

Public Comment by Investigator Michael Roberts of Page1.me Re: *Online predatory conduct that violates the consumer protection statutes enforced by the FTC.*

§ 230(c)(1) of the Communications Decency Act – A Flawed Law...

The US federal law which is ironically named the "Communications Decency Act", specifically 47 U.S.C. § 230(c)(1), was implemented in 1996. This was long before Google decided "to organize the world's information and make it universally accessible and useful". The law was enacted to protect the then fledgeling Internet industry against certain public liability issues, so as not to jeopardize its growth.

The Internet is probably now the most robust industry on the planet. Providers within the digital media industry no longer need the broad protections offered by § 230C. The law immunizes providers from liability for the innocent or deliberate dissemination of injurious falsehoods, defamation, harassment, tortuous interference for prospective financial gain and extortion.

The FTC's broad mandate encompasses protection for consumers, but also for businesses who are victims of unfair trade practices. Although this is a matter for amendment by the U.S. Congress, the FTC has considerable persuasive power with lawmakers, and should, therefore, get involved.

The § 230(c) loophole has had its day; it must be amended with provisions that enforce reasonable duty of care obligations on the likes of Google, Facebook and other Silicon Valley giants, who turn a blind eye to the ongoing anguish caused to individuals and businesses, who are being ruined by malicious defamation perpetuated through these wealthy and powerful digital platforms.

As an example of commonplace abuse of the § 230(c) loophole. Any person can anonymously publish unfounded allegations against any other person or business, on the various notorious websites. Soon thereafter, the injurious falsehoods published on these websites appear in Google search results for the person or organization named therein. The website administrators will then contact the injured parties and offer to mitigate the ongoing defamation, in consideration for large financial payments. Without the loophole protection of § 230(c), this would be tantamount to criminal extortion, and the website would

be liable for defamation. However, due to the federal supremacy of § 230(c), the websites are permitted to exact these payments from their victims; with impunity.

Many tens, if not hundreds of thousands of businesses defamed in these websites were targeted by unscrupulous competitors or other individuals who, for whatever reason, seek to do harm to the defamed parties.

This is just one hundreds of thousands of examples of abuses inflicted by unethical Internet service providers and website operators because of this flawed law. It represents a clear and present danger to the financial viability of thousands of American businesses, whose prospective clients' use Google search as their primary due diligence research tool.

The following clause needs an urgent amendment:

"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."

It should be amended to the following effect:

*"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, **as long as that provider demonstrates a reasonable duty of care to third parties who are being defamed, harassed, or otherwise injured, by content under the provider's control and once the injured party has notified the provider of the existence of the offending content.**"*

This duty of care should extend to Google, as much as it should for the extortion websites. Google literally cites 230(c)(1) as an excuse for not removing defamatory search results from its proprietary search index when injured parties request removal. Google uses this as a carte blanche get-out-of-jail-free card, and it is morally reprehensible.

I urge the FTC to use its considerable weight and influence in persuading lawmakers in the U.S. Congress, to enact amendments to this outdated law. This law could be described tongue-in-cheek as "State-Sponsored Cyber Terrorism"

Very respectfully submitted,

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