

Digital Content Next

Legal and Legislative Committee
August 18, 2020

Agenda

Discussion of FCC Consideration of Section 230 Rules

Review DCN Letter to Apple

President Trump signed “Executive Order on Preventing Online Censorship” (May 28)

- Seeks to remove Section 230 liability protections for companies that “engage in deceptive or pretextual actions stifling free and open debate by censoring certain viewpoints.”
- Trump referenced Twitter labeling tweets, also alleged that Google and Facebook censor conservative speech

Executive Order directs:

- **NTIA to petition the FCC to request regulations (petition filed on July 27)**
 - **Define what censoring/labeling actions can and cannot be considered “good faith” under Section 230**
- FTC to consider whether platforms actions are “unfair or deceptive”
- Attorney General to convene a working group with state attorneys general to consider same
- Attorney General to develop legislation to “promote the objectives of this order”

NTIA Petition

- Would significantly narrow protections under Section 230
 - Ability to engage in “good faith” moderation limited to only sexual, violent and harassing content
- FCC should mandate, and create rules for, content moderation policies:
 - Must be disclosed to FCC
 - Applied consistently
 - “objectively reasoned belief” that it complies with Section 230
 - Include process for notification and response

FCC requested public comment September 2, reply comments by September 17

Agenda

Discussion of FCC Consideration of Section 230 Rules

Review DCN Letter to Apple

House Judiciary Committee Hearing on July 29

- Rep. Hank Johnson asked Tim Cook whether the terms of Apple's deal with Amazon are available to anyone
- Tim Cook responded affirmatively that they are available to "anyone meeting the conditions."

DCN letter requests

- more information about the terms of the deal
- how publishers can meet the conditions

Apple/Amazon terms are reported to be:

- 15% fee for Apple when consumer signs up for Amazon Prime Video (down from 30%)
- No fee for existing subscribers (down from 15%)
- Allow Amazon to utilize other payment systems

Other Issues?