

# The MLRC Digital Review

*Reporting on developments in digital media law and policy*

by Jeff Hermes

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Greetings, everyone! It's been a while since I've had a chance to write to you like this, what with the MLRC's Virginia Virtual Conference at the cusp of October and other activities keeping us fully occupied. For my part, I was keeping busy preparing written materials for the conference, in particular the bench brief for George & Laura's session on "The President and the First Amendment" and the outline for the Digital/IP sessions. I hope you found the materials interesting and informative (and if you haven't browsed the written materials for the conference, you're missing out).

Meanwhile, recent months have seen a great deal of activity in the world of media law. We have the untimely death of Justice Ginsburg (commentaries on her First Amendment jurisprudence [here](#) and [here](#)), the Trump Administration's fixation on TikTok, a spate of Section 230 reform proposals, platforms scrambling to cope with election misinformation, antitrust investigations coming to a head, a ton of activity internationally, and much, much more. Not to mention our usual crop of copyright developments relating to our friend Richard. Writing all of this up in full would produce a tome of unwieldy size delayed longer than a George R.R. Martin novel, so a link roundup it is.

That said, even collected headlines can tell an interesting story. Consider this sequence of headlines about the Federal Trade Commission, linked in the Section 230 section below: "FTC Lacks Authority To Police Platforms' Content Moderation Policies, Simons Says"; "Trump pressures head of consumer agency to bend on social media crackdown"; "Trump aides interviewing replacement for embattled FTC chair." Says it all, right? The numerous headlines about TikTok under Privacy convey a pretty interesting narrative too.

I'm planning a regular issue to cover October (and yes, I know October's almost over, I already have my pumpkin ready to carve), but until then, you can marvel at the sheer amount of activity that we all get up to. Enjoy!

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## I. Privacy

## A. Anonymity

Nothing to report this issue. Don't worry, it picks up after this.

## B. Personal Information

- **3rd Circuit Won't Upset Microsoft Win In 'Gears Of War' Suit**  
[Opinion: Hamilton v. Speight](#)
- **N.D. Cal.: Android Users Accuse Google Of Spying To Build Next TikTok**  
[Complaint: McCoy v. Alphabet](#)
- **N.D. Cal.: Lawsuit Claims Yahoo Provided China With Information on Political Dissidents**  
[Complaint: Xiahua v. Oath](#)
- **N.D. Cal.: Illinois Facebook users can now file claims for up to \$400 as part of class action lawsuit settlement**
- **D.N.J.: Twitter Faces Lawsuit by Man 'Doxed' as White Supremacist**  
[Complaint: D'Ambly v. Exoo](#)
- **E.D. Pa.: Court Dismisses Philly TV Anchor's Privacy Suit vs. Czech Porn Site**  
[Opinion: Hepp v. Facebook](#)
- **W.D. Wash.: Twitter Obtained Phone Numbers Via Fraud, Wash. User Says**  
[Complaint: Gray v. Twitter](#)

- **Ariz. Super.: Unredacted suit shows Google's own engineers confused by privacy settings**  
[Complaint: Arizona v. Google](#)
- **California High Court Sets Rules for Facebook Subpoena**  
[Opinion: Facebook v. Superior Court](#)
- **Cal.: Weather Channel app to change practices after LA lawsuit**
- **Minnesota Asks Top State Court to Reinstate Revenge Porn Law**
- **N.Y. Sup.: New York City Ballet Dropped From a Woman's Photo-Sharing Lawsuit**
- **Twitter under FTC investigation for alleged misuse of user data**
- **What To Watch As Data Privacy Again Grabs Focus In Senate**  
[Webcast: Revisiting the Need for Federal Data Privacy Legislation](#)

#### TikTok and the President

- **President Trump Issues Executive Order Forcing Sale of TikTok**
- **Trump gives TikTok a new deadline: 90 days instead of 45**
- **Trump Says Oracle Could 'Handle' Owning TikTok**
- **C.D. Cal.: TikTok sues Trump administration over looming US ban**  
[Complaint: TikTok v. Trump](#)
- **N.D. Cal.: WeChat users sue to block Trump ban on Chinese app**  
[Complaint: WeChat Users Alliance v. Trump](#)
- **N.D. Cal.: TikTok Employee Asks Court to Immediately Stop Trump Order**  
[Brief: Ryan v. Trump](#)
- **Microsoft, Walmart Offer Joint TikTok Bid, Vying With Oracle**
- **TikTok Deal Is Complicated by New Rules From China Over Tech Exports**
  - **China will not accept U.S. 'theft' of TikTok: China Daily**
- **Trump Insists on Compensation for U.S. in Any TikTok Sale**

- **TikTok will partner with Oracle in the United States after Microsoft loses bid**
- **Neither Microsoft nor Oracle gets to buy TikTok US: Chinese state media**
- **N.D. Cal.: Justice Department says WeChat users won't be penalized under Trump's executive order**  
[Notice: U.S. WeChat Users Alliance v. Trump](#)
- **Backlash Grows to TikTok-Oracle Deal**
- **N.D. Cal.: Trump's WeChat ban is on hold after judge grants preliminary injunction**  
[Order: U.S. WeChat Users Alliance v. Trump](#)
- **Trump's Unprecedented Bans of TikTok, WeChat Apps Slammed as Violating First Amendment**
- **China Proposes Global Data Rules to Counter U.S. Moves on TikTok**
- **N.D. Cal.: Court blocks Trump's WeChat ban from taking effect Sunday**  
[Order: U.S. WeChat Users Alliance v. Trump](#)
- **Trump admin orders TikTok, WeChat gone from app stores on Sunday**
- **After Trump's TikTok Ban, China Readies Blacklist of Foreign Companies**
- **Instagram CEO, ACLU slam TikTok and WeChat app bans for putting US freedoms into the balance**
- **Trump approves Oracle, TikTok deal "in concept"**
- **Everything we know so far about Oracle not actually buying TikTok**
- **China says it won't approve TikTok sale, calls it 'extortion'**
  - **Blowback Time: China Says TikTok Deal Is A Model For How It Should Deal With US Companies In China**
- **D.D.C.: TikTok files for injunction against pending Trump app ban**  
[Brief: TikTok v. Trump](#)
- **D.D.C.: Judge rules TikTok can avoid a ban in the US, for now**  
[Order: TikTok v. Trump](#)

- **Gaming companies are reportedly the next targets in the US government's potentially broader Tencent purge**

C. Children's Privacy

- **N.D. Cal.: Disney, Viacom Agree To Limit Data Collection In Kids Apps**  
[Motion for Preliminary Approval: McDonald v. Kiloo](#)
- **D.N.M.: US Judge Dismisses New Mexico Privacy Claims Against Google**  
[Order: Balderas v. Google](#)

D. Biometrics

- **Cal. Super.: Instagram faces lawsuit over illegal harvesting of biometric data**
- **Jeff Merkley and Bernie Sanders have a plan to protect you from facial recognition**
- **Vt. Super.: Facial Recognition Database Vendor May Not Qualify for Section 230**  
[Order: State v. Clearview AI](#)
- **N.D. Ill.: Facial-Recognition Company Says Injunction Would Violate First Amendment**
  - **Facial Recognition Start-Up Mounts a First Amendment Defense in Privacy Suits**

E. Manipulated Media

Nothing to report this issue.

F. Hacking & Data Breach

- **9th Circ. Won't Pause Facebook Wiretap Order For High Court**
- **N.D. Cal.: US files expanded charges against former Twitter employees accused of espionage**  
[Superseding Indictment: U.S. v. Abouammo](#)
- **N.D. Cal./UK: Facebook sues developers who violated terms to collect user data, sell fake 'likes'**

[Complaint: Facebook v. Holper](#)

[Complaint: Facebook v. Haltas](#)

- **C.D. Cal.: Former Uber Security Chief Charged With Concealing Hack**
- **N.D. Ill.: Saint Xavier U. Says Fired Coach Hijacked Twitter Account**  
[Complaint: St. Xavier Univ. v. Mossuto](#)
- **S.D.N.Y.: Warner Music Hit With Putative Class Action Over Data Breach**  
[Complaint: Beardsley v. Warner Music Group](#)
- **House Passes Bill To Address The Internet Of Broken Things**  
[Internet of Things Cybersecurity Improvement Act](#)
- **Twitter Hack May Have Had Another Mastermind: A 16-Year-Old**
- **235 Million Instagram, TikTok And YouTube User Profiles Exposed In Massive Data Leak**

G. Other Intrusion

- **N.D. Cal.: Lawsuit accuses Instagram of peeping with iPhone camera**  
[Complaint: Condit v. Instagram](#)
- **E.D.N.Y.: Court shuts down two companies that facilitated millions of fraudulent robocalls**  
[Consent Judgment: U.S. v. Palumbo](#)

II. Intellectual Property

A. Copyright

- **Google and Oracle File Supplemental Briefs on Standard of Review**  
[Supplemental Brief \(Google\): Google v. Oracle America](#)  
[Supplemental Brief \(Oracle\)](#)
  - **Shorthanded High Court Risks Deadlock on Google, Delaware Cases**
- **4th Cir.: YouTube Rippers Eye Supreme Court After Appeals Court Denies Rehearing**

- **9th Cir.: Facebook Isn't Copyright Infringer by Not Removing Posting**  
[Opinion: Harrison v. Facebook](#)
- **9th Cir.: 3-Judge Panel Needs 4 Opinions to Reject Porn Company's Copyright Claim**  
[Opinion: AMA Multimedia v. Wanat](#)
- **11th Cir.: 512(f) Claim Fails in the 11th Circuit**  
[Opinion: Johnson v. New Destiny Christian Center Church](#)
- **D.C. Cir.: Music Streamers Win Appeal Over Royalty Hike for Song Owners**  
[Opinion: Johnson v. Copyright Royalty Board and Librarian of Congress](#)
- **DC Circ. Revives Fight Over Grandfathered Royalty Rates**  
[Opinion: Music Choice v. CRB](#)
- **N.D. Cal.: Williams-Sonoma's Copyright Claim Over Amazon Photo Use Survives**  
[Order: Williams-Sonoma v. Amazon.com](#)
- **C.D. Cal.: Court Orders Rightsowner to Withdraw DMCA Takedown Notices Sent to Amazon**  
[Order on Preliminary Injunction: Beyond Blond Productions v. Heldman](#)  
[Order on 512\(f\) Preemption](#)
- **C.D. Cal.: Instagram Sharing Rights At Center of Photographer's Legal Battle**
- **D. Conn.: Judge Denies Copyright Troll Malibu Media's Request For A Default Judgment**  
[Order: Malibu Media v. Doe](#)
- **M.D. Fla.: IAP Defeats Vicarious Copyright Infringement Claim**  
[Order: UMG Recordings v. Bright House Networks](#)
- **S.D. Ill.: WWE Headed to Trial for Copying Wrestler's Tattoos for Video Game**  
[Order: Alexander v. Take-Two Interactive Software](#)
- **S.D. Ind.: Attorney/photographer denied new trial, ordered to pay \$172K in Indy skyline photo suit**  
[Opinion: Bell v. Carmen Commercial RE](#)
- **D.N.J.: RCN Must Face The Music From Labels Over Online Piracy**  
[Order: UMG Recordings v. RCN Telecom Services](#)

- **E.D.N.Y.: Court dismisses Genius lawsuit over lyrics-scraping by Google**  
Order: [Genius Media Group v. Google](#)
- **S.D.N.Y.: NYC feds bust crew that pirated ‘nearly every movie,’ causing ‘tens of millions’ in losses for film studios**  
Complaint: [U.S. v. Correa](#)
- **S.D.N.Y.: YouTuber Wins Attorneys’ Fees in Clinton Party Copyright Case**  
Opinion: [Hughes v. Benjamin](#)
- **S.D.N.Y.: Publishers Win \$6.1M In IP Battle With Online Sellers**  
Order: [McGraw-Hill Global Education Holdings v. Khan](#)
- **S.D.N.Y.: ‘Electric Avenue’ Singer Files Suit Against Trump Campaign for Copyright Infringement**
- **S.D.N.Y.: Judge Sets Tentative Trial Date for November 2021**  
Order: [Hachette Book Group v. Internet Archive](#)
- **S.D. Tex.: Deshaun Watson sued over 3 images posted to his Instagram of 1.4 million followers**  
Complaint: [Sprecher v. Watson](#)
- **Bankr. D. Utah: VidAngel to pay \$9.9M in copyright lawsuit instead of original \$62.4M**  
Order: [In re VidAngel](#)
- **Dow Jones Gets \$140,000 From Zero Hedge in Settlement**

#### Liebowitz Law Firm Cases

- **2d Cir.: Court Affirms BuzzFeed violated the DMCA in Photo Copyright Case**  
Opinion: [Mango v. BuzzFeed](#)
- **E.D. Mo.: Alleged ‘Copyright Troll’ Lawyer Sanctioned Again Over Filings**  
Opinion: [Belaustegui v. KC Media](#)
- **N.D.N.Y. Federal Court Has Had Enough of ‘Copyright Troll’**  
Order: [Adlife Marketing & Communications Company v. Buckingham Brothers](#)
- **S.D.N.Y.: Another Day, Another Judge Is Wondering Whether Or Not A Richard Liebowitz Client Knows He's A Richard Liebowitz Client**  
Order: [Chosen Figure v. Smiley Miley](#)



- **S.D.N.Y.: Would You Believe That Infamous Copyright Troll Richard Liebowitz Is In Trouble Again?**  
[Order: Chevrestt v. Barstool Sports](#)
- **S.D.N.Y.: HuffPo Use of Jon Hamm Crotch Shot Was Fair Use**  
[Opinion: Schwartzwald v. Oath](#)
- **S.D.N.Y.: Photographer Wins Case vs. Fashion Designer**  
[Order: Iantosca v. Elie Tahari Ltd.](#)
- **Pa. Comm. Pl.: Philly Blog Sues Liebowitz Over 'Frivolous' Copyright Suit**
- **Copyright Troll Richard Liebowitz Reveals His Retainer Agreement: He Gets Most Of The Money**  
[Retainer Agreement](#)

B. Trademark

- **4th Cir./S.D. Cal./Del. Ch.: Three Keyword Advertising Decisions in a Week, and the Trademark Owners Lost Them All**  
[Opinion: Passport Health v. Avance Health System](#)  
[Order: Smash Franchise Partners v. Kanda Holdings](#)  
[Order: Sen v. Amazon.com](#)
- **11th Cir.: "All IP" puts C&D recipient on notice of TM (R), and a bit on the meaning of blue check marks**  
[Opinion: Commodores Entertainment v. McClary](#)
  - **Ariz.: Facebook Hit With Suit By ASU Over 'Hoax-19' Party Posts**  
[Complaint: Arizona Board of Regents v. Doe](#)
- **N.D. Cal.: Sugar Daddy Dating Site Seeking.com Hits Rival With TM Suit**  
[Complaint: Reflex Media v. Successfulmatch.com](#)
- **S.D. Cal.: Properly labeled keyword advertising isn't confusing, court rules**  
[Order: Sen v. Amazon.com](#)
  - **Minn.: Reelz v. Reels: Network Sues Instagram, Facebook for Trademark Infringement**  
[Complaint: Hubbard Media Group v. Instagram](#)

- **N.D. Tex.: Competitive Keyword Advertising Still Isn't Trademark Infringement, Unless...**

Order: Jim S. Adler PC v. Angel L. Reyes & Associates

Order: Jim S. Adler PC v. McNeil Consulting

#### C. Patent

- **9th Circuit Rejects Lower Court Ruling On How Abuse Of Patent Monopolies Can Violate Antitrust**

Opinion: FTC v. Qualcomm

- **Fed. Cir.: Twitter Misread PTAB Standard In IP Suit**

Opinion: Twitter v. VidStream

- **Fed Circuit declines to save Google from East Texas patent lawsuits**

Opinion: In re Google

- **N.D. Cal.: Pokémon Go Maker Accused Of Infringing Gaming IP**

Complaint: NantWorks v. Niantic

- **N.D. Cal.: Facebook Gets Software Co.'s Data Patents Nixed Under Alice**

Order: Software Rights Archive v. Facebook

- **Del./N.D. Cal./W.D. Tex.: Google, Facebook, 7 Other Tech Cos. Sued Over Website IP**

Complaint: Express Mobile v. HubSpot

- **W.D. Tex.: TikTok Accused of Infringement of Digital Photography Patents**

Complaint: Pixmarx IP v. TikTok

#### D. Trade Secrets/Misappropriation/Conversion

Nothing to report this issue.

### III. Platform Management

#### A. Section 230

- **8th Cir. holds sec. 230 protects website against claim that it induced users to post negative comments**

Opinion: East Coast Test Prep v. Allnurses.com

- **N.D. Cal.: Google Defeats Account Termination Case on Section 230 Grounds (Mostly)**  
[Order: Enhanced Athlete v. Google](#)
- **S.D. Fla.: Section 230 Preempts Another FOSTA Claim**  
[Order: Doe v. Kik Interactive](#)
- **E.D.N.Y.: Twitter Isn't Liable for Defamatory Impersonation Account**  
[Order: Brikman v. Twitter](#)
- **W.D. Wash.: Sex Trafficking Lawsuit Against Craigslist Moves Forward**  
[Order: M.L. v. Craigslist](#)

#### Trump's Executive Order on Social Media

- **N.D. Cal.: Trump Sued by Rock the Vote Over Executive Order on Social Media**  
[Complaint: Rock The Vote v. Trump](#)
  - **DOJ Argues Advocacy Groups Can't Sue Over Executive Order Targeting Social Media Sites**  
[Brief: Rock the Vote v. Trump](#)
- **D.D.C.: Trump Admin Asks Judge To Throw Out Lawsuit Challenging Attempted Social Media Crackdown**  
[Motion to Dismiss: Center for Democracy & Technology v. Trump](#)

#### FCC Rulemaking

- **Ajit Pai calls for “vigorous debate” on Trump’s social media crackdown**
- **Vimeo Asks FCC to Ignore Sec. 230 Rulemaking Petition**  
[Petition: In re Section 230](#)
- **Comments on NTIA’s Petition to the FCC Seeking to Destroy Section 230**
- **AT&T backs Trump plan, demands “neutrality” on Facebook, Amazon, and Google**
- **Section 230 and the Twitter Presidency**
- **My Comment To The FCC Regarding The Ridiculous NTIA Petition To Reinterpret Section 230**

- **[Bias Crackdown Reverses Net Neutrality Dereg, FCC Told](#)**  
[Comment: In re Section 230](#)
- **[Four state attorneys general back Trump on social media regulation push](#)**
- **[The Copia Institute's Comment To The FCC Regarding The Ridiculous NTIA Petition To Reinterpret Section 230](#)**  
[Comment: In re Section 230](#)
- **[AT&T Is Astroturfing The FCC In Support Of Trump's Dumb Attack On Social Media](#)**
- **[Authors Of CDA 230 Do Some Serious 230 Mythbusting In Response To Comments Submitted To The FCC](#)**  
[Comment: In re Section 230](#)
- **[Trump nominates social media hawk as next FCC commissioner](#)**

#### FTC Rulemaking

- **[FTC Lacks Authority To Police Platforms' Content Moderation Policies, Simons Says](#)**
- **[Trump pressures head of consumer agency to bend on social media crackdown](#)**
- **[Trump aides interviewing replacement for embattled FTC chair](#)**

#### Section 230 Reform Legislation

- **[Senators Graham And Blumenthal Can't Even 'Earn' The EARN IT Act: Looking To Sneak Vote Through Without Debate](#)**
  - **[The EARN IT Act Has Gotten Even More Terrible. So Of Course It's Moving Forward](#)**
- **[Josh Hawley Is A Lying Demagogue Who Has Built A Fake Fantasy World About 'Evil Big Tech'](#)**
- **[Republicans pressure platforms with new 230 bill](#)**  
[Online Freedom and Viewpoint Diversity Act](#)

- **Senator Lindsey Graham Must Be Desperate For Donations; Announces Terrible Bill That Mashes Up Bad 230 Reform With Bad Copyright Reform**  
[Online Content Policy Modernization Act](#)
- **W. Va. Sen. Manchin, Texas Sen. Cornyn introduce ‘See Something, Say Something Online Act’**  
[See Something Say Something Online Act](#)
- **Proposal would hold social media companies responsible for violent material**  
[Bianca’s Law](#)
- **Justice Dept. sends its Section 230 rewrite to Congress**  
[Proposed legislation](#)
- **California Cities Voting On Ridiculous Resolution Asking Congress For Section 230 Reform... Because Of Violence At Protests?**
- **Trump Gets Mad That Twitter Won't Take Down A Parody Of Mitch McConnell; Demands Unconstitutional Laws**

#### Other Stories

- **Trump administration expected to urge state attorneys general to probe social media bias**
- **Comments on the Internet Association’s Empirical Study of Section 230 Cases**  
[A Review Of Section 230’s Meaning & Application Based On More Than 500 Cases](#)

#### B. Elections & Political Advertising

- **New California Law Makes It A Misdemeanor To Spread Misinformation About Voting By Mail**
- **Google pulls 2,500 China-linked YouTube channels over disinformation**
- **Google says it’s eliminating Autocomplete suggestions that target candidates or voting**
- **Google to block election ads after Election Day**
- **Facebook bans ads from pro-Trump PAC**

- **Sensitive to claims of bias, Facebook relaxed misinformation rules for conservative pages**
- **Facebook cracks down on political content disguised as local news**
- **Facebook takes down Russian operation that recruited U.S. journalists, amid rising concerns about election misinformation**
- **Facebook moves to target misinformation before election**
- **Facebook Removes Chinese Accounts Posting About Foreign Policy, 2020 Election**
- **Facebook removes hundreds of QAnon groups, citing public safety risks**
- **Twitter, Facebook Block Trump Video, Citing Covid Misinformation**
- **Twitter and Facebook wrestle with Trump telling Americans to vote twice**
- **Twitter adds labels for government officials and state-controlled media**
- **Twitter flags Republican leader’s video as ‘manipulated’ for altering disabled activist’s words**
- **Twitter labels video shared by Trump aide as ‘manipulated media’**
- **Twitter expands misinformation rules to cover premature election results**
- **Twitter Expands QAnon Restrictions To Include Candidates, Elected Officials**

### C. Content Moderation

- **N.D. Cal.: Anti-vaccination group sues Facebook over fact-checking program**  
[Complaint: Children's Health Defense v. Facebook](#)
- **Twenty state AGs press Facebook to do more to combat hate speech**

### D. Terms of Service & Other Contracts

- **Another Roundup of Online Contract Formation Cases**

#### IV. Other Content Liability

##### A. Defamation

- **2d Cir.: Court Denies Rehearing in Joy Reid Twitter Libel Case**  
Opinion: [LaLiberte v. Reid](#)
- **9th Cir.: Trump scores win over Stormy Daniels' libel suit**  
Opinion: [Clifford v. Trump](#)
- **D.D.C.: Court Dismisses Lawyer's Claim vs. Legal Ethics Blogger**  
Opinion: [Szymkowicz v. Frisch](#)
- **N.D. Cal.: Facebook sued by news media outlet over 'Russia state-controlled' label**  
Complaint: [Maffick LLC v. Facebook](#)
  - **N.D. Cal.: Court Denies TRO Seeking to Remove Facebook's "Russia State-Controlled Media" Label**  
Order: [Maffick LLC v. Facebook](#)
- **N.D. Cal.: Judge Finds Winemakers' Defamation Suit Against Blogger Hollow**  
Order: [Penrose Hill v. Mabray](#)
- **C.D Cal./India: Washington NFL owner Dan Snyder sues site for defamation over false Epstein claims**  
Petition: [In re Application of Daniel Snyder](#)
- **S.D. Miss.: Judge denies motion to dismiss defamation lawsuit over HuffPost story involving Brett Kavanaugh**  
Order: [Evans v. Huffington Post](#)
- **D. Nev.: Reputation Repair Service Costs as Measure for Damages in a Libel Case**  
Order: [Dinkins v. Schinzel](#)
- **S.D.N.Y.: Tweeting That Someone Is Xenophobic Is Nonlibelous Opinion**  
Order: [Ganske v. Mensch](#)
- **S.D.N.Y.: Court Dismisses Defamation Case Over #MeToo Article**  
Order: [Isaly v. Boston Globe](#)
- **D.R.I.: Woman's defamation suit against blogger Turtleboy is dismissed**  
Order: [Narcisi v. Turtleboy Digital Marketing](#)

- **W.D. Wash.: Avvo Beats Attorney's Suit Over Low Rating, Virginia Bar Status**  
[Opinion: Straw v. Avvo](#)
- **Cal. Super.: IMDb Beats Lawyer's Suit Over Alleged Film Date Error**  
[Complaint: Singman v. IMDB.com](#)
- **Md. App.: "CRAZY"**  
[Opinion: Smith v. Griffiths](#)
- **Minn. App.: Saying a Lawyer "Need to Go Back to Law School" Not Libelous**  
[Opinion: Jeffrey C. Brown PLLC v. Gold Star Taxi](#)
- **Nev. Dist.: Sahara Las Vegas sues blogger for defamation over report on closure rumors**
- **N.Y. Sup.: Cardi B, sister, model face lawsuit from Smith Point beachgoers on Long Island**
- **Ohio Com. Pleas: Cincinnati police officer anonymously sues those who accused him of racist gesture**  
[Complaint: M.R. v. Niesen](#)
- **Tex. App.: Alex Jones, Infowars continue losing streak on appeals over Sandy Hook lawsuits**  
[Opinion: Jones v. Heslin](#)
- **Va. Cir.: Devin Nunes Is Still Suing A Satirical Cow & A Political Consultant, But Judge Rejects Attempt To Bring Twitter Back**  
[Order: Nunes v. Twitter](#)

B. Commercial Speech

- **9th Cir.: Court Revives Click Fraud Claims Against Google**  
[Opinion: Singh v. Google](#)
- **Split 9th Circ. Backs \$50M FTC Win Against Online Publisher**  
[Opinion: FTC v. OMICS Group](#)
- **N.D. Cal.: UCL claim against Twitter survives where advertiser allegedly was charged for bot activity**  
[Order: DotStrategy v. Twitter](#)



- **N.D. Cal.: False-Advertising Claims Against Expedia Headed to Trial**  
Opinion: [Buckeye Tree Lodge v. Expedia](#)
- **N.D. Ga.: Fake not-really-third-party reviews can be commercial advertising or promotion**  
Order: [Sanho Corp v. KaiJet Technology International](#)
- **E.D. Mich.: Ford accuses music library Freeplay of “bait-and-switch”, because its free music isn’t always free**  
Answer and Counterclaims: [Freeplay Music v. Ford Motor Co.](#)
- **W.D. Wash.: Insurer must defend Expedia because its false advertising exclusion didn't cover false claims about hotels**  
Order: [National Union Fire Insurance v. Expedia](#)
- **Ariz.: Lack of competitive injury dooms false advertising claim against unauthorized image use by strip club**  
Order: [Geiger v. Creative Impact](#)
- **Conn: Social media posts using models' images could be false advertising etc.**  
Order: [Moreland v. Beso Lounge & Restaurant](#)  
Order: [Souza v. Algoo Realty](#)
- **D.C. Super.: Zoom Deceived Users About Privacy Protections, Suit Claims**  
Complaint: [Consumer Watchdog v. Zoom Video Communications](#)
- **Md.: Continued claim, including failure to edit existing YouTube video, leads to contempt finding**  
Order: [De Simone v. VSL Pharmaceuticals](#)

C. Threats, Harassment, and Incitement

- **11th Cir.: Court Rejects Lawsuit for Sending Gruesome Photos to NRA Lobbyist's E-Mail Address**  
Opinion: [Hammer v. Sorensen](#)
- **Md.: Journalist Kurt Eichenwald Receives \$100,000 for Strobe Light Attack**  
Opinion: [Eichenwald v. Rivello](#)
- **Mass.: Ex-eBay employees to plead guilty in “bloody pig mask” cyberstalking case**
- **S.D. Tex.: Local man charged with making threat during university Zoom lecture**

- **E.D. Wis.: The Victims Of Violence During The Kenosha Protests Are Suing Facebook**  
[Complaint: McNeal v. Facebook](#)
- **N.J. Super.: Cyber harassment charges dismissed against tweeters, retweeters of cop photo**  
[Complaint: State v. Sziszak](#)

V. Infrastructure

A. Accessibility

- **Charter tries to convince FCC that broadband customers want data caps**
  - **FCC asks for more public input on whether to let Charter impose data caps**

B. Antitrust

- **D.C. Circ. Won't Revive Free Speech Case Against Tech Cos.**
- **N.D. Cal.: Epic is suing Google and Apple over Fortnite's removal from the Google Play Store**  
[Complaint: Epic Games v. Google](#)  
[Complaint: Epic Games v. Apple](#)
  - **N.D. Cal.: Apple Rips Epic's "Self-inflicted Wounds" in Scathing Legal Filing Over 'Fortnite' App Store Ban**  
[Brief: Epic Games v. Apple](#)
  - **N.D. Cal.: Epic Games Files Injunction Urging Apple to Restore Developer Account**  
[Brief: Epic Games v. Apple](#)
  - **N.D. Cal.: Apple ordered to not block Epic Games' Unreal Engine, but Fortnite to stay off App Store**
  - **N.D. Cal.: 'Willful, brazen, and unlawful': Apple files breach-of-contract countersuit against Epic**  
[Answer and Counterclaims: Epic Games v. Apple](#)
- **N.D. Cal.: Judge Trims Suit Accusing LinkedIn Of Holding Monopoly**  
[Order: hiQ Labs v. LinkedIn](#)

- **N.D. Ga.: Ad Co. Must Redo 'Virtually Impossible' To Read Google Suit**  
[Order: Inform v. Google](#)
- **U.S. Antitrust Case Against Google Zeroes In On 'Tying' Products**
  - **Justice Dept. Case Against Google Is Said to Focus on Search Dominance**
  - **Google grilled on ad business dominance by U.S. Senate panel**
- **FTC antitrust suit against Facebook could come by year's end**
  - **Zuckerberg interviewed by FTC as part of antitrust probe into Facebook**
- **Facebook and Google probably won't like this new antitrust agreement**

#### C. Net Neutrality

- **E.D. Cal.: U.S. Government Files Amended Complaint, Demands Preliminary Injunction Against California Net Neutrality Rules**  
[Complaint: U.S. v. California](#)  
[Motion for Preliminary Injunction](#)
  - **E.D. Cal.: California Defends its Net Neutrality Law**

#### D. Domain Name System

Nothing to report this issue.

#### E. Taxation

- **9th Cir.: FCC beats cities in court, helping carriers avoid \$2 billion in local 5G fees**  
[Opinion: City of Portland v. United States](#)
- **Ind. Super.: Cities sue Netflix, Hulu, Disney+, claim they owe cable "franchise fees"**  
[Complaint: City of Fishers v. Netflix](#)

#### F. Wire & Wireless Deployment

- **Amazon gains FCC approval for Kuiper internet satellite constellation and commits \$10 billion to the project**

- **FCC dings company for \$164K after its false broadband claims distorted national report**  
[Notice of Apparent Liability: In re Barrier Communications](#)

- **Trump administration announces major midband spectrum auction for 5G**

#### G. Artificial Intelligence & Machine Learning

Nothing to report this issue.

#### H. Blockchain & Cryptocurrency

- **N.D. Ga.: Rapper T.I. Fined \$75K By SEC Over Alleged ICO Scheme**  
[Complaint: SEC v. Flik](#)  
[SEC Order: In re Harris](#)
- **Cal. Supreme Court rejects claim against Coinbase over forked cryptocurrency**  
[Opinion: Archer v. Coinbase](#)

### VI. Government Activity

#### A. Data Collection, Demands, and Seizures

- **1st Cir.: Scholars File Amicus Brief on Border Searches of Digital Devices**  
[Brief: Alasaad v. Wolf](#)
- **6th Cir.: No qualified immunity for deputy who confused screen names**  
[Opinion: Tlapanco v. Elges](#)
- **9th Cir.: Mass surveillance program exposed by Snowden was illegal**  
[Opinion: U.S. v. Moalin](#)
- **N.D. Ill.: New Federal Court Rulings Find Geofence Warrants Unconstitutional**  
[Order \(July\): In re Search of Information Stored at Google](#)  
[Order \(August\): In re Search of Information Stored at Google](#)
- **FISC: FISA Court Decides FBI, NSA Surveillance Abuses Should Be Rewarded With Fewer Restrictions On Searching 702 Collections**  
[Order: Redacted Case Caption](#)

- **Homeland Security details new tools for extracting device data at US borders**
  - **CBP Now Has a Massive Searchable Database for Devices Seized at the Border**
- **Secret Service buys location data that would otherwise need a warrant**

#### B. Encryption

- **Fla. App.: Another Florida Appeals Court Says Compelled Passcode Production Violates The Fifth Amendment**  
Opinion: [Garcia v. State](#)
- **N.J.: Prosecutors can force defendants to give up cellphone passcodes, NJ Supreme Court rules**  
Opinion: [State v. Andrews](#)
  - **N.J.: The Law of Compelled Decryption is a Mess: A Dialogue**
- **Senate’s encryption backdoor bill is ‘dangerous for Americans,’ says Rep. Lofgren**

#### C. Biometric Tracking

- **Clearview AI landed a new facial recognition contract with ICE**
- **Cops in Miami, NYC arrest protesters from facial recognition matches**

#### D. Domain Seizure

Nothing to report this issue.

#### E. Content Blocking & Prior Restraints

- **Trump asks Supreme Court to let him block critics on Twitter**  
Petition: [Trump v. Knight First Amendment Institute at Columbia University](#)
  - **S.D.N.Y.: Trump Sued Again Over Ongoing Blocks On Twitter Hecklers**  
Complaint: [Knight First Amendment Institute at Columbia University v. Trump](#)
- **5th Cir.: 3-D Printed Guns and Jurisdiction Over Out-of-State Attorneys General**  
Opinion: [Defense Distributed v. Grewal](#)

- **D.P.R.: Puerto Rico Banned Political Officials from Mentioning Their Positions and Accomplishments on Social Media...**  
[Order: P.R. Ass'n of Mayors v. Vélez-Martínez](#)
- **Cal. Super.: Ex-Wife Prosecuted for Violating Order That She "Shall Not Post Anything" About Ex-Husband**  
[Opinion: People v. Velyvis](#)
- **Mass. App.: Defendant "Not to Post Pictures or Comments About" the Administrator of Nursing Home Where Defendant's Mother Lives**  
[Opinion: A.G. v. K.O.](#)
- **Ohio Comm. Pleas.: Critics of Police Ordered Not to Mention the Name of a Particular Policeman**
  - **Ohio App.: Immediate Appellate Review of Prior Restraint in Cincinnati Policeman Libel Suit?**  
[Amicus Brief: M.R. v. Niesen](#)
  - **Ohio: Asking Ohio S. Ct. to Hear Case Involving Prior Restraint on Mentioning Police Officer's Name**
- **Okla. Dist.: Oklahoma Court Bars Defendant "From Making Any Posts or Comments on Any Social Media" About Plaintiff**  
[Order: Smith v. Jennings](#)

F. [Online Access to Government Information](#)

- **Livestreamed Oral Arguments Will Continue at SCOTUS**
- **All U.S. Appeals Courts Embrace Argument Streaming Due to Covid**
- **Pa. Supreme Court halts Philly criminal trials streamed on YouTube over possible harassment**
- **Federal Circuit rules U.S. courts overcharged on PACER, plaintiffs' lawyer predicts big refunds**  
[Opinion: National Veterans Legal Services Program v. United States](#)
  - **Bill to tear down federal courts' paywall gains momentum in Congress**

## VII. Global

### A. International

- **Fed. Cl.: Open Technology Fund sues administration for \$20M in missing funds**  
[Complaint: Open Technology Fund v. United States](#)
- **How COVID-19 gives cover to press crackdowns the world over**

### B. Europe

- **EU-US Privacy Shield is dead. Long live Privacy Shield**
  - **EU websites' use of Google Analytics and Facebook Connect targeted by post-Schrems II privacy complaints**  
[101 complaints against websites](#)
  - **No quick fix for transatlantic data transfers, says EC**
- **Case Law: Four Russian Cases on Internet Blocking, Findings of Violations of Articles 10 and 13**
- **Europe's top court says net neutrality rules bar 'zero rating'**  
[Opinion: Telenor Magyarország Zrt. v. Nemzeti Média- és Hírközlési Hatóság Elnöke](#)
- **EU launching deep probe into Google's planned \$2.1 billion Fitbit buy**  
**Google urges EU to be flexible in setting digital rule book**
- **Proposal would give EU power to boot tech giants out of European market**
- **Facebook, Google, Twitter urged by EU to do more against fake news**
- **EU Adviser Rules for German Library in Fight Over Embedded Links**  
[Opinion: VG Bild-Kunst v. Stiftung Preußischer Kulturbesitz](#)
- **TikTok joins Europe's code on tackling hate speech**
- **Europe will go it alone on digital tax reform in 2021 if it must, says EU president, as bloc directs €150BN in COVID-19 relief toward cloud, AI and broadband**
- **EU Commission to appeal Apple ruling in Ireland over \$14.9 billion tax case**

### C. Australia

- **Quaden Bayles sues columnist for suggesting bullying was 'scam'**
  - **Arguable' case that Quaden Bayles was defamed by Miranda Devine, judge says**
- **'Social media celebrity' Cavoodle dogged by custody, defamation battle**
- **Australian Court Says Using a Zipper-Mouth Emoji Can Be Defamatory**  
Order: Burrows v. Houda
- **Melbourne young rich lister sues anonymous stock market Twitter account for defamation**
- **Google and Facebook face fines and algorithm transparency under new code**
  - **Google says Australian law would put search and YouTube at risk**
  - **ACCC and Google come to blows over new media bargaining laws**
  - **Facebook threatens to block news-sharing**
  - **Australia accuses Facebook of news 'bluff'**
  - **Australia to amend law making Facebook, Google pay for news**
- **'New online safety act' to curb graphic content on social media platforms**
- **Australian watchdog to examine competition between Apple, Google app stores**
- **Australia asks Google to block users 'walking' sacred site**

### D. Austria

- **Internet giants could be fined up to \$12 million under Austrian hate speech law**

### E. Bangladesh

- **Bangladeshi blogger faces death threats for criticizing Islamic fundamentalism**



#### F. Belarus

- **'Telegram revolution': How a social media app helped drive protests in Belarus post presidential polls**
- **Belarus Is Trying to Block Parts of the Internet Amid Historic Protests**
- **Belarus blocks over 50 news websites but protests continue**

#### G. Brazil

- **Brazil Supreme Court orders Facebook to block accounts of several Bolsonaro allies**
  - **Facebook fights order to globally block accounts linked to Brazilian election meddling**
  - **Brazil top court sets precedent by banning global access to social media accounts**
- **Brazil's "fake news" bill won't solve its misinformation problem**

#### H. Canada

- **Defamation Law in the Internet Age: Final Report**
- **Montreal man launches defamation lawsuit against an "anonymous" #MeToo accuser**
- **\$1M lawsuit filed, hundreds of sexual misconduct allegations removed from Victims Voices Instagram**
- **Ottawa prepares to squeeze big U.S. tech firms over loss of revenue for Canadian news outlets**

#### I. China

- **Four Hong Kong student activists arrested for 'secession' over social media posts**
- **The Panopticon Is Already Here**
- **A new anticensorship tool from GreatFire turns any website into an unblocked app in China**

- **With Hacks and Cameras, Beijing's Electronic Dragnet Closes on Hong Kong**
- **Google, Facebook dump Hong Kong cable after US security alarm**
- **Apple opens up — slightly — on Hong Kong's national security law**
- **As Virus Spread, China Ramped Up Keyword Censorship on Social Media**
- **China blocks Wikimedia Foundation's accreditation to World Intellectual Property Organization**

J. Colombia

- **Colombia orders Google to comply with data protection rules**

K. Denmark

- **Google says Denmark is reviewing its taxes there**
- **Denmark angry at Google censorship of some Danish content, seeks talks**

L. France

- **Anti-Piracy Agency Generated €87,000 in Fines From €82m in Public Funding**
- **TikTok is being investigated by France's data watchdog**

M. Germany

- **Germany Drops Idea Of 'Pre-Flagging' Legal Uploads, Which Could Have Stopped EU Copyright Filters Blocking Memes, Parodies, Quotes And Creative Commons Material**

N. India

- **Indian lawyer, convicted by Supreme Court over tweets, faces deadline**
  - **India's top court lets off lawyer who criticized judiciary**
- **FIR filed against Facebook India public policy director Ankhi Das**

- **Top Facebook executive in India files criminal complaint against a journalist for sharing news report**
- **Indian lawmakers accuse Facebook of political bias**
  - **India's IT minister accuses Facebook of suppressing right-leaning pages**
  - **Officials debate whether India should have its own social media content moderation rules**
  - **Facebook bans politician of India's ruling party for violating hate speech**
- **India bans PUBG Mobile, and over 100 other Chinese apps**
  - **PUBG cuts publishing ties with Tencent Games in India a week after ban**
- **Man held for posting morphed pictures of PM on social media**
  
- O. **Indonesia**
- **Digital attacks raise fears over press freedoms**
  
- P. **Iran**
- **Iran Jailed, 'Coerced' Canadian Facebook Whiz To Turn Informant, He Says**
  
- Q. **Ireland**
- **Social media influencer secures court order over online 'harassment'**
- **Facebook May Be Ordered to Change Data Practices in Europe**
  - **Facebook seeks fresh legal delay to block order to suspend its transatlantic data transfers**
  - **Facebook denies it will pull service in Europe over data transfer ban**
  
- R. **Israel**
- **Court slaps Yair Netanyahu with restraining order**

- **Blogger Deserves Reporter's Protection**

S. Italy

- **Apple iCloud, Google Drive and Dropbox probed over 'unfair' T&Cs**

T. Nigeria

- **Nigerian singer sentenced to death for blasphemy in Kano state**

U. Pakistan

- **Trolls Flood Social Media in Pakistan Amid Virus Lockdown**

V. Philippines

- **New military chief eyes 'regulating' social media to combat radicalization**
- **Philippine Network That Clashed With Duterte Ends Local Coverage**
- **Philippine police draw flak for plan to monitor social media on quarantine**
- **'Satire is protected speech,' says Cebu judge in dismissed case of Bambi Beltran**
- **Philippines' Duterte calls out Facebook after accounts taken down**

W. Russia

- **Another Kremlin critic attacked as opposition leader Navalny recovers in German hospital**
- **Russian lawmaker tries to curb mobile app payouts for Apple and Google**
- **Google pays 1.5 mln rubles (\$20,149) fine for poor filtering of banned content**

X. Saudi Arabia

- **A Saudi Prince's Attempt to Silence Critics on Twitter**

- **Followers of arms sales groups on social media to face 10 years in prison**

Y. South Africa

- **South Africa's Top Lawyers Unnerved By Proposed Copyright Laws**

Z. South Korea

- **South Korea to ban 'backdoor online advertising' on social media**
- **Troll is fined for defamation and contempt after being reported to police by K-pop stars'**

AA. Spain

- **Spain Seeks to Tax Facebook, Google Services as Phone Carriers**

BB. Switzerland

- **Swiss-U.S. Privacy Shield No Longer Considered Adequate by Swiss DPA**  
[Policy paper on the transfer of personal data to the USA and other countries lacking an adequate level of data protection within the meaning of Art. 6 Para. 1 Swiss Federal Act on Data Protection](#)

CC. Taiwan

- **Taiwan to stop local sales for Chinese TV streaming services, not block them**

DD. Thailand

- **Mistranslation Shows Risk of Auto-Translating Social Media Content**
- **Facebook Plans Legal Action After Thailand Tells It to Mute Critics**
  - **Thai minister says clampdown on social media content won't stop as Facebook plans to fight order**
  - **Facebook blocks Thai access to group critical of monarchy**

- **Thailand Sues Facebook, Twitter for Allowing Banned Material**
- **American Could Face Prison Over Negative Reviews of a Resort**

EE. Turkey

- **Turkey Passes Law Extending Sweeping Powers Over Social Media**
  - **Erdogan's crackdown on social media is nearing its end game**
  - **Google to open Turkey office in compliance with social media regulations**
- **Turkey investigated 14,186 social media accounts, taking legal action against 6,743 of them in first 7 months**
- **Can a rapist have the 'right to be forgotten'?**
- **'Add Photo' Feature on Turkey's Virus App Sparks Alarm**

FF. Uganda

- **Ugandan gov't: Bloggers, social media users with huge following to be 'monitored by the state'**

GG. United Kingdom

- **Top US law firm reports itself to the SRA after libel trial is Zoomed around the world**
- **UK Police Use of Facial Recognition Ruled Unlawful**
- **Rise in defamation cases 'linked to social media disputes'**
- **Google's advertisers will take the hit from UK digital service tax**
- **New BBC director-general tells staff to work elsewhere if they want to share opinions online or in columns**
- **BBC Europe editor breached impartiality guidelines with tweet calling Michael Gove 'delusional'**
- **Oracle and Salesforce hit with GDPR class action lawsuits over cookie tracking consent**

- **YouTube unlawfully violates kids' privacy, new \$3.2B lawsuit claims**
- **Julian Assange Appears in London Court for U.S. Extradition Hearing**
  - **Julian Assange Lays Out His Case Against US Extradition**
  - **Wikileaks founder Julian Assange is being persecuted by Donald Trump who only wants him in jail to get back at Barack Obama, peace studies professor tells extradition hearing**
  - **Assange faces effective life sentence if convicted in US, court told**
  - **Assange defence questions why Obama didn't seek to prosecute him**
  - **Donald Trump wanted WikiLeaks founder Julian Assange EXECUTED but will now settle for 'keeping him quiet' in jail, US lawyer tells extradition hearing**
  - **Pentagon Papers leaker comes to the defense of Assange**
  - **U.S. Admits That Congressman Offered Pardon to Assange If He Covered Up Russia Links**
  - **Release WikiLeaks' Julian Assange, say current and former world leaders**
  - **Wikileaks not 'primary publisher' of unredacted cables as they appeared elsewhere first, Assange trial hears**
  - **Julian Assange's risk of suicide 'very high', psychiatrist tells court**
  - **Julian Assange faces 'torturous' months in parking space-sized cell if extradited to US, court hears**
  - **Assange extradition judge says no decision will be made until after US election**

HH. Zimbabwe

- **Zimbabwe's Speedy Social Media Law Is Africa's Latest Internet Censorship Plot**

## VIII. Miscellaneous

- **U.S.: Cussing Cheerleader Case Needs Supreme Court Review, School Says**  
[Petition: Mahanoy Area School District v. B.L.](#)
- **2nd Cir.: Restrictions on convict's internet usage were reasonably related to crime but one restriction was unconstitutionally vague**  
[Opinion: U.S. v. Bolin](#)
- **6th Cir.: Appeals court overturns judge's decision involving a Cleveland EMS worker's Facebook posts about Tamir Rice**  
[Opinion: Marquardt v. Carlton](#)
- **W.D. Wash.: \$100,000 in bribes helped fraudulent Amazon sellers earn \$100 million, DOJ says**  
[Indictment: U.S. v. Rosenberg](#)
- **California Finds Amazon On-the-Hook in Product Liability Spat**  
[Opinion: Bolger v. Amazon.com](#)