



Submission in response to Inter American Press Association (IAPA) update of Salta Declaration

CCIA Comments on IAPA Consultation on Principles of Freedom of Expression in the Digital Era

Introduction

We write on behalf of the Computer & Communications Industry Association (CCIA) to respectfully respond to the Inter American Press Association's call for input on the Salta Declaration on Principles of Freedom of Expression in the Digital Era.¹ CCIA is an international, not-for-profit trade association representing a broad cross section of communications and technology firms. For more than 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy.²

The importance of multi-stakeholder governance for digital expression

Governments, civil society groups, digital service providers, and media organizations must work together to protect free speech and a free press as innovation transforms our information ecosystem. Each of these actors has a critical role to play in the governance of the internet and the content on it, especially with regard to their respective capabilities and obligations under international law. As such, an ongoing and open dialogue will ensure that decisions are more comprehensive and representative of what is needed for freedom of expression and technology, shaping a greater understanding of the relationship between the two. This shared space must continue to ensure that different experiences and expertise are accounted for in making long-lasting, impactful updates to the Declaration that result in sustainable problem-solving.

A balanced approach that values innovation

In the current regulatory landscape, many countries are considering or have implemented policy frameworks that claim to promote competition by regulating specific technology companies. These sprawling policies can put the information-sharing ecosystem at risk, including sites that are used and heavily relied on by journalists and other advocates in the fight for free speech. These digital services result in increased and vital access and information sharing across multiple countries, societies, and cultures. They connect vulnerable communities with the news and information they need and allow smaller publications to grow and connect with their audiences. Within the Declaration, CCIA recommends that any proposed competition regulation should ensure the innovation economy can continue to thrive, as the introduction of new technologies greatly benefits the battle for free speech and journalists worldwide. Rather than the current legislative approaches in the competition realm,

¹ <https://mailchi.mp/52e083a0e723/invitacin-a-webinars-facebook-1020478>

² <https://ccianet.org/>

CCIA recommends the Declaration focus on well-targeted policy that recognizes different market realities supported by sound economic analysis.

Emerging technology, AI, and copyright in the future of digital expression

The evolving impact of artificial intelligence has caused many industries to call into question what the future will look like. However, artificial intelligence and other emerging technologies are already a part of consumers' daily lives and have been for some time now. This is seen in the form of machine learning in supply chains as well as speech and image recognition technologies. These emerging technologies provide vast benefits for journalists and press publications, often in the form of optimizing workflows and enhancing coverage capabilities. CCIA agrees that these tools must be developed and deployed responsibly. A flexible and balanced copyright law regime remains a vital piece to success in emerging AI development and in the U.S. the fair use right is a key part of continued innovation.³ The Declaration's approach to these technologies and AI should be risk-based, flexible, and technology-neutral, as these technologies continue to be in the early stages of revealing their potential for improving the lives of their users.⁴

In terms of copyright and generative AI, existing laws and frameworks globally have been flexible enough to apply to new technologies throughout history, and in many areas, these laws will be enough to ensure innovation can be at the forefront.⁵ Additionally, many countries have been approaching the emergence of AI with policies that may help ensure innovation can flourish. For example, the European Union's exceptions to text and data mining in the Directive for Copyright in the Digital Single Market allow for the use of copyrighted works in large-scale data analysis.⁶ This approach in the Copyright Directive is an important example of balancing innovation against the interests of copyright holders in the digital age. Other countries in the Asia-Pacific region⁷ have also introduced frameworks and updated regulations that accommodate emerging technologies through flexibility. These exceptions to text and data mining activities as well as the introduction of fair use provisions ensure that crucial data for machine learning and training can be used by researchers and organizations alike. Overall, this balanced approach will ensure AI can continue to be developed and benefited from by journalists and advocates in the free speech space.

Championing free speech and upholding journalistic integrity

CCIA values the importance of free speech and the protection of journalists both in the U.S. and abroad and also acknowledges the important role technology plays in this fight. The access to and use of digital services remains vital in championing journalism. Through access to information on these services, as well as technologies that ensure anonymity, security, and data protection, technology provides the tools necessary to enable robust journalism and press freedom.

³ <https://project-disco.org/intellectual-property/fair-use-week-the-ai-in-fair-use/>

⁴ <https://ccianet.org/library/understanding-ai-guide-to-sensible-governance/>

⁵ <https://project-disco.org/intellectual-property/common-misconceptions-about-generative-ai-and-copyright/>

⁶ <https://project-disco.org/european-union/generative-ai-and-copyright-busting-prevalent-myths-revealing-truths/>

⁷ <https://project-disco.org/intellectual-property/fair-use-week-the-ai-in-fair-use/>

Digital services, media sustainability, and news remuneration

A truly free press is essential for a functioning democracy and this includes local journalism and free expression on the internet. However, recent approaches to news remuneration have placed the blame solely on digital services of all types, claiming that they siphon revenue away from news sites by simply linking or crawling to their content. These misconceptions do not come from a full understanding of how the internet operates and how digital services host, distribute, and index news content. This approach to remuneration undermines publications seeking to engage with audiences, foster online communities, and generate ad revenue at a grassroots level. Technological innovation focusing on how information is accessed and shared, especially via the internet, has enabled an informed society, lowering barriers to entry in journalism and providing an easy mechanism for governments from the local to the national to communicate with their citizens and vice versa. This ability is vital for a democratic society and partnering with digital services and technology organizations will be significantly more beneficial to society in the digital era. Research and past consultations (including one from the U.S. Copyright Office in 2022⁸) have shown that these services send publications essential traffic and reach far more people due to this approach.

The wide-ranging harms of mandatory online news payments

CCIA respectfully opposes any promotion of mandatory online news payments or “link tax” policies within the updated Declaration. These controversial proposals have been contemplated in several jurisdictions, and have been found to drastically reduce traffic to news websites, harm the information ecosystem, and undermine the most basic tenets of information sharing on the internet.⁹ Both former and current implementations of forcing digital services to pay for hosting news content have resulted in small publications suffering and conflict with current copyright laws and trade agreements.¹⁰

Content moderation, transparency, and the fight against misinformation

Online service providers continue to perform valued functions in the promotion of the internet economy. This work enables e-commerce to be a vibrant component of economies everywhere. With ongoing and costly proposals that would hold intermediaries liable for the acts of third parties online, service provider protections must be a key part of the component of technology policy both in the U.S. and abroad. Because of this, updates to the Declaration must remain balanced in their approach and weigh the benefits of digital services for journalists.

Automated filtering is often an important component of these digital services that needs to be better understood by stakeholders. These tools result in increased accuracy and credibility, combat harmful misinformation, support diverse voices, and protect freedom of speech. Through algorithmic tools including fact-checking partnerships, the promotion of credible sources, and content moderation, digital services contribute to the fight against misinformation and give journalists the power to produce impactful journalism.

⁸ <https://www.copyright.gov/policy/publishersprotections/202206-Publishers-Protections-Study.pdf>

⁹ <https://ccianet.org/library/link-tax-failures-global-efforts-continue-to-uproot-internets-foundation-and-journalism-ecosystem/>

¹⁰ <https://ccianet.org/library/the-harms-of-forced-online-news-payments/>



The benefits of digital advertising online

When discussing digital advertising, it is important to note advertising practices are not the only component that has changed since the emergence of technology. This practice subsidizes many of the free services and tools journalists and users online use. Research has found that as many as 85% of startups utilize free or low-cost marketing and digital advertising software, making advertising on digital services and the internet an essential practice for connecting with audiences today.¹¹ Small businesses and internet users alike rely on digital advertising, as it allows organizations to reach beyond local boundaries, is much more cost-efficient and its results are easily measurable. Because of this reliance, care must be taken when considering recommendations on the digital advertising ecosystem within the Declaration.

Conclusion

CCIA appreciates the opportunity to respond to the Inter American Press Association's consultation on updates to the Salta Declaration. As new technologies and innovations emerge, updates to policies and approaches must include a holistic, multi-stakeholder approach to freedom of expression and journalistic freedom. Any updates to these guidelines, especially about news remuneration, intellectual property, artificial intelligence, misinformation, competition, or digital advertising, must take into account the operations of digital services and include a cautiously accessed and balanced approach.

¹¹ <https://ccianet.org/research/reports/tools-to-compete/>