites and services and to close existing loopholes. This opportunity should not be missed!



Know Your Business Customer (KYBC)

- Current scope of the KYBC provision (art 22) is too narrow. KYBC should cover all digital services, especially online intermediaries (e.g. domain, hosting, payments, ads) =>

KYBC should apply to intermediary services that also illegal operators need; this would automatically reduce illegal content online in a minimally burdensome way:

- eCommerce art 5: businesses already have to identify themselves on their websites
 - intermediary services are best placed to verify that identification rules are followed
 - minimal burdens on legitimate businesses, zero burden on consumers
 - easy to implement with minimal administrative burden (already existing registers)
 - clear benefits for consumers, public authorities and other businesses
- Only when the providers of digital services can be identified and contacted when needed, internet becomes safer, trustworthy and more open digital space to all of us
- Read more: <https://www.kybc.eu/>



Some other points

- Order to provide information (art 9): it should be clarified that "*information*" includes email addresses, telephone numbers, IP addresses and other necessary contact details (loophole created by the case C-264/19: "*address*" under art 8.2 IPRED covers only postal address!)
 - Notice & Action (art 14):
 - should be technologically neutral (URL requirement outdated)
 - hosting services should ensure that the same content does not reappear immediately
 - Trusted Flaggers (art 19):
 - should be applied to all hosting services (e.g. cyberlockers)
 - should be available to any entity with demonstrated expertise and accuracy
 - Repeat Infringers (art 20):
 - a serious problem that needs to be addressed properly; proposed scope too narrow
 - should apply to all providers of hosting services, including cyberlockers and platforms
- + Cross-border enforcement tools - e.g. injunction / blocking order - needed!





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Thank You!

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