



CIVIC SPACE **GUARDIAN**

VOICES OF CIVIL SOCIETY

MEXICO

ARTICLE 19 MEXICO & CENTRAL AMERICA

On the reform to the Federal Copyright Law passed by the Mexican Congress June 30, 2020:

“The recent reform passed by the Mexican Congress affects freedom of expression by introducing a mechanism known as “notification and withdrawal,” implemented in the United States since 1998 under the DMCA. This out-of-court mechanism has been used to erase information from the Internet and forces online and internet providers to remove, withdraw, disable or delete content that supposedly violates the copyright of a third party. For the online platform to remove the content, only a “notice” is needed, stating who the copyright holder is. This is done without any judicial control, without presentation of evidence and without trial; that is, it destroys due process and enables massive censorship of Internet content and information.

The user whose content was removed, deleted or disabled has the opportunity to give a “counter-notice,” but is required to prove (burden of proof) that he or she is the copyright holder. This “counter-notice” is made only to the Service Provider as this is only an intermediary that will pass the information to the person who submitted the original notice. While this “counter-notice” validation process is underway, the content will continue to be edited or removed in its entirety, thus violating freedom of expression and access to information.

This out-of-court “notification and withdrawal” mechanism does not consider local contexts like the one in Mexico, which has a historical debt to society for acts of corruption and serious human rights violations. Without the necessary safeguards, the approved reforms allow for abuse by political and economic actors to request the removal of content of public interest”.

July 13, 2020