FTC Comment: Licensed Private Investigator Michael Roberts of Rexxfield Reviews Predatory Conduct Online

Re: Predatory online smear campaigns that breach the consumer protection statutes imposed by the Federal Trade Commission.

Section 230(c)(1) of the Communications Decency Act - A distorted Law by Rexxfield's Michael Roberts, Licensed Private Investigator & Digital Forensic Consultant

The US federal law that is ironically known as the "Communications Decency Act", specifically 47 U.S.C. Section 230(c)(1), was passed in 1996. This was long before Google attempted *"to organize the world's information and to make it universally accessible and useful"*. The law was passed to protect the fledgling Internet industry against public liability matters, so as not to endanger its growth.

The Internet is most likely now the most robust industry on earth. Operators within the digital media industry no longer need the extensive immunity conveyed by § 230C. The law protects providers from liability for the innocent or deliberate circulation of harmful allegations, libel, tortious interference for potential financial gain and even blackmail.

The FTC's broad mandate encompasses protection for consumers, but likewise for businesses that are targets of vicious trade practice breaches. Although this is a matter for the U.S. Congress, the FTC has considerable persuasive influence and power with legislators, and must, for that reason, should engage Congress.

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The Section 230(c) loophole is outdated; it must be modified with regulations that implement acceptable duty of care requirements on the likes of Google, Facebook and other Internet giants, who compound the recurring distress inflicted to individuals as well as companies, that are being ruined by harmful defamation compounded by these prosperous and powerful digital platforms.

The following is an illustration of customary misconduct through the Section 230(c) loophole. Any individual can anonymously post unfounded allegations against any other individual or company, through various well-known "gripe sites". Soon thereafter, the injurious defamation published on these websites show up in Google search results for the person or business named. The website administrators will then reach out to the injured parties and offer to relieve the continuing defamation, in return for large financial fees. **In the absence of the loophole protection of Section 230(c), this would be criminal extortion**, and the website would also be guilty of libel. However, due to the federal supremacy of § 230(c), the sites are licensed to demand these payments from their targets; without liability or the risk criminal charges.

A large number of people defamed in these sites were targeted by unethical business competitors or other people who, for whatever reason, seek to do harm to the defamed parties. Section 230(c) in turn permits the content providers, including search engines, to disregard the desperate pleas of the victims to remove the unfounded allegations that appear on page 1 of Google. I have published a video that explains the problem here:

https://www.youtube.com/watch?v=6hjdopsyXOY

This is only one of many illustrations of abuses by unethical Internet service providers and site administrators because of this flawed law. It represents a clear and present danger to the financial stability of hundreds of American businesses, whose prospective clients' utilize Google search as their main due diligence research resource.

The following section needs an urgent 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 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 an acceptable duty of care to third parties who are defamed, attacked, or otherwise hurt, by web content under the provider's management and once the injured party has notified the provider of the presence of the defaming content]]".***

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

I, Michael Roberts of Rexxfield, respectfully advise the FTC to work with its considerable weight and impact in persuading lawmakers in the U.S. Congress, to enact amendments to this law. This law might be tongue-in-cheek identified as ***"Government-Sponsored Cyber Terrorism"***.

Very respectfully submitted by,

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