

WHAT THEY ARE SAYING:

Link Taxes on the Internet

As states, Congress and the rest of the world debate how to preserve the local journalism ecosystem amid uncertainty, many governments are considering (or have passed) bills that demand digital services pay publications to share links with users. The concept of mandatory payments for online news content, or a “link tax”, undermines the foundations of the internet ecosystem and breaches both existing trade and copyright law. The following includes third-party pieces, news articles, and research relevant to these efforts, their impact on the online news ecosystem, and the consequences of this development.

Public Knowledge, “[The Debate About ‘Journalism Preservation’ Just Got More Confusing](#)”

“The introduction of a requirement to pay for linking to information on the Open Internet is contrary to the notion of equitable access to knowledge. News organizations that purport to be in the information business should know better.”

Internet Society, “[Internet Impact Brief: How Canada’s Online News Act Will Harm the Internet, Restricting Innovation, Security, and Growth of the Digital Economy](#)”

“The Internet has enriched people’s lives precisely because people can use it without permission from third parties. Yet, the legislation explicitly provides for ranking and other algorithmic curation of content. This means that Canadian consumers of services on the Internet, and Canadian news businesses, may be excluded from new inventions. This harm will not only extend to ordinary, mainstream consumption of news content. Students, teachers, librarians, researchers, and everyone else who relies on news content from Canada will be negatively impacted. The rest of the Internet will continue to be able to link to content without permission, but linking to news content in Canada will require permission and contractual relationships. This means that the development of the Internet will not be permitted by the Act to thrive in Canada the way it may in other places.”

Reuters, “[When Facebook blocks news, studies show the political risks that follow](#)”

“The blocking of news links has led to profound and disturbing changes in the way Canadian Facebook users engage with information about politics, two unpublished studies shared with Reuters found...The lack of news on the platform and increased user engagement with opinion and non-verified content has the potential to undermine political discourse, particularly in election years, the studies’ researchers say.”

Techdirt, “[California’s Journalism Protection Act Is An Unconstitutional Cluster** Of Terrible Lawmaking](#)”**

“Other countries have attempted ‘link taxes’ like CJPA. I’m not aware of any proof that those laws have accomplished their goal of enhancing local journalism. Knowing the track record of global futility, why do the bill’s supporters think CJPA will achieve better results? Because of their blind faith that the bill will work exactly as they anticipate? Their hatred of Big Tech? Their desire to support journalism, even if it requires using illegitimate means?”

Michael Geist, “Why Bill C-18’s Mandated Payment for Links is a Threat to Freedom of Expression in Canada”

“In fact, payment for links is all there is in a system purporting to compensate for a value transfer. Internet platforms don’t publish full text of news articles unless they have a licence. Moreover, the data they gather from users who might click on a news link is indistinguishable from similar data captured from millions of websites and services that Canadians click on every day.”

12 Civil Society and Industry Organizations, [Coalition Letter Re: AB 886 \(Wicks\) “California Journalism Preservation Act” – Oppose](#)

“The internet depends on linking, and once California starts taxing links, there would be no end to California (and other states) taxing all kinds of links to other industries favored by legislatures.”

Jeff Jarvis/Nieman Lab, “The California Journalism Preservation Act would do more harm than good. Here’s how the state might better help news”

“Links are the nervous system of the web. They enable conversation, community, commerce, and collaboration. To charge for links — or to require providing them — violates the ethic and architecture of the internet, for links should be freely given and freely followed. To make links a bargaining chip — reward for publishers, punishment for platforms — ill serves users and citizens.”

Cato Institute, “A Link Tax Won’t Save the Newspaper Industry”

“Yet the JCPA—and similar “link tax” legislation under consideration in California, Canada, and the European Union—would propel further industry consolidation by privileging large national newspapers at the expense of small local papers. In addition, the bill would be a massive giveaway to hedge funds that have specialized in buying failing newspapers, stripping them for parts, and using their mastheads as part of a lobbying effort in favor of the JCPA.”

R Street Institute, “The Journalism Bailout Link Tax Is Back”

“Once journalists can demand payment for merely linking to their content, there is little to stop future laws from expanding this privilege to other content creators (assuming the JCPA survives legal scrutiny). An internet where content owners can insist on payment for merely linking to their work is a fundamentally different medium—one in which the flow of information is far less free and accessible.”

Techdirt, “Why Link Taxes Like Canada’s C-18 Represent An End To An Open Web”

“...the only way that these link tax plans actually work is by breaking the most fundamental element of the open web: the hyperlink. For the entire history of the open web, a key attribute was the freedom to link to others. Now, those others could block the traffic, or put up a paywall, or whatever else they wanted. But everyone must be free to link to one another.”