


RESEARCH ARTICLE

# Saving the internet? The limits of platform power amid the techlash

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## Abstract

Research on platform power indicates a preference alignment between consumers and platforms against regulation. However, recent scandals have changed public opinion toward platforms and undermined their structural coalition with consumers. I argue that amid the techlash, platforms need to actively mobilize the public and face an uphill battle in doing so. Based on the outside lobbying literature, I expect that platforms' success in reframing the debate and signaling public discontent to policymakers depends on the perceptibility of the target audience (the bonding surface) and the characteristics of competing interest groups. I test my expectations by analyzing platform outside lobbying against the 2019 European Copyright Directive. I combine process-tracing and time-series analysis with textual data. A comparison between the German and French debates revealed that platform outside lobbying failed because negative media reporting, public opinion, and a creative economy dominated by small and medium-sized enterprises (SMEs) in France provided a favorable bonding surface for the frames of pro-copyright groups. Pro-copyright groups could credibly criticize platforms' exploitative practices and demand fair artist remuneration, while platforms' frames did not stick. This study demonstrates that claims of structural platform power are exaggerated and that careful attention needs to be paid to lobbying dynamics.

**Keywords:** Business power; Outside lobbying; Digital policymaking; Platforms; Framing

## Introduction

Recent research on business power argues that platforms, digital infrastructures that connect at least two groups of users<sup>1</sup>, enjoy an alignment of preferences with consumers: Because consumers are simultaneously dependent on and liberated by (free) platform services, vote-seeking politicians shy away from regulation for fear of public backlash<sup>2</sup>. Copyright should be a prime example of this structural consumer-platform alliance because content platforms provide consumers with free access to creative works—access that would be restricted by strict copyright. However, the 2019 European Union Copyright Directive (EUCD) created encompassing obligations on platforms to remove copyright infringements by their users (i.e., intermediary liability). The adoption of the EUCD fits into an increase in regulatory activity and a shift in public opinion toward Big Tech—the so-called techlash.<sup>3</sup> I argue that the techlash changes the dynamics of platform power and that the structural perspective on platform power needs to be reconsidered. Instead of enjoying the latent support of liberated consumers against regulation, platforms need to actively create such an alliance and fight an uphill battle against skeptical public opinion. Amid the techlash, the creation of an alliance between platforms and the public becomes the puzzle to be explained rather than a structural feature of the platform business model. This paper accordingly asks under what conditions can platforms successfully create a coalition with the public to influence policymakers?

<sup>1</sup>Srnicek (2017).

<sup>2</sup>Culpepper and Thelen (2020).

<sup>3</sup>Weiss-Blatt (2021).

To answer this question, I derive a mechanism of platform outside lobbying, i.e., the mobilization of the public by platforms to influence policymakers, and its scope conditions from the existing literature. I argue that platforms, through their ownership of network infrastructure and an intermediary position within networks, are uniquely positioned to reach and target a broad and diverse group of users. While their structural position allows platforms to increase issue-salience, their success in signaling discontent to policymakers depends on the stickiness of their frames in the public debate. Frame stickiness, in turn, depends on (1) the perceptibility of the target audience (the bonding surface) and (2) the characteristics of competing interest groups (the glue).

To test my claims, I use the complementary strengths of process-tracing and time-series analysis. While both generate within-case evidence, process-tracing adds analytical depth and time-series analysis incorporates many actors and straightforward operationalizations of framing and salience. In addition to qualitative evidence from newspapers, legislators' social media, and parliamentary records, I track issue salience and framing by applying an original dictionary to textual data collected from Twitter, newspapers of reference, and interest group websites.

I find that while platforms were successful in raising the issue salience across the EU, they were only successful in reframing the debate and influencing MEPs in some countries. Comparing Germany, where platform outside lobbying was successful, with the unsuccessful French case, I find that pro-copyright frames stuck better in French. I show that this is because of a more perceptible bonding surface, as the media narrative was already critical of Big Tech before the introduction of the EU CD, public opinion was in favor of stricter content regulation, and the creative economy consists mainly of small and medium-sized enterprises (SMEs) and individuals. This made demands for fair remuneration and the delegitimization of platforms more credible and enabled pro-copyright groups to prevail in interest group competition. In the German case, less critical media reporting, higher public support for pre-EUCD content regulation, and a high concentration of the media sector provided a more favorable bonding surface for anti-copyright and pro-platform frames. In German-speaking countries, anti-copyright groups therefore prevailed in the framing competition and signaled public discontent to their MEPs.

My findings contribute to the literature on business power by adding a strategic perspective to structural accounts of platform power. This not only shows that the techlash changes the dynamics of structural power and that initial claims of platform power have been exaggerated. It also suggests that we need a more integrated discussion of structural and instrumental (platform) power because structural factors, such as the platform business model or the concentration of the creative economy, influence the success of lobbying strategies. Finally, I contribute by combining qualitative and quantitative methods for the analysis of within-case evidence in an innovative way.

In the next section, I review the platform power and outside lobbying literatures. I then discuss the research design, data sources, and methodology of the study. Section three provides an overview of the policy area of copyright before I analyze the process of platform outside lobbying against the EU CD in eight EU languages. I then examine why platform outside lobbying was successful in the German but not in the French debate. Section four concludes.

## Outside lobbying and the platform business model

Scholars of business power increasingly study how digitalization, particularly the platform business model, shapes corporate power<sup>4</sup>. Platforms are “digital infrastructures that enable two or more groups to interact”.<sup>5</sup> They provide the standards and technology for these interactions and all interactions run through the platform as an intermediary.<sup>6</sup> While different types of platforms are distinguished<sup>7</sup>,

<sup>4</sup>Culpepper and Thelen (2020); Kemmerling and Trampusch (2023).

<sup>5</sup>Srnicek (2017, 43).

<sup>6</sup>Kenney, Bearson, and Zysman (2021); Srnicek (2017).

<sup>7</sup>E.g. Srnicek (2017).

copyright is mostly relevant to content platforms. These platforms such as Google, YouTube, Facebook, or Twitter offer users free access to (user-generated) content (e.g., videos, music, and news) in exchange for behavioral data and targeted advertisements<sup>8</sup>. Thus, the groups connected over content platforms are consumers, content creators and rightsholders, and advertisers. Consumers and suppliers are dependent on the platform because of its infrastructural character and high market concentration<sup>9</sup>. Scholars of the economic power of platforms argue that this enables platforms to appropriate value from dependent businesses<sup>10</sup>. Scholars of the political power of platforms, instead, argue that dependence, in combination with consumer liberation, “largely automatic[ally]” creates a platform-consumer coalition against regulation because platforms are “integrated into the fabric of [consumers’] daily lives”<sup>11</sup>. While studies show that the success of this coalition varies with cross-national differences in institutions<sup>12</sup>, the heterogeneity of the coalition<sup>13</sup>, and the responsiveness of policymakers to public pressure<sup>14</sup>, the role of framing and issue-salience has been largely overlooked.<sup>15</sup> This is surprising for two reasons:

First, both regulatory activity<sup>16</sup> and public opinion<sup>17</sup> toward Big Tech changed substantially because of the so-called techlash. Scandals such as the Snowden leaks, Cambridge Analytica, or uncompetitive business practices resulted in a shift from “techno-utopianism” to “techno-dystopianism”.<sup>18</sup> As platforms lost their aura of consumer liberation and public discourse focused more on the negative side of the platform business model, an automatic consensus against regulation becomes unlikely. Following Culpepper, scandals put businesses “under intense public scrutiny” and require business to fight defensive battles in a “radically changed political environment”.<sup>19</sup> The second reason why the negligence of framing and salience is surprising is that platforms are in a unique position to *strategically* use outside lobbying tactics to fight this defensive battle.

### Outside lobbying

Outside lobbying describes “attempts by interest group leaders to mobilize citizens outside the policymaking community to contact or pressure” policymakers<sup>20</sup>. Outside lobbying has two components.

The first component of outside lobbying is *conflict expansion*. Interest groups need to raise issue-salience, lower the costs of mobilization, and change evaluations of an issue (framing)<sup>21</sup>. Increasing issue-salience is important to gain attention and to mobilize existing supporters<sup>22</sup>. More importantly, however, most interest groups need to recruit new supporters through framing.

Framing describes the selection of “some aspects of a perceived reality and mak[ing] them more salient in a communicating text [. . . ] to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation”<sup>23</sup>. A frame therefore provides a rationale for a position toward a policy. Since most policies and issues are multidimensional, interest groups can use framing to highlight those issue dimensions that align with their preferred positions in order to influence public or elite opinion<sup>24</sup>.

<sup>8</sup>Srnicek (2017).

<sup>9</sup>Kenney, Bearson, and Zysman (2021); Culpepper and Thelen (2020).

<sup>10</sup>Kenney, Bearson, and Zysman (2021).

<sup>11</sup>Culpepper and Thelen (2020, 290 & 293).

<sup>12</sup>Thelen (2018).

<sup>13</sup>Seidl (2020).

<sup>14</sup>Culpepper and Thelen (2020).

<sup>15</sup>Except for: Seidl (2020).

<sup>16</sup>Newman (2020).

<sup>17</sup>Weiss-Blatt (2021).

<sup>18</sup>Weiss-Blatt (2021).

<sup>19</sup>Culpepper (2010, 197)

<sup>20</sup>Kollman (1998, 3).

<sup>21</sup>Kollman (1998), Ch. 5.

<sup>22</sup>Kollman (1998, 103–104).

<sup>23</sup>Entman (1993, 52).

<sup>24</sup>e.g. De Bruycker (2017).

Pushing a preferred frame, however, does not in itself influence policy decisions. Instead, interest groups need to change the collective definition of an issue in order to be influential. Successful framing, thus, depends on how well a frame sticks with the target audience. A *frame's stickiness* is determined by the perceptibility of the target audience (the bonding surface) and the characteristics of competing interest groups (the glue).

First, frames need a perceptible bonding surface to stick to. Chong and Druckman argue that successful frames are connected to “a positive idea or value that is widely available in the population”<sup>25</sup>. Similarly, successful frames relate to dimensions previously emphasized in related debates. For instance, frames that “give[ . . . ] a coherent overall structure to a number of arguments that have [ . . . ] been around for decades”<sup>26</sup> are stickier. Finally, interest groups can enjoy first-mover advantages when framing a new issue or face obstacles when pushing a frame in a longstanding and cluttered issue area<sup>27</sup>.

Second, a frame sticks to the right surface only if the right glue is used. The credibility of the source from which a frame originates and the perception of an interest group as manipulative influence the stickiness of frames.<sup>28</sup> At the coalition level, the unity and frequency with which an interest group coalition pushes a frame affect its success.<sup>29</sup> As framing is a competitive process<sup>30</sup>, competing sides can challenge each other's credibility and push counterframes that undermine the original framing<sup>31</sup>. Therefore, not only the stickiness of one's own frames but also that of the frames pushed by opposing interest groups determines lobbying success<sup>32</sup>.

In addition to conflict expansion, outside lobbying involves *signaling* public opinion and electoral consequences to policymakers. Signal strength is crucial for outside lobbying success<sup>33</sup>. Kollman<sup>34</sup> argues that interest groups already supported by public opinion can send more credible signals to policymakers because they face smaller mobilization costs. While in the absence of outside lobbying campaigns the relationship between public support and lobbying success is negative<sup>35</sup>, outside lobbying is indeed more successful<sup>36</sup> when public support is high. Additionally, big and diverse coalitions signal broad societal support to policymakers and are more successful (outside) lobbyists<sup>37</sup>, especially under conditions of high salience<sup>38</sup>. Further, signal strength is also determined by how successful conflict expansion was, i.e., issue salience, mobilization, and whether the framing is unambiguous<sup>39</sup>.

To sum up, outside lobbying success depends on initial public opinion, an interest groups' ability to expand the conflict, and the strength of the signal to policymakers. Given that business tends to lobby against public opinion and is more successful when salience is low<sup>40</sup>, it is unsurprising that outside lobbying is more frequently used by labor unions and citizen groups<sup>41</sup>. Dür and Mateo<sup>42</sup> argue that citizen groups need to signal their engagement to a diffuse group of supporters to ensure organizational survival, whereas business organizations represent “a clearly defined constituency for which political decisions have concentrated costs and benefits”. Further, business can typically afford resource intensive inside lobbying and possess specialized information that they can trade for access<sup>43</sup>.

<sup>25</sup>Chong and Druckman (2010, 116).

<sup>26</sup>Baumgartner, De Boef, and Boydston (2008, 20); see also: Binderkrantz (2020a).

<sup>27</sup>Chong and Druckman (2010)

<sup>28</sup>Baumgartner and Mahoney (2008)

<sup>29</sup>Junk and Rasmussen (2019); Binderkrantz (2020b).

<sup>30</sup>e.g. Baumgartner and Mahoney (2008).

<sup>31</sup>Chong and Druckman (2010).

<sup>32</sup>Baumgartner and Mahoney (2008)

<sup>33</sup>Kollman (1998), Ch. 3.

<sup>34</sup>Ibid.

<sup>35</sup>De Bruycker and Beyers (2019).

<sup>36</sup>De Bruycker and Beyers (2019).

<sup>37</sup>Phinney (2017); De Bruycker and Beyers (2019); see also Seidl (2020) for a study on platforms.

<sup>38</sup>Junk (2019).

<sup>39</sup>Kollman (1998).

<sup>40</sup>Culpepper (2010); Dür and Mateo (2023).

<sup>41</sup>Dür and Mateo (2013); Kollman (1998, 41).

<sup>42</sup>Dür and Mateo (2013, 663–664).

<sup>43</sup>Bouwen (2004); Dür and Mateo (2013).

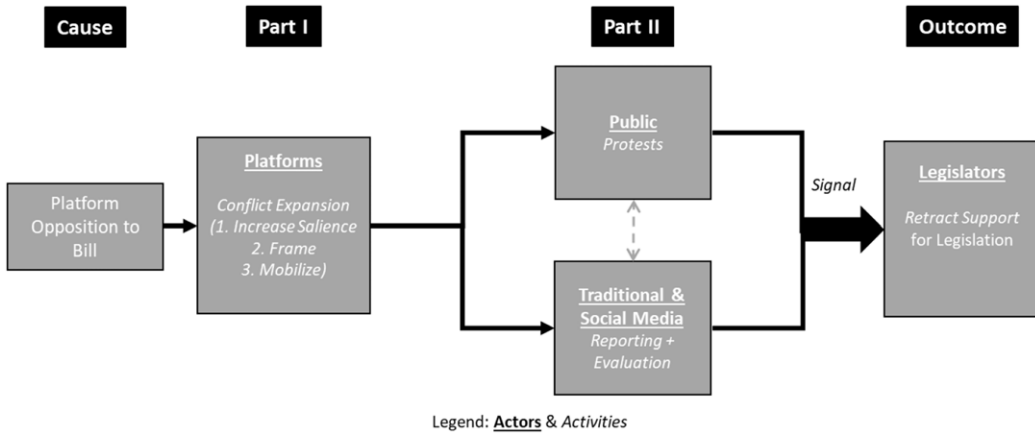


Figure 1. Summary of the platform outside lobbying mechanism.

However, this does neither mean that business does not use outside lobbying strategies<sup>44</sup> nor that it cannot do so successfully<sup>45</sup>. In fact, I argue below that platforms, as a special type of business, are uniquely positioned to mobilize the public.

### Platform outside lobbying and its limits

I argue that because of the techlash platforms face an uphill battle against public opinion. However, platforms have three advantages for outside lobbying built-in their business model. Through their intermediary position they can *reach* network users easily by posting messages on their apps or websites. Because of the winner-takes-all logic of platforms their reach exceeds that of even the biggest conventional interest groups both in numbers and in diversity. Platforms also have *free and frequent access* to users because they are embedded in users' daily routines. Users approach the platform, while conventional interest groups have to approach supporters to expand conflict. Third, because platforms surveil all network interactions<sup>46</sup>, messages can easily be *targeted* to users.

This combination of reach, access, and targeting provides platforms with a built-in solution to successfully make people aware of an issue (salience), frame it, and provide users with a course of action (mobilization). Figure 1 displays the mechanism of platform outside lobbying. The central independent variable is platform opposition to legislation. To prevent legislation, platforms engage in conflict expansion (part I), i.e., influence the debate in traditional and social media by (1) increasing issue-salience, (2) pushing favorable frames, and (3) mobilizing the public. As a result, media reporting increases and issue evaluations change. Additionally, the public is mobilized and joins protest actions such as demonstrations, online petitions, or letters/emails to their representatives (part II). While actions by the traditional media, social media, and the public reinforce each other (grey dashed arrow), the public debate signals electoral consequences to legislators. The signal is stronger the more unified the debate. Legislators respond by retracting their support (outcome).

Following the structural perspective of platform power, successful platform outside lobbying should not be surprising in copyright legislation because consumers enjoy free access as a direct benefit from weak copyright. Indeed, in 2012 platforms successfully used outside lobbying against copyright legislation in the US<sup>47</sup>. In the case of the EUCD, however, the techlash provided a perceptible bonding surface for anti-platform and pro-copyright frames. I therefore expect (1) that in countries where the public was less (more) accustomed to critical reporting on Big Tech, platform outside lobbying has

<sup>44</sup>Dür and Matteo (2013).

<sup>45</sup>Keller (2018).

<sup>46</sup>Srnicek (2017, 48).

<sup>47</sup>Sell (2013); Kemmerling (2023, Ch. 4).

better (worse) success chances. I expect further (2) that the characteristics of competing interest groups influence the success of platform outside lobbying. This involves the relative frequency with that a frame is pushed, the unity of the coalition pushing it, and the credibility of an interest group pushing a frame. For instance, SMEs are more credible than big businesses when highlighting the exploitative nature of platforms. Conversely, frames that emphasize user rights are more credible when criticizing major rightsholders rather than artists. In the following section, I present my methodological approach to test these expectations.

## Research design

This paper combines process-tracing and time-series analysis based on textual data to investigate the scope conditions of successful platform outside lobbying.

### *Combining process-tracing and time-series methods*

Process-tracing aims to uncover the mechanism, i.e., the entities and activities that connect a cause and an outcome<sup>48</sup>. Inferences in process-tracing are based on context-specific within-case observations that are compared to the theoretical expectations. While the compatibility between quantitative evidence and process-tracing is disputed<sup>49</sup>, I argue that time-series analysis is ontologically compatible with process-tracing. Time-series analysis analyses within-case observations and has the central assumption of temporal precedence. Time-series analysis can therefore produce evidence for/against the sequence proposed in a mechanism<sup>50</sup>.

Combining process-tracing with time-series analysis is beneficial in two ways. First, by explicitly theorizing the mechanism and collecting qualitative evidence, process-tracing adds depth to time-series analysis and contextualizes findings of temporal precedence. Second, quantitative analysis is beneficial in situations where too many entities are engaged in a process for an encompassing qualitative analysis (e.g., interest group lobbying) and steps of the mechanism are easier to measure quantitatively (e.g., framing and salience).

My goal is to uncover the scope conditions of successful platform outside lobbying amid the techlash. Thus, I compare a deviant case with a typical case<sup>51</sup>. After analyzing the debate on the EUCD in eight languages, I decided to dive deeper into the German and French cases. In Germany platform outside lobbying succeeded despite the techlash in signaling public opposition to MEPs. In France, in contrast, platform outside lobbying failed to create this signal.

### *Data collection and dictionary construction*

To quantitatively trace the process, I collected data from Twitter, national newspapers of reference, the EU transparency register, and interest group websites. I collected 3,000,000 tweets and 1010 newspaper articles from 11 EU countries on the EUCD via the Twitter Academic API, Nexis Uni and Factiva.<sup>52</sup> For a list of newspapers and search queries see appendix A1-A2.

Second, I collected data on the interest groups active on copyright by scraping the EU transparency register through lobbyfacts.eu. I also included interest groups that submitted a non-anonymous answer to the public consultation on the review of the EU copyright rules of 2014. I scraped data on their inside lobbying activities, their website entries referring to the reforms, and their Twitter handles (see appendix A3 for a detailed description of data gathering)<sup>53</sup>.

Finally, I manually coded the interest groups' type as either *rightsholder* (companies and business associations from media, publishing, telecom, manufacturing, and the chemical sector); *creatives*;

<sup>48</sup>Beach and Pedersen (2013).

<sup>49</sup>Ibid. Ch.5 & Ch. 6.

<sup>50</sup>cf. *ibid.* (99).

<sup>51</sup>Beach and Brun Pedersen (2018).

<sup>52</sup>Newspapers from other EU countries are not included in NexisUni or Factiva.

<sup>53</sup>I only scraped data that was publicly accessible respected robot.txt files.

**Table 1:** Frames used in the debate on the EUCD

Frames	Example Key Words
Anti-Copyright	
<i>Censorship &amp; uploadfilter</i>	First Amendment, Freedom of Expression, Collateral Damage
<i>Break the internet</i>	Break the Internet, Kill Memes, Link Tax
<i>User rights &amp; cybersecurity</i>	Privacy, Hack, Netizen, Redditor, Surveil
Neutral/Mixed	
<i>Economy &amp; innovation</i>	Job, Growth, Investment, GDP, Start-up, Innovate
<i>Lobbying</i>	Influence, Corruption, Hollywood, Donation
<i>Misinformation</i>	Fake News, Lies, Disinformation
<i>Democracy &amp; diversity</i>	Participation, Authoritarian, Activist, Independent Press
<i>Reach</i>	Reach Audience, Traffic Loss
Pro-Copyright	
<i>Fair pay &amp; creator rights</i>	Fair pay, Rip-Off, Talent Pipeline, Right to Create
<i>Criminality &amp; public safety</i>	Theft, Criminal, Terrorism, Protect Children, Consumer Safety
<i>Bad platforms &amp; market power</i>	Level Playing Field, Monopoly, Tax Avoidance
<i>Astroturfing</i>	Bots, Flood Inboxes

Note: See replication data for the full dictionary.

*platforms* and their business associations; the *civil society coalition*; *lobbying agencies*; *other*; and a category including firms that are platforms and substantial rightsholders (*Platform & ICT & Media*, e.g., Microsoft, Netflix).

Using interest groups testimonies in their consultation responses, public communications on blogs and websites, and platforms' online protests I constructed an original dictionary. The dictionary aims to identify the frames used in the debate. Based on a list of words associated with each frame, the dictionary identifies frames in each tweet, each paragraph of the newspaper articles, and each paragraph of interest group website entries. I analyze paragraphs rather than full articles or websites because of their greater topical and evaluative coherency. Each text is classified into either including the frame (1) or not (0) depending on whether it includes at least one of the key words. Within the same text multiple frames can be present.

A dictionary method is preferable to unsupervised methods of quantitative text analysis as the goal is to trace the prevalence of known frames rather than detecting unknown frames<sup>54</sup>. The full dictionary is available in the reproduction data, and Table 1 shows all frames, how they depict the legislation, and example keywords.

To analyze debates on the EUCD, the English dictionary was translated to Dutch, French, German, Italian, Polish, Portuguese, and Spanish using Google translate. While purpose-specific dictionaries perform well<sup>55</sup> and the automatic translation of dictionaries generally yields good results<sup>56</sup>, validation is paramount<sup>57</sup>. To validate the English dictionary, a student assistant hand-coded a random sample of 500 tweets and 500 newspaper paragraphs for both cases. The German dictionary was validated in the same way to assess the performance of Google translate. Intercoder agreement (Fleiss' Kappa) ranges

<sup>54</sup>Grimmer and Stewart (2013).

<sup>55</sup>*Ibid.* (274).

<sup>56</sup>Proksch et al. (2019).

<sup>57</sup>Grimmer and Stewart (2013, 275).

between 0.67 (German: 0.5) and 1.0 (German: 1.0) with less frequent frames having lower values. Figure A1-A4 display additional validity measures.

Before applying the dictionary, I converted the text to lower case and removed punctuation, stopwords, and double spaces. To detect multi-word phrases, I included tetragrams.

### *Time-series analysis*

To further analyze how outside lobbying affected framing, I run time-series regressions. I run analyses for each language and for the full sample. The time-series starts with the first proposal of the EUCD in September 2016.

I use vectorautoregressions (VAR) to estimate the effect of platform outside lobbying on the net framing of the debate in newspapers and tweets. The dependent variable is computed as the summed relative frequency of the pro-copyright frames (Fair Pay & Creator Rights + Criminality & Public Safety + Bad Platforms & Market Power + Astroturfing) minus the summed relative frequency of anti-copyright frames (Censorship & Uploadfilter + Break the Internet + User Rights & Cybersecurity). The more negative the dependent variable, the more anti-copyright is the net framing of the debate. My key independent variables are platforms' protest actions such as website blackouts, display of censorship banners, or a coordinated ad campaign on YouTube (see below). I also control for parliamentary events, i.e., the introduction of the directive, parliamentary hearings and debates, and the proceeding of the EUCD to the next stage. The variables are included as exogenous variables and modeled as an intervention covariate<sup>58</sup>. I coded the time-period when the parliamentary event/outside lobbying occurred as one and let the effect depreciate by a factor of 0.5 for the following time-periods to model medium-term effects.<sup>59</sup>

I further include five variables to capture the relative framing in (1) all tweets, (2) newspapers, (3) tweets of legislators, (4) website entries and tweets of pro-copyright interest groups (i.e., rightsholders and creatives), and (5) website entries and tweets of anti-copyright interest groups (i.e., platforms and the civil society coalition). The latter encompass traditional forms of outside lobbying such as press releases, reports on (upcoming) events, or media campaigns. These variables are included as endogenous variables to reflect that the framing in one medium reacts to changes in other media and vice versa. All variables are computed separately by language except for interest group communications. For these I took the full sample, because of insufficient data in most languages and to model the pan-European character of most interest groups websites. The VAR regressions also include a dummy variable controlling for weekends. All time-series were tested negatively for a unit root.

In all models, I specified the lag structure to eliminate serial correlation and used heteroscedasticity-robust standard-errors where augmented Dickey-Fuller tests indicated heteroscedasticity. Unless otherwise noted  $p < 0.05$  is considered significant. Full regression results can be found in tables A2-A9.

### **Platform outside lobbying against the EUCD**

In this section I will go through each part of the mechanism and evaluate it against the empirical evidence. While I find that platforms successfully raised the salience across the EU, they were only successful in pushing their frames to the media and public and signaling public opposition to MEPs in some EU countries. To find out why anti-copyright frames failed to stick, I compare the French and German cases which represent two ends of the spectrum of (un)successful platform outside lobbying. Before diving into the empirics on outside lobbying, however, I will give a short overview of the legislative process of the EUCD and inside lobbying activities.

Copyright aims to provide incentives for creativity and innovation by transforming an intangible idea into a tangible resource. Traditionally, copyright was a technical and low saliency policy area dominated by rightsholders' interests<sup>60</sup>. This changed with the advent of digitalization. In the

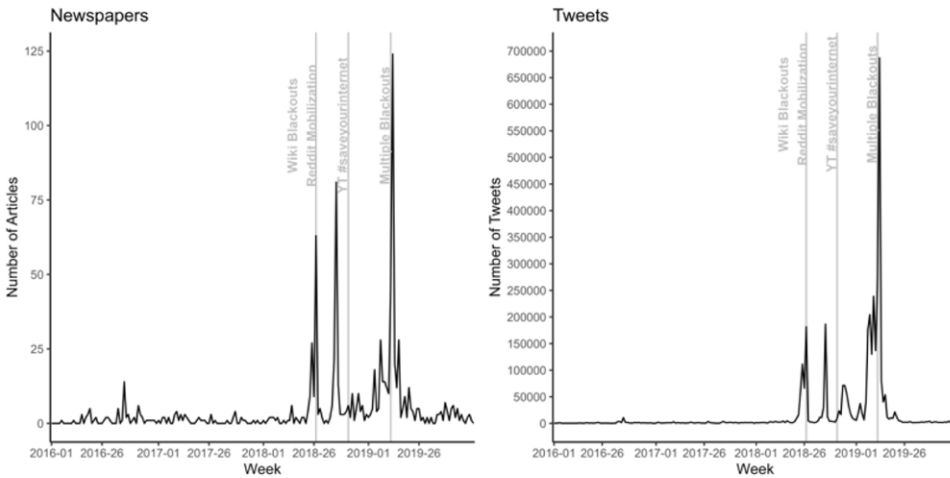
<sup>58</sup>Fokianos and Fried (2010).

<sup>59</sup>*Ibid.*; For the ad campaign I chose a depreciation factor of 0.85, because it was sustained over a longer period.

<sup>60</sup>Haggart (2014); Sell (2003).



(a) Full Sample



(b) Language Comparisons

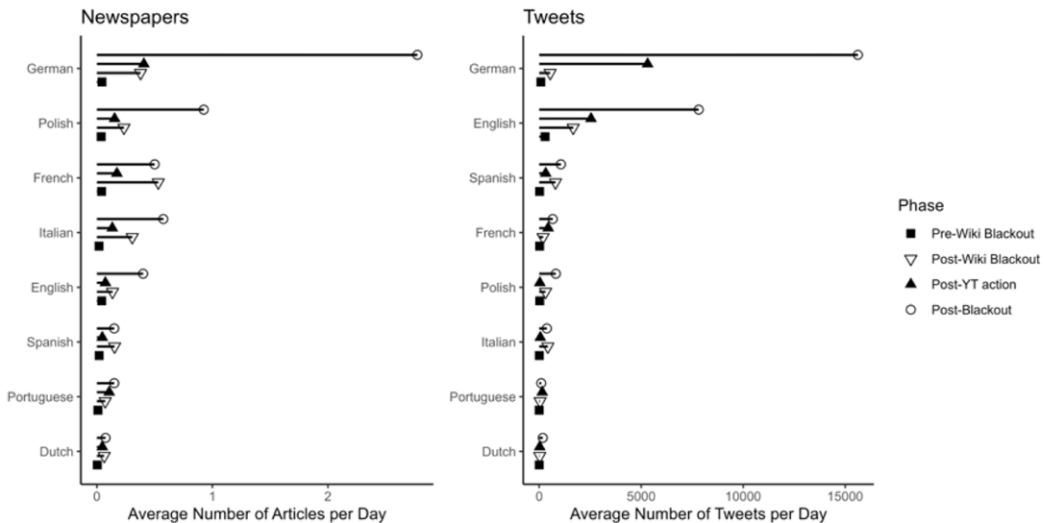


Figure 2. Salience of EUCD in newspaper articles and tweets.

mid-2000s, the consumer internet and content platforms challenged existing legislation and threatened rightsholders’ business models, because they decentralized the reproduction and distribution of content <sup>61</sup>.

To address this issue the European Commission initiated a review process of the EU’s copyright legislation in 2012. After several stakeholder consultations the European Union Copyright Directive was drafted in 2016 and passed in 2019. The EUCD’s article 17 (draft article 13) introduced requirements for intermediaries to proactively prevent copyright infringements by their users and article 15 (draft article 11) introduced a direct copyright for publishers when online platforms link to or embed their content. Although initially the EUCD enjoyed almost unanimous support with policymakers and public interest was low (figure 2), an intense lobbying battle started to ensue in 2016<sup>62</sup>.

<sup>61</sup>Haggart (2014).

<sup>62</sup>Corporate Europe Observatory (2018).

Two sides were active in this battle: *Rightholders* and *creatives*, such as the music industry, sports leagues, artists, and press publishers lobbied for stricter copyright and enhanced intermediary liability<sup>63</sup>, to protect their centralized distribution and reproduction channels. *Platforms* and a *civil society coalition* were on the other side of the battle. Particularly content platforms challenge centralized distribution channels and have a vested interest against increased intermediary liability<sup>64</sup>. Digitalization also created and empowered a *civil society coalition* of open-source activists, internet users, libraries, and digital rights groups<sup>65</sup>. While both sides spent substantial resources on inside lobbying and had direct contact with commission officials and MEPs, rightholders and creatives consistently out-lobbied platforms and the civil society coalition<sup>66</sup>. In contrast to the big American content platforms, most rightholders are also headquartered in Europe and the creative sectors play an important role in the EU's economy employing 3.6 percent of total employees and making up 2.68 percent of value-added in 2016<sup>67</sup>.

Thus, despite their substantial inside lobbying power, platforms and the civil society groups faced an uphill battle for influence. To prevail in this battle, platforms utilized their unique position as owners of and intermediaries in centralized networks and started a substantial outside lobbying campaign against the EUCD in June 2018.

### **Part 1: Platforms engage in conflict expansion against the EUCD**

After the Judiciary Committee of the European Parliament moved the EUCD to the plenary in June 2018, platforms and the civil society coalition tried to mobilize the public against it. Google urged press publishers to contact MEPs and express opposition, YouTube creators began criticizing the directive in their videos, tech pioneers wrote an open letter to the EU, and an online petition to "SaveTheInternet" eventually reached over 5 million signatures<sup>68</sup>. On July 4 and 5 the English, Portuguese, Spanish, Italian, Polish, Latvian, and Estonian Wikipedia pages blacked out and/or displayed protest banners against the directive<sup>69</sup>. Amid these online protests, the parliament sent the bill back for amendments. However, on September 12, 2018, it adopted the draft and initiated trilogue negotiations to mitigate disagreements between the Council, the Commission, and the Parliament. In October, YouTube CEO Susan Wojcicki urged YouTubers to cover the reform and use #saveyourinternet leading to a spike in videos<sup>70</sup>. Twitch made a similar move in December<sup>71</sup>. In November, YouTube displayed ads before videos informing users about the EUCD<sup>72</sup>. Finally, on March 21, 2019, five days before the final vote in the EP, many medium-sized platforms, among them Twitch, Reddit, and PornHub, ran protest banners on their websites (March blackouts)<sup>73</sup>. During these protest events, platforms urged users to contact MEPs and express opposition to the EUCD. In addition, demonstrations took place in 20 countries after the March blackouts<sup>74</sup>. In Germany up to 100,000 people participated and demonstrations were substantial in Austria, Switzerland, Poland, and Sweden<sup>75</sup>. Platforms and the civil society groups, thus, engaged in different forms of outside lobbying to expand the conflict around the EUCD.

<sup>63</sup>Corporate Europe Observatory (2018).

<sup>64</sup>Haggart (2014).

<sup>65</sup>Dobusch and Quack (2013); Sell (2013).

<sup>66</sup>Corporate Europe Observatory (2018).

<sup>67</sup>Eurostat

<sup>68</sup>Change.org (2018); Garrahan and Khan (2018); Lauchlan (2018); LeFlويد (2018).

<sup>69</sup>Wikimedia (2022).

<sup>70</sup>D'Onfro (2018).

<sup>71</sup>Twitch (2018).

<sup>72</sup>Alexander (2018).

<sup>73</sup>Vincent (2019).

<sup>74</sup>Al-Youssef (2019).

<sup>75</sup>dw.com. (2019).

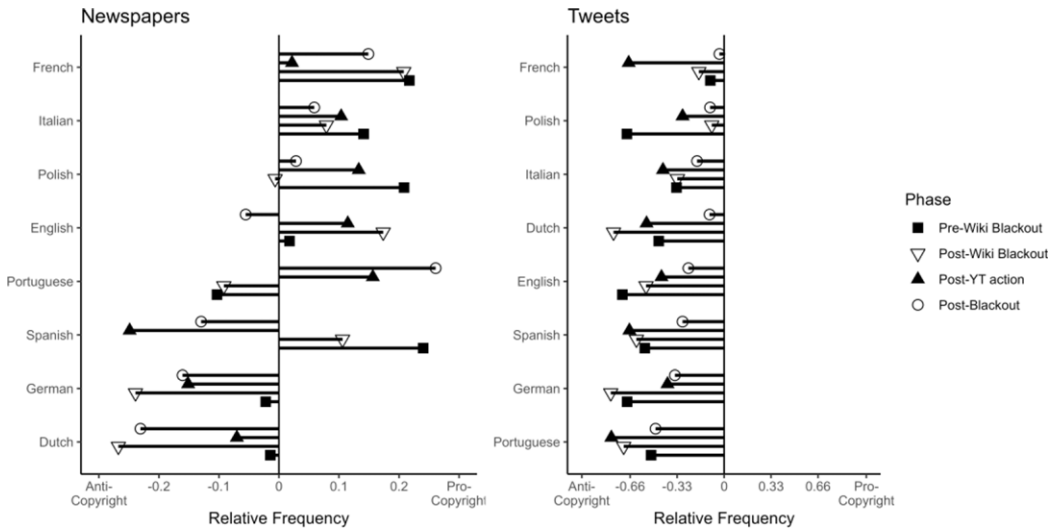


Figure 3. Net relative frame frequency in newspaper articles and tweets on EUCD.

### Part 2.1: The effect of conflict expansion on salience and framing

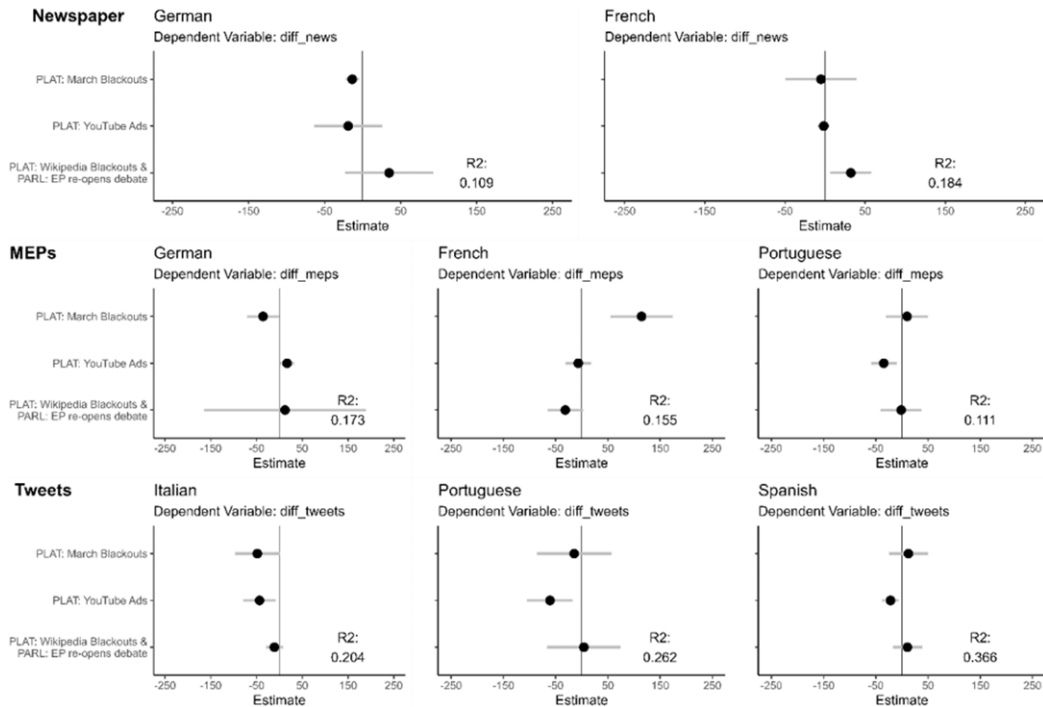
Were platforms successful in conflict expansion? Conflict expansion involves increasing issue-salience, pushing frames into the debate, and mobilizing the public. Figures 2 and 3 show descriptive results on how successful conflict expansion was in newspapers and tweets across the full, multi-language sample, and across different languages in the EU.

Figure 2A depicts the number of newspaper articles and tweets by week and highlights specific platform outside lobbying events through vertical lines. It shows that issue-salience increased substantially in European newspapers and on Twitter in anticipation and during the Wikipedia blackouts. The EP's adoption of the EUCD's proposal in September 2018 also led salience to spike. During YouTube's ad campaign salience was consistently higher than before the Wikipedia blackouts. Finally, the March blackouts were followed by a huge spike in salience leading to the highest number of newspaper articles and tweets.

Turning to the by-language samples, figure 2B depicts the average number of newspaper articles or tweets per day before and between the different platform outside lobbying events (phases). It reveals substantial differences in salience between languages. Reporting on the EUCD was quite salient in German, Polish, French, Italian, and English but not in Spanish, Portuguese, and Dutch newspapers. On Twitter, the vast majority of tweets on the EUCD is German or English. Spanish, French, Polish, and Italian tweets were also somewhat frequent, but Dutch and Portuguese were not. While the overall level of salience differs across languages, salience in all languages substantially increased after platform outside lobbying events (figure 2B). Overall, platform outside lobbying successfully raised the salience of the topic across all languages but to different degrees.

The second component of conflict expansion is to influence the framing of the debate. Figure 3 depicts the net relative frequency of pro-copyright frames by language and phase. Negative values indicate that anti-copyright frames were more frequent and positive values indicate that pro-copyright frames were more frequent. Figure 4 depicts the significant results of the VAR of platform outside lobbying events on the net framing of the debate (negative effects indicate the debate became more anti-copyright).

In Dutch, German, and Portuguese newspapers, the debate was slightly anti-copyright even before platforms started their campaign. In English it was slightly pro-copyright, whereas in French, Italian, Polish, and Spanish it was distinctively pro-copyright. After platforms started their campaigns, the debate turned distinctively anti-copyright in Dutch and German. For German, this is also supported by the VAR results, where the March blackouts made the debate significantly more anti-copyright



**Figure 4.** Results of VAR intervention analysis on relative framing of EUCD. *Note:* Only languages where at least one platform intervention was significant are displayed. Full results in appendix.

(figure 4). Although the debate became more negative after platform's actions, it remained balanced in Polish and slightly pro-copyright in Italian (figure 3). In English, the Wikipedia blackout surprisingly turned the debate more pro-copyright but the YouTube ad campaign reversed this trend and after the March blackouts the debate became slightly anti-copyright. In Spanish, platform outside lobbying turned the debate distinctively anti-copyright but the March blackouts somewhat reversed this trend (figure 3).

The most interesting findings are in French and Portuguese. In French, the Wikipedia blackouts significantly increased the net frequency of pro-copyright frames (figure 4), but descriptive results indicate that the YouTube ad campaign turned the debate more anti-copyright (figure 3). However, at least in the descriptive results, after the March blackouts the debate turned substantially more pro-copyright again (figure 3). The platform blackouts in French, thus, had the opposite effect than intended. This also holds in the descriptive results for Portuguese (figure 3).

Figure 3 also reveals that the framing on Twitter was consistently more negative than in newspapers even before platforms started outside lobbying. During no phase and in no language the net framing on Twitter was pro-copyright. However, in French the debate was balanced throughout most phases (except during YouTube's ad campaign). Surprisingly, in all languages the platform outside lobbying campaign was followed by a more positive framing of the EUCD. This is likely due to an increase in salience which led to a lower proportion of tweets by internet activists and content creators in all tweets. While in most languages the debate remained anti-copyright nevertheless, it became quite balanced in French, Polish, and Dutch. Figure 4 reveals that the YouTube ads significantly made the relative framing more anti-copyright in Spanish, Portuguese, and Italian. Contradicting the descriptive results, the March blackouts also significantly promoted anti-copyright frames relative to pro-copyright frames in Italian (figure 4). Finally, Figure 4 also reveals that the relative framing of the debate among MEPs on Twitter became significantly more anti-copyright in Portuguese after the YouTube ads started. Most importantly the March blackouts had significant but opposite effects among German and French MEPs.

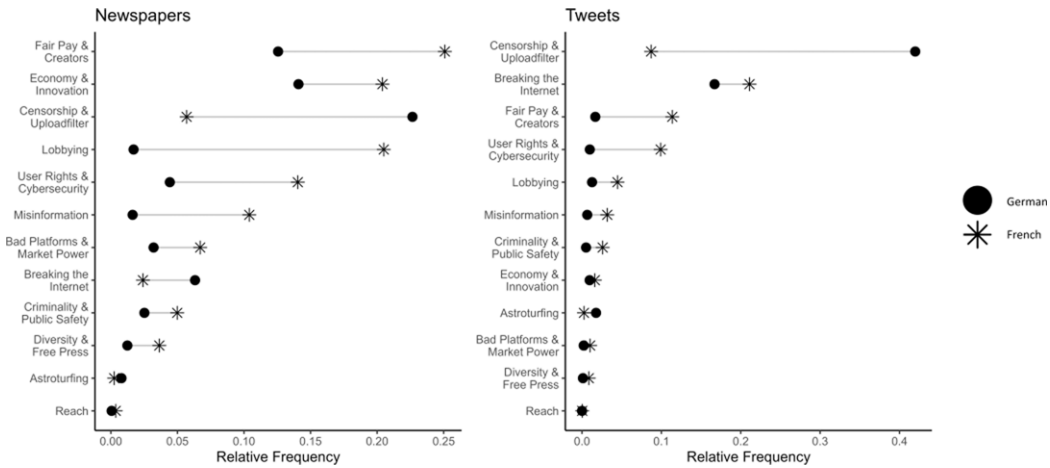


Figure 5. Framing of EUCD in French and German newspaper articles and tweets.

In German, their tweets became more anti-copyright, whereas in French MEPs' tweets became substantially more pro-copyright.

The combined evidence from Figure 3 and 4 reveal quite some variation across languages in the effects of platform outside lobbying on the framing of the debate. French and German are at different ends of the spectrum of this variation. I therefore analyze the French and German cases in more detail in the next section.

### Part 2.2: Frames and their stickiness in German and French debates

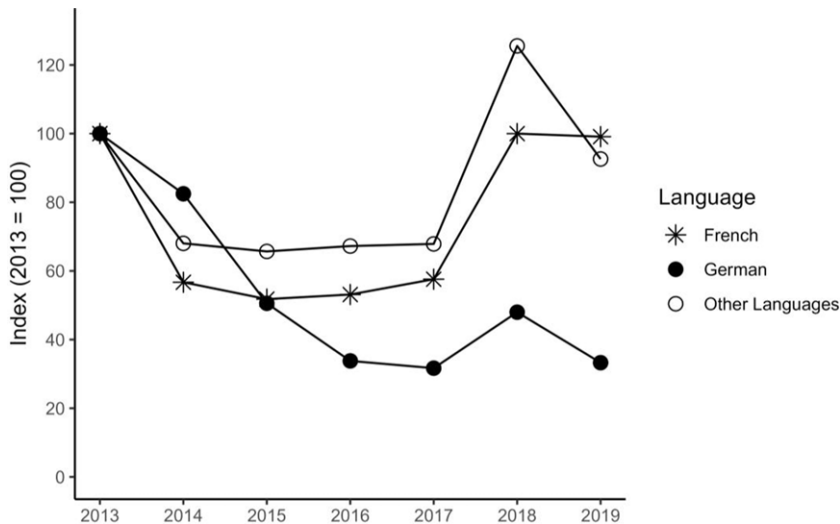
Figure 5 provides a detailed overview of the relative frequency of 12 frames in all newspaper articles and tweets in French (asterisk) and German (dot). Three differences between the languages become evident in traditional and social media: First, the *censorship & uploadfilter* frame that highlights the negative impact of the EUCD on freedom of expression is far more frequent in German than in French. Second, the *fair pay & creators* frame that highlights the positive impact of the EUCD on artists' remuneration for their creative works is far more frequent in French than in German. Third, the *lobbying*, *misinformation*, and *bad platforms & market power* frames are (far) more frequent in French than in German. Why did these different frames stick in French and German? As described in the theory section, frame stickiness depends on the frame-specific perceptibility of the target audience (the bonding surface) and the characteristics of competing interest groups (the glue). In what follows, I will go through these two factors for French and German.

#### Bonding surface: perceptibility of the public to frames

I find that the differences in framing in French and German can be traced back to differences in the perceptibility of the target audiences toward specific frames. Importantly, existing debates and public opinion toward Big Tech and content regulation and the size of firms in the domestic creative sector created different bonding surfaces.

Figure 6 maps the salience of terms referring to tech scandals such as tax evasion, data breaches, or surveillance in European-, French-, and German-language newspapers<sup>76</sup>. Figure 6 starts in 2013, the year of the Snowden leaks and one of Big Tech's first major scandals. It shows that negative reporting on Big Tech remained relatively salient in most of Europe after 2013, challenging an automatic consumer-platform alliance. However, in French and German, the media narrative toward Big Tech differed substantially. In German, negative reporting steadily decreased until 2017. After a slight increase in

<sup>76</sup>For a full list of search terms see appendix A4.



**Figure 6.** Salience of techlash in newspapers.

Note: Data on Portuguese, Maltese, and Belgian French-language newspapers is only available from 2015 and not included. “Other languages” refers to English, Spanish, Polish, Italian, and Dutch.

2018, the year platforms started outside lobbying on the EU CD, negative reporting decreased again to 33 percent of 2013 levels in 2019. In contrast, reporting in French newspapers’ stabilized at around 55 percent and began to increase in 2017. In 2018 and 2019, the salience of the techlash in French newspapers reached the same level as in 2013. I argue that since French-speaking journalists and readers already were more accustomed to negative reporting on Big Tech, frames highlighting the outsized market power and exploitative practices of platforms found a more perceptible bonding surface than in German-speaking countries.

Public opinion on the effectiveness of existing content regulation also differed critically between France and Germany. A Flash Eurobarometer from June 2018, right before the platforms’ outside lobbying campaign took off, reveals virtually no difference between French and Germans regarding their overwhelming support for the protection of freedom of expression online (Q1.3) and arrangements “to limit the spread of illegal content” (Q1.2). Thus, citizens, in principle, perceived the goals of anti-copyright and pro-copyright groups as equally legitimate. However, 56% of French respondents thought that the existing provisions of platforms to tackle illegal content were ineffective (vs. 38% of Germans; Q1.4). That a majority of the French perceived the pre-EUCD situation as insufficient suggests that they might have been more susceptible to *fair pay and creator rights* frames than Germans.

Finally, differences in the economic structure of the cultural economy of France and Germany provided a bonding surface for frames delegitimizing rightsholders and creatives as big business lobbyists in German, whereas they made the *fair remuneration and creator rights* frame more credible in France. Eurostat data on the number of persons employed per enterprise in the cultural economy in 2019 reveal that the sector is most concentrated in Germany (6.4), while France is below average (2.6)<sup>77</sup>. This difference is particularly pronounced in the publishing sectors, in particular newspaper publishing (236 vs. 16.7)<sup>78</sup>. Frames highlighting a market asymmetry and exploitative relation between Big Tech and small artists were thus more credible in France than in Germany. In addition, the high concentration of the creative sector in Germany created a bonding surface for frames delegitimizing rightsholders and artists as agents of big business.

In France, the existing media narrative, public opinion on content regulation, and the structure of the creative economy created a good bonding surface for the fair pay and creator rights frame and the

<sup>77</sup>Eurostat (cult&num)

<sup>78</sup>Eurostat (cult&num)

delegitimization of the anti-copyright coalition. In Germany, in contrast, the media narrative against Big Tech was less negative, the need to reform content regulation was perceived less pressing, and the creative economy was highly concentrated. Frames, however, do not stick even to the best bonding surface if the groups pushing them apply weak glue.

### *Characteristics of competing interest groups (the glue)*

In addition to the bonding surface, the stickiness of a frame is determined by the characteristics of competing interest groups. This involves (1) the (relative) frequency with that a frame is pushed, (2) the unity of the coalition pushing it, and (3) the credibility and legitimacy of the frame. While platform outside lobbying events follow a similar pattern across French- and German-speaking countries, there are considerable differences in the composition of and the frequency and unity of the frames pushed by the anti-copyright coalition.

The outside lobbying data from interest groups websites and tweets reveal substantial differences in composition. While the number of rightsholder (FR: 27 vs. DE: 24) and anti-copyright civil society groups (12 vs. 16) that posted on the EUCD is rather similar, more interest groups representing creatives (21 vs. 9) posted in French and more platforms in German (3 vs. 6). Additionally, the composition of the pro-copyright groups in the inside lobbying data differs substantially. Reflecting the concentration of the creative economy in Germany, most German pro-copyright groups were big businesses such as Springer, Bertelsmann, Wiley, or DeGruyter (all publishers), sports leagues, television and movie firms, or the chemical industry (table A1). Representatives from German publishers were also key actors in the European-level Publishing Associations<sup>79</sup>. In contrast, French rightsholder groups mostly represented small enterprises and individual creatives, although there were some big movie and TV associations/businesses (table A1).

The composition of the German pro-copyright coalition was used by anti-copyright groups to delegitimize their activities as big business lobbying. Especially Springer became a focal point with demonstrations in front of their headquarters and tweets highlighting the close connection between Springer and the CDU/CSU<sup>80</sup>. Pro-copyright politicians including rapporteur Axel Voss, Commissioner Günther Oettinger (both CDU/CSU), and Helga Trüpel (Greens) were criticized for their close connections to the publishers. Especially the CDU/CSU was attacked by anti-copyright activists with #niewiederCDU (#CDUneveragain). In contrast to the French debate, where the conflict was depicted as between small creatives and Big Tech, in German the perceived conflict was between competing business lobbies which delegitimized claims of the pro-copyright coalition.

Differences between the countries are also reflected in the frequency and unity with which groups pushed specific frames. In German, the civil society and platform groups unified around the *copyright & uploadfilter* and the *break the internet* frames and pushed it very frequently (figure 7). As Figure 7 reveals, the *copyright & uploadfilter* frame stuck with newspapers and on Twitter. This is also consistent with public opinion of Germans regarding freedom of expression on the internet (see above).

In French, surprisingly rightsholders are the most active group in distributing anti-copyright frames. Looking at the content of these posts, the frames are largely used to delegitimize claims of the anti-copyright coalition. For instance, rightsholders retweeted an allegation that many of the tweets containing *saveyourinternet* were sent from Washington, DC “the lobbying base” of Big Tech<sup>81</sup>, urged users to not “believe anyone who says the #CopyrightDirective will censor the internet,”<sup>82</sup> or widely shared a tweet of the Palais de l’Élysée stating that “[c]opyright is not censorship, it is freedom of creation and diversity of information!”<sup>83</sup>. This delegitimization strategy is also reflected in the attempts

<sup>79</sup>Corporate Europe Observatory (2018).

<sup>80</sup>E.g. Savetheinternet.io (tweet id: 1096369382509473792, 1098184223414984704), Wikimedia Deutschland (tweet id: 1010843855225270272), see also: Corporate Europe

<sup>81</sup>IMPALA (Tweet id: 1039792463886671873); European Federation of Journalists (Tweet id: 1039777894904602625); Syndicat National de l’Édition (Tweet id: 1039780407460409345)

<sup>82</sup>E.g. Groupement Européen des Sociétés d’Auteurs (Tweet id: 1103219676388167682)

<sup>83</sup>E.g. ADAMI (Tweet id: 1110197758827397121)

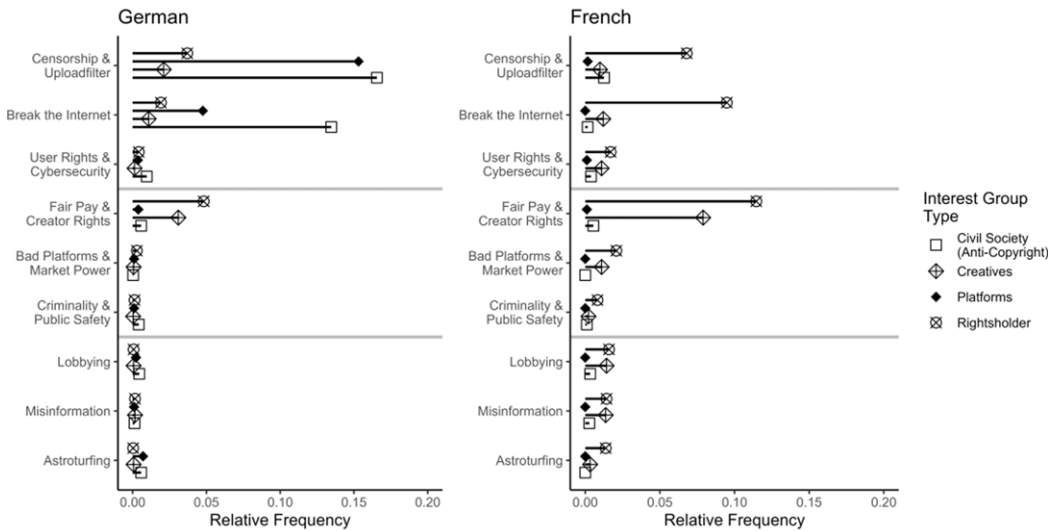


Figure 7. Relative frequency of frames pushed by interest group type.

of rightsholders and creatives in French to push *astroturfing*, *lobbying*, and *misinformation* frames (figure 7). While the latter group of frames was pushed rather infrequently, they nonetheless stuck with the media, especially newspapers (figure 5).

In French, rightsholders and creatives were not only successful in delegitimizing the anti-copyright groups but also in pushing their own frames. Rightsholders and creatives unified around the *fair pay & creator rights* frame and pushed it frequently in French (figure 7). Coupled with a favorable bonding surface for the frame, it is unsurprising that it was successful in newspapers and on Twitter (figure 5). Although rightsholders and creatives unified around the *fair pay & creator rights* frame also in German (figure 7), it was not as frequently pushed, the bonding surface was less favorable than in France, and the pro-copyright coalition was delegitimized. Thus, the frame stuck considerably worse than in French media (figure 5).

To sum up this section, I find that in France the pro-copyright frames fell on fertile soil because of a skeptical position toward tech in the public and media and a creative sector characterized by individuals and SMEs made for a good bonding surface. Further, it enabled the pro-copyright coalition to delegitimize the anti-copyright coalition. In Germany, a less tech critical media debate, the belief that pre-EUCD regulation is sufficient, and the concentration of firms in the creative sector, notably of publishers, created a bonding surface for censorship frames and the delegitimization of the pro-copyright coalition. In the next part, I will trace how MEPs responded to the signals sent by these different frames.

### Outcome: policymakers respond to signaling

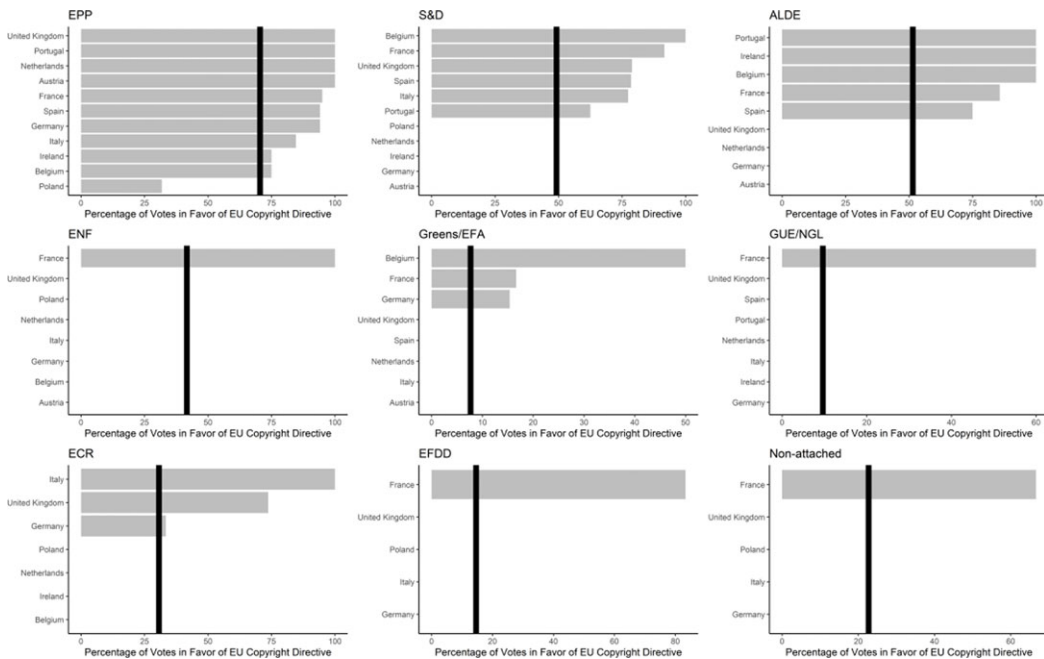
Cross-language differences in the framing of the debates are largely reflected in the voting behavior of MEPs on the EUCD on March 26, 2019. Three groups of countries can be distinguished. First, countries where strong support for the directive transcends party lines. More than 80 percent of French MEPs voted in favor and significantly tweeted more pro-copyright after the March blackouts (figures 4&8). In the parliamentary debate, they mirrored the delegitimization frames toward the anti-copyright coalition as did the CDU/CSU MEPs and the commission. They disregarded demonstrations and concerns of the public as the result of a misinformation campaign<sup>84</sup>, alleged platforms to buy demonstrators<sup>85</sup>, or to “have bombarded [MEPs] like vulgar cultural intellectual political prisoners”<sup>86</sup>.

<sup>84</sup>Voss (2018); Griffin (2019).

<sup>85</sup>Caspary in: Merholz and Kain (2019).

<sup>86</sup>Cavada in: European Parliament (2019).





**Figure 8.** Percentage of MEP votes in favor of the EU Copyright Directive by Country and Party Group.

Source: Own compilation based on data provided by [pledge2019.eu](https://pledge2019.eu).

Notes: Black vertical line indicates average by party group.

In addition to French MEPs, also Belgian and Portuguese MEPs voted largely in favor of the EU Copyright Directive (figure 8) reflecting the framing of the debate in their languages. In Spanish, where the framing was mixed and salience was low, MEPs also largely voted in favor of the EU Copyright Directive. This suggests that MEPs did not respond to the public amid low politicization of the issue. Second, in countries where framing in newspapers was mixed and salience was high (Italian, English/UK), MEPs votes differed along partisan lines. Third, MEPs from Poland, the Netherlands, Austria, and Germany largely voted against the reform (figure 8). In all these countries, except for Poland, the framing of the debate was strongly anti-copyright after platforms' outside lobbying. Among German-tweeting MEPs, the March 2019 blackouts significantly increased the relative frequency of anti-copyright frames (figure 4), and EU Copyright Directive opponents referred to public protests to justify their position<sup>87</sup>. In Germany, legislators from the CDU/CSU are the exception as they largely voted in favor of the reform justifying their votes by delegitimizing the anti-copyright coalition (see above and figure 8)<sup>88</sup>.

Still, the alignment of MEPs voting behavior with the framing of the EU Copyright Directive in their home countries becomes evident, showing that MEPs are generally responsive to the signal of media reporting.

## Discussion and Conclusion

This paper analyzes the European Copyright Directive (EU Copyright Directive) to uncover the scope conditions of successful platform outside lobbying. In the policy area of copyright, existing accounts of platform power predict an alignment of preferences between consumers and platforms that makes vote-seeking politicians shy away from regulation. I argue that a series of recent Big Tech scandals—the so-called techlash—challenges this structural account of platform power. Instead, platforms need to actively create such a coalition against unfavorable public opinion. While platforms are structurally advantaged to pursue outside lobbying campaigns, their success depends on the stickiness of the frames they and their opponents push. Comparing the French and German debates, I find that pro-copyright frames

<sup>87</sup>e.g. Reda, Guoga, Sośnierz, Wölken, Maštálka in: European Parliament (2019).

<sup>88</sup>See also: Heermann (2023).

and frames that delegitimize platforms stuck better in France, while anti-copyright frames stuck better in Germany. I attribute this to initial differences in the perceptibility of the targeted audience, namely differences in public opinion, media coverage of Big Tech, and different degrees of concentration of the countries' creative economy. These differences in the bonding surface enabled competing interest groups to make their framing stick. Pro-copyright groups arguing for fair remuneration and criticizing the exploitation of artists by platforms succeeded in French where the creative sector consists mainly of SMEs and individual artists. In German, a less pronounced techlash and a concentrated media sector enabled platform frames that criticized censorship and big media to stick leading to a strong outside signal to German-speaking MEPs. Thus, the stickiness of frames, i.e., the perceptibility of the target audience and characteristics of competing interest groups, is an important scope conditions for successful platform outside lobbying.

I make two contributions to the lobbying and business power literatures. First, I show that the techlash substantially changed the dynamics of platform power by undermining the structural consumer-platform coalition. Instead, platforms have to actively create coalitions against regulation by using outside lobbying tactics. I identify frame stickiness as a key scope condition for platform outside lobbying. Second, my findings show that insulated debates on structural and instrumental (platform) power can be fruitfully overcome by highlighting how certain business models and sectoral characteristics (dis)enable lobbying strategies. On the one hand, platforms are uniquely positioned to mobilize the public because of their ownership of digital infrastructure and their intermediary position. On the other hand, platforms' exploitative business practices are particularly vulnerable to delegitimization strategies by competing interest groups—especially amid the techlash. Crucially, both contributions show that initial claims of the political power of platforms were exaggerated, at least in the area of copyright.

Finally, I propose a novel mixed-methods design that exploits the complementary strengths of process-tracing and time-series analysis of textual data. Combining these methods increases the robustness of time-series analysis by theorizing a process and adding context to findings of temporal precedence. Process tracing is enhanced by the addition of time-series analysis when the mechanism involves many entities and its parts cannot be comprehensively operationalized with qualitative data.

Despite these contributions my study also has weaknesses that future research should address.

First, I do not explain why the EUCD passed. This is largely due to my research goal and design. My goal is to explain under which conditions platform outside lobbying is successful. Therefore, I focus on collecting within-case evidence on whether the proposed mechanism of conflict expansion and signaling worked and if not, why it failed. While I believe I have identified the reasons why platforms were unable to (re)frame the debate across the EU and send a strong signal of public unease to MEPs from all countries, my study does not fully explain why the EUCD passed. As the CDU/CSU illustrates, party politics and inside lobbying by rightsholders played a substantial role. Moreover, I do not control for every factor that might result in differences between German- and French-speaking countries and the votes of their MEPs. However, given the substantial differences across the ideological spectrum of the MEPs and their clear references to the respective framing in the public debate to justify their voting decisions, I believe that I have gathered sufficient evidence to be confident about the scope conditions of successful platform outside lobbying. Nevertheless, there are many opportunities for further research to investigate non-outside lobbying explanations for the passage of the EUCD.

Second, although I show that the techlash undermined the structural platform-consumer coalition, public opinion toward Big Tech fluctuates not only between different countries but also over time. While we might be in an era of “tech-dystopianism,” the Covid pandemic illustrated that “tech-utopianism” and the belief that technology can better our lives are not dead<sup>89</sup>. Initial public opinion toward Big Tech should thus be considered as a variable, not a constant and should be included in any study of platform power.

Third, in my comparison of the German and French debates, I largely neglect possible interactions between the debates. While research on the nonexistence of a European public sphere suggests that

<sup>89</sup>Weiss-Blatt (2021).

interactions between languages are limited<sup>90</sup>, the reference of CDU/CSU politicians to delegitimization frames, which were mainly pushed in the French context, suggests that further studies should analyze outside lobbying and framing while explicitly theorizing multilevel dynamics and spillovers between countries. Framing in one country could reinforce or limit framing/outside lobbying success in other countries.

Fourth, I study platform outside lobbying in a case that is primarily a lobbying battle between different firms in a policy area that is likely to show an alignment of initial preferences between platforms and consumers. This is a case where we should expect platform outside lobbying to be successful. But it failed. In policy areas where an alignment of preferences is less likely, and where lobbying battles are between platforms and civil society (e.g., data privacy) delegitimization strategies and the stickiness of anti-platform frames should be even more pronounced. The relative absence of platform outside lobbying against the General Data Protection Regulation (GDPR) and the Digital Markets Act suggest that platforms adapt their lobbying strategies to the strategic context of the policy issue. Future research should therefore examine how platforms adapt their lobbying strategies to policy areas.

Fifth, platform lobbying does not end with the adoption of the EUCD. It requires implementation into national law, which creates opportunities for platforms to water down the directive. Indeed, implementation has been slow in many member states, and analyzing differences in the stringency of national legislation provides an interesting opportunity for comparative studies. Further, having lost the legislative battle, platforms may try to obstruct enforcement as they did in the case of the GDPR<sup>91</sup>.

Finally, I have largely focused on the mobilization of the public. However, the mobilization of YouTube creators against the EUCD suggests that platform-dependent entrepreneurs are important in amplifying platform messages. Thus, future studies should investigate how platform-dependent entrepreneurs feature in the lobbying strategies of platforms.

**Supplementary material.** The supplementary material for this article can be found at <https://doi.org/10.1017/bap.2024.25>

**Data availability statement.** Supplementary material for this paper includes an online appendix with a detailed description of the data gathering process, validation of the dictionary, descriptive data on the salience and framing in some EU languages, and full regression results. Replication data and scripts can be accessed online in the Harvard Dataverse: <https://doi.org/10.7910/DVN/3CM39M>.

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<sup>90</sup>Rivas-de-Roca and García-Gordillo (2022).

<sup>91</sup>Goujard (2023).

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