

Public Comment by Samuel W Meyer of Bristol-Myers Squibb Re: Violations & predatory online & FTC approaches to malicious online behavior.

§ 230(c)(1) of the Communications Decency Act - An ironically named law. by Samuel W Meyer & Bristol-Myers Squibb

The US federal law that is ironically titled the "Communications Decency Act", specifically 47 U.S.C. Section 230(c)(1), was ratified in 1996. The law was passed to secure the then Internet industry against public liability issues, so as not to threaten its development.

The Internet is probably now the strongest industry on the planet. Operators within the digital media industry no longer need the extensive immunity offered by Section 230C. The law immunizes providers from liability for the innocent or calculated dissemination of injurious imputations, harassment, business interference with monetary gain and blackmail.

The FTC's broad authority incorporates security for consumers, but equally for businesses whom are casualties of dishonest trade practices. Though this is a matter for modification by the U.S. Congress, the FTC has persuasive power with legislators, and needs to for that reason, engage the lawmakers.

The § 230(c) loophole is obsolete.

The law must be changed with provisions that put into effect acceptable duty of care commitments on the likes of Google, Facebook and other Silicon Valley giants, who turn a blind eye to the ongoing distress induced to individuals as well as firms, who are being shattered by malicious smear campaigns through these successful and powerful online channels.

As an example of common wrongdoing via the Section 230(c) loophole that I have experienced first hand. Any individual can anonymously post bogus allegations against any other person or business, through various "gripe sites". The damaging falsehoods posted on these websites emerge in Google search results for the person or organization named therein. The website administrators will then contact the injured parties and propose to mitigate the ongoing attacks, in return for large financial payments. Without having the loophole protection of Section 230(c),

this would be criminal extortion. The site would also be liable for defamation. But, due to the federal supremacy of § 230(c), the sites are licensed to extort targets; with immunity .

By now, tens, if not hundreds of thousands of people maligned in these sites were targeted by shady competitors or other parties who, for whatever reasons, look to do damage to the libelled parties. Section 230(c) in turn permits the website, including Google, to ignore the desperate pleas of the injured party to delete the unfounded assertions.

This is merely one of thousands of examples of abuses caused by immoral Internet service providers and site owners, simply because of this faulty law. It represents an unmistakable and present threat to the financial viability of thousands of American businesses, whose prospective clients' make use of Google search as their due diligence research resource.

The following section needs a crucial modification:

230(c)(1) "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 needs to be changed 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 displays a reasonable duty of care to third parties who are defamed, bothered, or in another way injured, by content under the provider's control and once the injured party has alerted the provider of the presence of the angering material]]"

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

I, Samuel W Meyer, and employee of Bristol-Myers Squibb, respectfully suggest that the FTC to apply its considerable power in persuading lawmakers in the U.S. Congress, to enact modifications to this obsolete law.

Very respectfully submitted,

Samuel W Meyer

Bristol-Myers Squibb

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