

Platform Issues

How does policy impact platforms?



Any Internet-enabled company that hosts content created and uploaded by its users is a platform. While people tend to think only of large social media companies, Internet platforms include websites with comment sections, apps that let users share messages, and services that let users rate and review products they've bought. Under current laws, Internet platforms are able to host, sort, and moderate their users' content at

their discretion without fear of being held legally liable for what users say or share. In the copyright space, this liability is governed by the Digital Millennium Copyright Act (DMCA), which sets up a system for platforms to respond to complaints about user-uploaded, allegedly-infringing content. Outside of that context, platform liability is protected by Section 230 of the Communications Decency Act.

Key takeaways:

- Laws that protect Internet platforms from being held responsible for their users' speech are crucial for startups that host user-generated content and protect them from ruinous lawsuits.
- Content moderation is difficult for all companies that host user generated content, especially for startups, which can't afford to hire thousands of content moderators or build expensive filtering tools.
- Startups need to be able to create online spaces that are useful, relevant, and welcoming to their users.

Why does it matter to startups?

Startups stand to lose the most if these laws about platform liability are changed. A small, new company that hosts user content will be unable to get investment, get off the ground, and grow its business if it has to constantly be prepared to face costly, time-consuming lawsuits over the content its users post. And unlike the largest tech companies, startups do not have the time and resources to hire thousands of people or build expensive tools to monitor what their users share.

Where are we now?

Section 230: In recent years, Section 230 has been the subject of calls for reform, starting with the passage of the Stop Enabling Sex Traffickers Act in 2018. Since then, policymakers have repeatedly threatened to further change Section 230 as a means to address a variety of problems online, including political misinformation, hate speech, opioid abuse, and alleged political censorship. Several states have considered—and a handful have even passed—legislation aimed at changing the ways platforms host and moderate content. New York passed a law that dictates how platforms should handle “hateful conduct,” while Texas and Florida have laws on the books (though both are currently being challenged in federal courts) that would make it more difficult for large platforms to remove content in a way that treats “viewpoints” differently.

DMCA: Some copyright holders and some lawmakers are pushing to change copyright law despite the successful and balanced framework established by the DMCA. For example, some have argued it should be easier to sue companies for copyright infringement they have no knowledge of or involvement in. Others have argued that all Internet platforms, regardless of whether their users have ever been accused of infringement, should be required to review or filter every single user post.