

## False Flag

**Article by Cory Doctorow**

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The proposed copyright directive of the EU has been designed to protect traditional publishers and their revenues from large internet platforms. But the implications of the reform go far beyond business models or advertising revenues. In handing over the control of information to untested technology owned by internet giants, legislators open the door to the corporate control of communications online.

As the struggle to prevent proposals becoming law continues [read more on the [directive from Pirate MEP Julia Reda](#)], this short story by Cory Doctorow asks the question of what the copyright directive means for democracy and activism as we know them.

Agata had always assumed that getting the footage would be the hard part. As it turned out, a covert North Sea drone insertion and exfiltration were the *\*easy\** part.

Agata and her cell spend months planning the North Sea op, working with a cold haste that balanced the possibility that they would be too late against the possibility that they would be detected and blown. But on the morning, skipping over the chop in the little Zodiac, captained by Oxana, looking all Pussy Riot in her balaclava, Agata knew it was going to work. She pulled out her Toughbook and sparked up the drones, each the size of a firefly, and sent them off to reccy the trawler, using both radar and cameras to capture the undersea nets and follow them for their full 25 kilometer span. It was incredible to behold, and terrible, a vast wickedness that would sterilize the sea as it was dragged behind the trawler, which was flying a Panamanian flag.

The drones had just enough power to buzz the ship, getting its registry and flags and automatically zoomed-in shots of the sailors' faces before the batteries died. Agata had considered ditching the drones in the sea, but the irony of scuttling e-waste in a project designed to blow the whistle on illegal overfishing was too thick. Instead, she'd carefully filed off all the serial numbers on the drones so that they could be anonymously ditched onboard the trawler.

They hit bad winds on the way back to their support vessel, which was to take them back to Thyborøn. Twice, the Zodiac nearly capsized, and the second time, Agata just barely caught the Toughbook as it bounced and jounced toward the gunwales, leaving her clinging to it with one hand and the boat with the other while stinging, icy mist battered her relentlessly. They were soaking and exhausted when they reached the support vessel, Agata's legs shaking as she stepped onboard, white-knuckle grip on the Toughbook, and she managed to plug in the satellite phone and start her footage uploading before she vomited.

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But getting the footage was the easiest part.

Agata and her crew uploaded both the raw footage and a sweet, narrated edit that detailed the many laws the trawler had violated, used public sources and leaks to unpick a little of the corporate structure of the company that nominally owned the trawler; figured out which wholesalers were buying the catch. The whole package. It was what they did: polluters, illegal fishers, dumpers, unsafe labour conditions. They worked without a name or brand, because named organisations with named members were vulnerable to retaliation. People willing to drag 25 kilometer fishing nets or send migrant workers to remove asbestos insulation from a future industrial loft space wearing only a painter's mask were also sometimes willing to do really unsavoury and painful things to the

activists who thwarted them. Agata and the crew liked to fly under everyone’s radar: the videos and the accompanying dumps told the story, they were just the people who made the story. They were not a part of the story.

They used bots to upload the footage everywhere and all at once, studded with existing hashtags (#fishpocalypse, #NorthSeaDieOff) and a new one they’d made up for the op: #NorthSeaKiller. None of the crew would like or upvote any of this stuff, of course — being the first person to like something was practically the same as saying “I made this!” Instead, they waited for the activists who followed the existing tags to notice the uploads and start spreading the word. They followed the tags as they viralized, watched the Danish and Scottish fisheries ministers get bombarded with queries, saw the boycott calls for the trawler’s wholesaler emerge spontaneously and grinned at the thought of someone at a fish factory scrambling to figure out what the hell was going on, whether they should just stop buying from the #NorthSeaKiller. It was all going well — until it wasn’t.

The analytics graphs for mentions and likes and shares and downloads had only been going up and up, the curve steepening towards vertical in the hours since the first seeding. Now it dropped off abruptly, to near zero.

In the group chat, Agata watched as the crew posted screengrabs of their analytics dashboards, then she tabbed out to a bunch of social networks and tried to load up the seeding posts to double check the stats on them.

> POST NOT AVAILABLE

> THIS CONTENT HAS BEEN REMOVED FOR COPYRIGHT VIOLATIONS PURSUANT TO

> ARTICLE 13 OF THE DIRECTIVE ON COPYRIGHT IN THE SINGLE

MARKET (2019)

The crew had heard of this. They weren’t the only crew, after all, and they had friends who had friends in other crews, and there had been whispers of unstoppable countermeasures deployed by “reputation management” and “crisis communications” companies that sold a very exclusive, very expensive suite of services to truly desperate clients like, say, an illegal fishing company that was about to go down in flames.

Here’s how it worked: under Article 13, platforms were liable if they allowed any copyrighted works to be available without permission, even briefly. But of course, the platforms weren’t able to know what was and what wasn’t a copyrighted work, so, in a compromise that only a Eurocrat could love, the EU said that rightholders had to register their copyrights with the platforms, by uploading them to these wide-open, crowdsourced databases of banned content. Once a video or a photo or a block of text or an audio clip was in a platform’s database, no one could post anything that matched all or part of that file to the platform.

Worse still, Article 13 had no way to punish people who accidentally claimed copyright over works that weren’t theirs — let alone malicious, shadowy reputation-washers who use Article 13 to censor videos that threatened their clients’ bottom lines. In theory, a platform could choose to ignore these people, shut them out of the blacklist databases, but the fraudsters would always have the last laugh, because then they’d have the right to sue the pants off of the platform should any copyrighted work of theirs appear online, even for a day.

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Virality came and virality went. With the videos offline, a new story began to creep online: “sources familiar with the matter” averred that shadowy figures (perhaps Russian trolls seeking to sow disinformation?) had uploaded clever fakes that made it appear that a perfectly innocent trawler had deployed illegal long-nets in the fragile North

Sea cod fisheries. The videos looked good at first glance, but anyone who examined them closely would spot the fakes in an instant.

The crew were helpless, furious. They could remember when there were smaller platforms, ones based in Europe, that they could use to host the videos. Those small companies were long gone: they'd found it hard enough to compete with American Big Tech, but after the Copyright Directive decreed that they would have to find half a billion euros to buy filtering technology the instant they grew from "microenterprises" to potential competitors for Google and Facebook, they all shuttered.

The crew couldn't even supply their videos to friendly journalists to rebut the claims from the big corporate papers. Just *\*linking\** to a major newspaper required a paid license, and while the newspapers licensed to one another so they could reference articles in rival publications, the kinds of dissident, independent news outlets that had once provided commentary and analysis of what went into the news and what didn't had all disappeared once the news corporations had refused to license the right to link to them.

Agata spoke with a lawyer she knew, obliquely, in guarded hypotheticals, and the lawyer confirmed what she'd already intuited.

"Your imaginary friend has no hope. They'd have to out themselves in order to file a counterclaim, tell everyone their true identity and reveal that they were behind the video. Even so, it would take six months to get the platforms to hear their case, and by then the whole story would have faded from the public eye. And if they *\*did\** miraculously get people to pay attention again? Well, the fakers would just get the video taken offline again. It takes an instant for a bot to file a fake copyright claim. It takes months for humans to get the claim overturned. It's asymmetrical warfare, and you'll always be on the losing side."

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The crew had a dozen more ops in various stages of planning, but #NorthSeaKiller killed their spirit. They could see how easily the trick could be repeated, and without the internet, the crew was hamstrung.

What if someone threw a viral outrage party and nobody showed up?

Agata wasn't a young woman anymore. She remembered, just barely, a day when the internet didn't consist of four giant companies where people posted screenshots from the other three. But even the concentrated, commercial internet had its uses, as a place where the powerful could be held to account, held up for scrutiny. It was risky, but the risk had its rewards.

Not anymore.

She had so many messages waiting from members of the crew, but she couldn't bring herself to answer any of them. She went to bed.

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**Cory Doctorow** is a Canadian-British blogger, journalist, and science fiction author who serves as co-editor of the blog *Boing Boing*. He is an activist in favour of liberalising copyright laws and a proponent of the Creative Commons organization, using some of their licenses for his books. Some common themes of his work include digital rights management, file sharing, and post-scarcity economics.

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