CONTENT MODERATION

Why it matters to startups:

Every startup that hosts content created by users—including websites with comment sections, apps that let users share messages, photo storage services, and review websites—deals with content moderation issues. Under the current legal framework established by Section 230 and the First Amendment, Internet companies of all sizes can host, moderate, remove, curate, recommend, etc. user content without fear of ruinous legal repercussions. A small, new company that hosts user content won't be able 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 its content moderation decisions. And unlike the largest tech companies, startups do not have the time and resources to hire thousands of people or build expensive and ultimately imperfect tools to monitor what their users share.

KEY TAKEAWAYS:

- Content moderation is difficult for all companies that host user-generated content, especially for startups that can't afford to hire thousands of content moderators or build expensive filtering tools.

- The First Amendment protects startups' ability to moderate user content so that their corners of the Internet are useful, relevant, and welcoming to their communities of users.

- Section 230 allows Internet companies to relatively quickly and inexpensively resolve lawsuits over content created by their users.

What policymakers can do:

Policymakers understandably want to address concerns about problematic content that spreads online, especially when online content leads to real-world harms. But most content moderation policy proposals would make it harder for smaller and new Internet companies to launch and compete, leading to fewer places for users to gather online. Content moderation is incredibly difficult, even for the world's largest companies. There are no silver-bullet solutions to quickly finding and removing the user content a company doesn't want to host, including technological solutions, which are inherently imperfect and expensive to build and maintain.

Policymakers should be especially careful to avoid sweeping changes to the legal landscape around content moderation, especially those that make it riskier for startups to host, curate, and remove user content. In recent years, lawmakers have proposed varying and often conflicting legislation that would push Internet companies to moderate more and less content. Some accuse companies of removing too much and have proposed requiring that Internet companies host certain content, while others say companies aren't doing enough to remove or suppress problematic content—including illegal content as well as First Amendment-protected speech like misinformation. Most recently, lawmakers at the state and federal levels have pushed "kids' safety" legislation that would prohibit Internet companies from showing "harmful" user content to young users, which raises practical concerns about how much information companies should have to collect about users to determine their age and practical and free expression concerns about who gets to decide (either through private lawsuits or through government enforcement) what is considered "harmful" for kids.

STARTUP SPOTLIGHT
Hulah
(Los Angeles, Calif.)
Heather Hopkins, Founder & CEO

Hulah is a dating app aimed at increasing safety for women by relying on women users endorsing the men on the app.

"We employ a combination of manual and AI-based moderation techniques to ensure a safe and enjoyable environment for our users. ... Laws that enable us to moderate content on Hulah like Section 230 are really important for us to be able to curate a safe space for our users without the threat of a bad-faith lawsuit from an individual upset that we removed their content that violated our rules."