

Bu video TRT adlı iş ortağı tarafından sağlanan ve iş ortağının telif hakkı nedeniyle engellediği içeriğe sahip.

Bu sorundan dolayı özür dileriz.



(This video contains content provided by the business partner named TRT and blocked by the partner due to copyright. We apologize for the inconvenience).

Censorship and Closure with YouTube Content
Management System
(Online censorship over Turkish Radio and Television
Corporation under the pretext of 'copyright')

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Foreword

Social media has completely changed the traditional communication models with its structure that perceived as a democratic and new public arena. Social media, which stands out with its pledges regarding anticensorship and freedom, is now at the center of further discussion, depending on its efficiency rate. With its potential of being a pluralistic, liberal, and egalitarian platform, social media is facing a great danger due to censorship practices. The censorship requests were initiated mostly by the states citing "security concerns," and it meanwhile changed its target to threaten critical publishers' existence in these media. The new media order is beginning to resemble the media that we have had before and countenances for censorship in the face of pressure.

In this report, we will draw attention to the censorship and closure attempts over YouTube that the Erdogan regime takes the media under its control as part of a policy of transforming media into a propaganda tool.

On the pretext of `copyright,` Ankara has been systematically attempting to censor and shut down the Youtube channels that draw attention to Turkey's oppression and violence.

One of the most striking examples of this is the experience of Boldmedya founded by journalists in exile who publish under our association (<https://www.boldmedya.com/2021/01/01/bitmedi-youtube-turkiye-ofisi-recep-tayyip-erdogan-ile-calisiyor/>).

TRT (**Turkish Radio and Television Corporation**) is misusing its control power on copyright as a state channel. It became both an international censorship and destruction for the new media law. Allowing the legal gaps in the new media order to ignore the law and democratic values will cause oppressive political powers to bring social media to its knees, as can be seen in the examples we will elaborate on in this report.

Introduction

According to the data of internet traffic analysis portal Alexa, the video-sharing platform YouTube ranks second after Google in the list of the most visited sites worldwide (<https://www.alexa.com/topsites>).

Considering the various facts such as the number of viewers and the amount of content production, YouTube is the most important actor among the video communication platforms. Creating a new field for brand collaborations on the internet, YouTube is the first meeting point with content producers and channel communities. Therefore, many journalists, publishers, and media institutions share their content through this platform.

Boldmedya is one of those channels. It was founded in 2018 with the initiative of the exiled journalists who had to leave Turkey. The channel produced unique videos by addressing the current issues in Turkey. In a short time, the channel increased both its subscribers and the number of content. Boldmedia also discovered and revealed the unlawful practices of the Erdogan regime in Turkey, including people kidnapped, strip search scandals in the police stations and prisons, tortures in custody, corruption documents, and so forth. The channel,

which reached 250.000 subscribers and millions of viewers, is managed by experienced editorial staff.

Bold Media, which produces content from Germany, unexpectedly faced censorship attempts in December 2020. As it has done to many other YouTube channels, Turkey's state television TRT had dozens of videos of Bold Medya deleted by sending a "copyright warning" about these videos via the Content ID system, which YouTube offers to its business partners.

As a result of this violation by TRT, YouTube shut down Bold Medya channel based on "copyright infringement" as the limit of 3 warnings was exceeded per the YouTube rules.

According to Turkey's laws, TRT, which is supposed to be autonomous - independent and impartial - has become the government's propaganda tool, as media experts say. In addition to becoming a tool that the government uses as it wishes to do its propaganda, TRT has finally become a means of international censorship and closure.

Misusing and abusing the authority that YouTube offers to its business partners, TRT's attempt to censor Bold Media and then shut it down poses a significant threat to the new media order, press freedom as well as the concepts of law and democracy.

This report will explain YouTube's CMS system, its use for censorship purposes, and its consequences with examples.

Additionally, we will also write about anti-democratic Turkish regimes' attempts to control international communication platforms through pressure, threats, and legal loopholes.

Censoring and Closing by YouTube CMS (Content Management System):

Definition and Purpose of Use

Content ID is one of the essential concepts in the Content Management System of the YouTube platform. Copyright owners use a system called Content ID to identify and manage their content on YouTube. Videos uploaded to YouTube are scanned and compared against a database of files that have been submitted to YouTube by content owners. Copyright owners receive a Content ID claim when the content in a video on YouTube matches their own work.

YouTube only grants Content ID to major content creators (TV Channel, Major Media Companies, Production Companies, etc.), enabling them to protect their content on YouTube and generate revenue. This system allows the authority holder to block, completely delete, or redirect the money earned from that video to themselves, which can be done automatically or manually.

If a video is blocked or removed with the Content ID authorization, the channel that has to deal with the situation does not have much choice. The objection has to be made via YouTube to the party that applies Content ID.

If that organization insists, the video is taken off the air, or the channel is shut down. Then begins a lengthy judicial process, the example of which has yet to be concluded. This

authority, which is specifically granted in good faith to prevent copyright infringement, acts as a YouTube directive.

Although this directive aims to prevent copyright infringement, there are not enough concrete criteria for measures to be taken in terms of both the broad authority granted and the misuse of this authority. Thus, many channels' rights to broadcast are left to the mercy of major content creators.

If Content ID owners are entitled to content that is not theirs, it is called 'copyfraud' or 'excessive demand.'

As stated in this excerpt, "Content owners who repeatedly make erroneous claims can have their Content ID access disabled, and their partnership with YouTube terminated," the directive already explains what can be done in case the system is abused

(<https://support.google.com/youtube/answer/2797370#zippy=%2Ccontent-idyi-kimler-kullanabilir>). There is a possibility that if misused, this authority, which is granted based on mutual trust, can be terminated. However, the latest examples show that YouTube does not apply it to large-scale content creators (<https://irights.info/artikel/copyfraud-und-overclaiming-was-beim-umsetzen-der-eu-urheberrechtsreform-zu-beachten-ist/29603>).

YouTube has an approach that balances freedom of expression and copyrights in such cases. However, we see concrete examples of the concept known as "fair use" in the digital field in countries with a more established tradition and detailed legislation in both areas. That's why YouTube's Turkish page on fair use consists entirely of examples from the United States. The following statement is used on this page: " For example, in the United States, works of commentary, criticism, research, teaching or news reporting may be considered fair use. On the other hand, there may be a similar idea in other countries called fair conduct that works differently." (<https://journocom.tr/telif-hakki-sansur-youtube>)

MISUSE OF THE SYSTEM AND YOUTUBE POLICIES

There are different legal regulations in each country regarding the balance of copyright and freedom of expression. The decision on copyright without taking into account the courts or legal processes, leaving this to online competing publishers' initiative creates a chaotic system.

Although it is considered to quickly prevent content from being copied through the system and copyright infringement, this situation has been misused on commercial and political grounds.

While some companies and organizations having access to Content ID use this for commercial purposes and threaten to close small content creators and share their revenue, some states take the organizations with Content ID access under their control to a means of their political goals.

In 2018, this chaotic situation over copyright was raised during the legal arrangements that the European Union Commission wanted to make.

In the 13th Article of that law, platforms were made responsible for copyrights, and this was requested to be checked when uploading content.

YouTube's CEO, Susan Wojcicki, warned users who create content that this law endangered the vitality of the platform and the users' sharing of their voices with the world.

"Article 13 of the Copyright Bill will put a barrier on everyone from channel owners to ordinary users who want to upload videos to YouTube and similar platforms," said Wojcicki, suggesting that only the videos of a handful of media outlets and companies could be viewed in the future.

The CEO of YouTube also said, "This change in the law threatens the quality of your life and the opportunity to make your voice heard to the entire world."

The situation she warned about the EU law could cause already happening within their own system because of some Content ID owners who misuse this authority (<https://tubetime.de/2018/11/04/eu-parlament-und-die-urheberrechtsreform-was-steckt-wirklich-hinter-artikel-13/>). Despite controversies, the arrangement was adopted in 2019 and will begin to be implemented in EU countries within two years. Therefore, the current YouTube CMS (Content Management System) is expected to change from top to top. (<https://www.dw.com/tr/avrupa-birliđi-tartışmalı-yeni-telif-yasasını-kabul-etti/a-48328401>)

Misuse of The System and YouTube Policies

Turkey ranks as one of the top countries that censor internet publishers.

According to a report prepared by Reporters Without Borders (RSF) in 2020, Turkey also ranks 154th in the press freedom list, which includes 180 countries worldwide (<https://rsf.org/en/ranking>).

As of the end of 2019, the country blocked access to 130,000 URL addresses, 7,000 Twitter accounts, 40,000 tweets, 10,000 YouTube videos, and 6,200 Facebook content.

Besides, the Erdogan regime, which was not satisfied with blocking the conventional media, moved its censorship practices to the center of social media platforms. For the first time in a long time, the Information Technologies and Communication Authority (BTK) submitted to YouTube to remove 84 YouTube videos that criticized senior government officials.

According to the Google transparency report for January-June 2020, YouTube restricted access to 7 videos from Turkey. Uploaders deleted 16 videos. Sixty-one videos were not removed (https://transparencyreport.google.com/government-removals/by-country/TR?country_breakdown=period:Y2020H1;country:TR&lu=country_request_explore&country_request_amount=group_by:totals;period:Y2020H1;authority:TR&country_request_explore=period:Y2020H1;authority:TR;p:2). When the Turkish authorities could not obtain

the targeted result from YouTube via BTK, they introduced TRT's CMS right on the platform.

There are some 20 organizations in Turkey that are entitled to YouTube CMS. One of them is the state television TRT. The purpose of this authorization is for TRT to control and block the use of its content. For five years, however, the authority belonging to TRT has been systematically used for political purposes.

- The CMS right is systematically used to remove the content that the Erdogan regime does not like on YouTube. One of the most important examples of this was removing the election speeches of pro-Kurdish Peoples' Democratic Party (HDP) politicians from YouTube in 2019 with the excuse of TRT's copyright.

Before June 24, 2018 elections, TRT broadcasted the HDP's presidential candidate's electoral speeches, Mr. Selahattin Demirtaş, on June 17 and June 23 from Edirne Prison, where he was detained, as a verdict by the Supreme Electoral Council (YSK).

According to the laws, the political parties have the right to address their voters on **Turkish Radio and Television Corporation** before the elections. Since TRT is a state channel, it acts as an intermediary institution for these speeches. Hence, TRT is in charge of recording these speeches and delivering them to the public. These speeches are already open to public use. In this case, TRT cannot legally claim copyright on these recordings/broadcastings.

Communications Lawyer Prof. Dr. Yaman Akdeniz stated that it was not right for TRT, a state institution, to file a copyright infringement application regarding these recordings, which are of public interest, and many people reacted to this situation (<https://www.evrensel.net/haber/373538/trt-demirtas-videosunu-youtubedan-kaldirtti-telif-mi-sansur-mu>). However, although it is a political censorship tool, which has nothing to do with copyright, TRT continues to use its CMS right, and it brings about many similar censorships and closures.

- The Turkish authorities used TRT's CMS power to remove newsworthy archive speeches from the YouTube platform of members of the ruling party. One of them was Süleyman Soylu, who is the Minister of Interior. Soylu's speeches, contrary to his current political view & statements, harshly criticized Erdogan and his government. He had previously addressed these speeches in different media outlets, but they were removed from YouTube with copyright pretext. Thus, TRT clearly abuses its CMS authority. Because the source of these videos was not TRT, these videos were shared on private television channels and through their solution partners. As seen in this example, TRT's claim of copyright is inconvenient to international and national laws.

- Commenting on the fact that TRT did not receive the necessary reaction from YouTube despite these severe abuses, Social Media Expert Mr. Yasin Kesen summarizes this situation as follows: "TRT abuses this right. TRT, which is completely under Erdogan's control now, deletes videos that Mr. Tayyip Erdogan does not like, by saying "I have the copyright." It then closes the channel by making three copyright complaints. However, the deleted videos do not belong to TRT. TRT has no copyright on these videos. Yet, it abuses this privilege given by Youtube. TRT has been doing this frequently for nearly 4.5 years. This right must be revoked when the CMS right has been misused, and this has been repeated three times. TRT has done this abuse a hundred times to date. Turkey's YouTube office does not close TRT's CMS panel. YouTube makes Erdogan use its system for censorship. And now, it has spread beyond the

borders of Turkey. Erdogan has come to intervene in freedom of expression in other parts of the world through TRT." (<https://www.boldmedya.com/2021/01/01/bitmedi-youtube-turkiye-ofisi-recep-tayyip-erdogan-ile-calisiyor/>)

- Censorship and closure through TRT's YouTube CMS authority were recently used for Boldmedya broadcasting from Germany. The Erdogan regime has always blocked the content produced by Boldmedya. First, it was banned in June-2018 in Turkey, two months after the channel was launched. Despite this prohibition, however, Boldmedia followers in Turkey followed the channel through the VPN. Both increases in its subscribers and influential content production in Turkey directed the Erdoğan regime to different strategies. Turkey moved the strict censorship rules beyond the boundaries. Using TRT's CMS authority, Turkey censored and tried to close the channel (<https://reclaimthenet.org/turkish-government-reportedly-responsible-for-removal-of-german-youtube-channel/>). It was international censorship against the YouTube platform that TRT did dozens of times. TRT also tried to close the channel by censoring the videos with the pretext of `Content ID` and `copying.` TRT did not have any images or content in about 30 videos in the Boldmedya channel; nevertheless, it arbitrarily requested copyright by using the Content ID right. The channel has been automatically suspended as this authorization has been used more than three times. Consequently, the journalists encountered state censorship on the YouTube platform. As stated by Secretary-General Mustafa Kilic of the International Association of Journalists (IJ) Secretary, Turkey is almost inured to censorship; nevertheless, censorship to Boldmedya is now more serious.

Kılıç drew attention to the extent of censorship with his statements as "For the first time, Erdogan has closed a YouTube channel broadcasting from Europe. It is already known that different activities of Erdogan's 'long arms` are in Europe, especially in Germany. However, now we have seen that Erdogan can also shut down a YouTube news channel broadcasting from Germany. This is no different than closing Deutsche Welle's Turkish-broadcasting YouTube channel. Our Association's member journalists have been no freedom of expression in Turkey. Now it is very alarming to see our freedom of expression destroyed in Germany too through Erdogan's 'long arms`."

-MCTV YouTube channel broadcasting in Germany has also been subjected to censorship since 2016 due to TRT's abuse of CMS right. TRT had the MCTV YouTube channel closed three times with illegal copyright notices, and the channel was always opened back using objection mechanisms. However, publishers suffered severe financial loss in this process and could not share their content for a long time. TRT went even further and closed twice the personal YouTube account of Mr. Harun Tokak, a TV-programmer for MCTV. The program is produced in Denmark, and the content was completely authentic. In other words, TRT did not give the reasons, even if it was a lie, and continued to use the Content ID right as a means of censorship and silencing opposition broadcasting and publications.

- Not only TRT's CMS authorization but also other organizations with this authority are censoring journalists on YouTube using the Content ID. One of the most striking examples of this occurred in February 2020. Mr. Mustafa Hoş, a programmer of the Babıali TV channel broadcasting on YouTube, published a video in which Mr. Ebubekir Sifil from the Faculty of Islamic Sciences of Yalova University said "A man who travels a lot due to his job can have more than one wife".

YouTube then sentenced Babiali TV to suspend its live broadcast for 15 days for violating copyrights. There was no violation of copyright. Broadcasting was stopped on the pretext of copyright to prevent critical broadcasting of a figure close to the government. Reacting to this situation, Journalist Hoş said, "If I had made this broadcast on TV, I would not be penalized. However, we encountered censorship because we were on social media. I am a journalist, and I did not take or use content produced by that academic. What they are doing is not protecting copyright but censoring. They use their copyright to stop criticism of them. They do a manual search and don't take any action on the conversations in their favor. They have censored speeches, which are against them, calling it `copyrights.` "I did not use that academic's work in that broadcast, I just broadcasted his speech in a public place." (<https://journocom.tr/telif-hakki-sansur-youtube>)

CONCLUSION

Social media platforms now have an indispensable position for content producers, especially for freedom of expression and the right to receive news. To be addressed solely by focusing on commercial concerns and competition will cause irreversible consequences for these platforms, which are essential for democracy, law, and freedoms—the publishers who produce content for platforms such as YouTube encounter significant threats to media freedom.

As in the aforementioned examples, we tried to explain in the report that an institution under the control of an anti-democratic regime can destroy any broadcastings & publications by abusing its authority or right it has received from the platform. This threat is not only an attack on those publishers but also world press freedom. Apparently, social media platforms do not yet have a sufficient defense mechanism or sensitivity in this regard. There is no adequate regulation in the balance between copyright and freedom of expression. Freedom of expression may be suspended for months or even years under the pretext of copyright, even if this copyright claim is not valid. This situation makes communication platforms that promise freedom, such as YouTube, open to the use of dictatorial regimes.

Considering Turkey's example, YouTube urgently needs to impose the termination sanction in its policy to TRT, which clearly abuses Content ID authority and turns it into a censorship mechanism.

Given that TRT is a major content producer, this may be considered problematic. However, the Erdogan regime's damage over TRT by ignoring YouTube's Terms and Conditions is many times more than TRT content brought in to the platform.

Bowing down to censorship and the sacrifice of content produced by independent journalists to illegal attacks are unacceptable, as Turkish society has suffered many times regarding the bans to access YouTube. If Youtube does not make the necessary regulations, the platform will lose its liberal and egalitarian perception, and many content producers will abandon the platform.

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