

Communications and advocacy strategies

Iván Martínez & Pepe Flores

Creative Commons Global Summit 2020





Background

- In June 2020, the Mexican Senate changed the Federal Copyright Law and the Federal Penal Code in compliance with the intellectual property chapter of the United States-Mexico-Canada Agreement (USMCA).
- Those modifications were made without public discussion, through a fast-track procedure, even when Mexico had a three-year term limit to implement the changes.
- The leader of Senate publicly accepted that this was a political move to "strengthen the President" on a forthcoming visit to the U.S.

The risks

- Changes enacted in the Mexican copyright law imported some of the hardest provisions of the U.S. Digital Millennium Copyright Act (DMCA), such as the notice-and-takedown mechanism, and punished the circumvention of technological barriers (DRM) for legitimate purposes.
 - These modifications violate the right to freedom of speech, access to information. They also endanger activities such as repairing, adapting, or researching technologies; and the preservation of cultural works that require the circumvention of DRM.

What could be done?

- Mexican law gives the National Human Rights Commission (CNDH) the power to challenge the constitutionality of the reforms to the Supreme Court. The Commission had 30 calendar days to contest the law since its enacting (July 1st).
- With that deadline in mind, the main goal became to create a communications and advocacy campaign to press the Commission into challenging the law.



#NiCensuraNiCandados

- Several organizations (including Creative Commons México) built a
 coalition to coordinate their efforts. The group was named No censorship,
 no locks (#NiCensuraNiCandados), as a recall of our main concerns.
- We developed a graphic identity to help people identify our cause. We also created a website to concentrate the information.
- We worked with a node system: 6-7 organizations participated in the development of the strategy; then, each of them disseminated the information with other stakeholders related to their area of expertise.







Copyright 101

- Copyright is a hard nut to crack don't know about the problem or get lost with the legal language. At the beginning, we focused on explaining the issue and its implications.
- An useful exercise is to identify 4-5 key points and stick to them. You should be careful to not oversimplify your cause. You can avoid this by creating easy-to-read educational materials.
- Media play an important role in this strategy. You should seize every opportunity. If you don't have media contacts, you can create your own spaces through streaming in your own platforms.

Preguntas frecuentes

NI CENSURA ⊶ NI CANDAD⊠S

Preguntas frecuentes

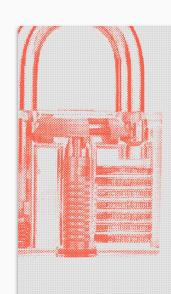
¿Qué tienen que ver las reformas a la LFDA y el CPF con el T-MEC?

Estas reformas se hicieron para acatar algunas disposiciones sobre propiedad intelectual del T-MEC. Sin embargo, el acuerdo no obligaba a México a legislar de la forma en que se hizo, ya que contemplaba hasta tres años para discutir e implementar estas modificaciones. Además, estas reformas debían ser consistentes con la Constitución y los derechos humanos.

¿Qué es el sistema de "notificación y retirada"?

Es un mecanismo que obliga a un proveedor de servicios en línea –plataformas web, servicios de alojamiento web, entre otros– a retirar un contenido cuando un tercero alegue una infracción de sus derechos de autor. Es decir, el contenido se censura antes de que una autoridad judicial compruebe, con el debido proceso, que existe una violación a los derechos de autor. Uno de sus problemas es que no es tan sencillo demostrar una infracción, ya que no basta con probar que la parte acusadora es titular de los derechos de autor. Existen excepciones incluidas en la Ley Federal de Derecho de Autor que permiten utilizar obras (o fragmentos de obras) protegidas sin necesidad de solicitar permiso ni dar remuneración.

¿Qué sigue si me han removido un contenido?



NI CENSURA NI CANDAD⊠S

FACEBOOK LIVE | YOUTUBE LIVE

Preguntas frecuentes sobre las recientes reformas a la Ley Federal de Derecho de Autor

Miércoles 8 julio | 12:30hrs

Luis Fernando García | Director de R3D



r3d.mx | **f y o o n o R3Dm**x



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Las reformas a la LFDA y CPF fueron publicadas en el DOF el 1 de julio de 2020.

El artículo 105, fracción II de la Constitución establece que "las acciones de inconstitucionalidad podrán ejercitarse dentro de los treinta días naturales siguientes a la fecha de publicación de la norma", por lo que el plazo transcurre del 2 de julio al 31 de julio de 2020.

No obstante, en virtud del acuerdo general 18/2020, el Consejo de la Judicatura Federal determinó suspender plazos hasta el día 31 de julio debido a la pandemia de COVID-19, por lo que esa fecha es día inhábil.

La Ley Reglamentaria de las fracciones I y II del artículo 105 de la Constitución señala en su artículo 60 que: "Si el último día del plazo fuese inhábil, la demanda podrá presentarse el primer día hábil siguiente."

En este sentido, el CJF determinó recientemente (acuerdo 21/2020) la reanudación de plazos para el lunes 3 de agosto de 2020, por lo que ese día es el último para la interposición de la acción de inconstitucionalidad.















Call to action

- Channel the participation into action. We put a form in our website to send an email to the head of the Commission. At the end of the campaign, we gathered 70k emails sent.
- You should work with your grassroots supporters. If you have the means, help the organize online events or virtual actions. Articulation is crucial. If someone outside your movement is willing to help, welcome them!
- International support is really helpful. Don't be afraid of reaching other organizations with similar concerns, especially if they are involved in your ecosystem.





Redes y resistencia colectiva ante #NiCensuraNiCandados



CON IRENE SORIA, ALEX ARGÜELLES Y ESTRELLA SORIA











Reforming the reform

- You should aim to the decision-makers (and sometimes, they will reach you!). A person working in the Commission contacted us and helped us to had a conversation with their legal area. We had the opportunity to present our arguments. On August 3rd, the CNDH announced that they challenged the law.
- We were also contacted by Senator Antares Vázquez, who presented a reform to the law following the recommendations of the civil society, to amend the changes and introduce broader exemptions to copyright protections and DRM circumvention.



Step 5: Play for the long game

Changes take time

- Copyright reform won't be undone easily. Supreme Court will decide about the constitutionality of the law within a year. That doesn't mean you should give up. You should play for the long game.
- On September, we helped organize an event in the Senate. Organizations such as Creative Commons, EFF, Wikimedia Foundation, Article 19, Greenpeace, R3D and Derechos Digitales gave public briefings about copyright reforms, fair use and DRM circumvention. Their arguments will be taken into account in the discussion of Ms. Vazquez copyright bill.





Thank you!

We'd also like to thank all the organizations that helped us with this campaign. Our special regards to Creative Commons' Brigitte Vézina and Claudio Ruiz for they support

Contact us

Pepe Flores

@padaguan
pepe.flores@r3d.mx

Iván Martínez

ivan@r3d.mx



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