



How Do We Moderate The Content You Post Online?

Every day, people like you post billions of pieces of content online. Companies have created strong systems using human review and machine learning to remove posts, images, videos, and other content that is illegal or in violation of their community standards. They're able to do all of this moderation thanks to two foundational laws: CDA 230 and Section 512 of the DMCA. These laws enable the modern internet to function by allowing you to post content online and then providing what are called intermediary liability protections to websites and apps to allow them to moderate.

INTERMEDIARY LIABILITY PROTECTIONS ARE FOUNDATIONAL TO THE MODERN INTERNET

Without these rules, websites and apps:

- **Would be considered the authors of third-party content on their platforms.** That means that a social media site would be considered the speaker of all the posts made by their millions or billions of users.
- **Would face legal liability for making good-faith efforts to remove illicit or objectionable content.** Before these protections were put into law, online platforms were sued for libel and other crimes because they made efforts to remove harmful content from their services on the grounds that moderation equated to authorship.

EVERY 60 SECONDS...



250 reviews



400 hours of video



350,000 tweets



2.4 million snaps



65,000 photos & videos

CONTENT ENABLED BY THESE PROTECTIONS



Video hosting services



Sharing economy apps



Product, restaurant, and site reviews



Event management and ticketing sites



Social media



Dating and matchmaking apps



CDA 230 & DMCA Are The Laws That Allow Platforms To Moderate

SECTION 230 OF THE COMMUNICATIONS DECENCY ACT

- Enacted as part of the Communications Decency Act (CDA) of 1996 to "promote the continued development of the Internet and other interactive computer services and other interactive media"
 - › "No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider"
 - › "No provider or user of an interactive computer service shall be held liable on account of any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected"

SECTION 512 OF THE DIGITAL MILLENNIUM COPYRIGHT ACT

- Established as part of the Digital Millennium Copyright Act (DMCA) of 1998 to update U.S. copyright laws
- Created "safe harbors" for intermediaries, protecting them from IP liability for:
 - › Transmitting material
 - › Storing material on network
 - › Referring or linking users to infringing material
- Puts a system in place to address infringement: Intermediaries must ban "repeat infringers" to comply through the notice and takedown system

CONTENT MODERATION LAWS WERE DESIGNED TO ENCOURAGE GOOD SAMARITANS

- ① They **don't provide blanket immunity**
- ② These laws **do not protect** websites and apps **from federal criminal prosecution**
- ③ Websites that **actively promote crimes aren't protected**
- ④ If a website is **creating or editing illegal content**, it's **not protected** by these laws
- ⑤ These laws set a **minimum standard** that gives IA members the ability to enforce community standards and copyright protections **that go well beyond the letter of the law**

ABOUT INTERNET ASSOCIATION

Internet Association represents over 45 of the world's leading internet companies. IA's mission is to foster innovation, promote economic growth, and empower people through the free and open internet. For more information, visit www.internetassociation.org.