

The MLRC Digital Review

Reporting on developments in digital media law and policy

by Jeff Hermes

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Hi, yes, I know, this issue is late in the month, my apologies. I've been traveling, finally taking a long (and I mean 25 years or so) delayed trip abroad. I could have just rolled the updates below into next month's issue, but we've got the [MLRC Annual Dinner](#), [Defense Counsel Section Lunch](#), and all that jazz coming up quickly. I won't be at the Dinner, unfortunately, but please go visit with the rest of the MLRC crew there, and hopefully I'll see many of you at the DCS Lunch!

No long discursion this month. Let's get the show on the road.

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I. Privacy

A. Anonymity/Pseudonymity

Nothing to report this month.

B. Personal Information

In a pair of consolidated appeals, the Third Circuit [affirmed](#) that plaintiffs had not shown that Papa John's targeted Pennsylvania when it used tracking software on its website, but held that the district court had applied the wrong test in determining whether the software's developer was subject to personal jurisdiction.

The D.C. Circuit [heard argument](#) this month on the challenges by TikTok and a coalition of its users to the federal law mandating the divestiture or ban of TikTok and other services with foreign ownership in certain countries. The Court of Appeals [struggled](#) with the First Amendment implications of the case, with discussion of the locus of control over TikTok's moderation decisions (i.e., within the United States or without), the implications of Justice Barrett's musings in *Moody v. NetChoice* on foreign content moderation, whether the law is targeting speech or just ownership, and more.

In N.D. Cal., judges trimmed data collection lawsuits against an [online health platform](#) over its use of Google tools and [Apple](#) over privacy settings on its mobile devices, while allowing claims related to Google's and Apple's analytics tools to proceed. In C.D. Cal., [Nike](#) and [two other](#) companies were hit with new lawsuits over their alleged use of TikTok software to "fingerprint" website visitors. In S.D.N.Y., an online CLE provider is facing a new Meta Pixel [lawsuit](#). And in W.D. Wash., a variety of claims against Amazon brought by Prime Video subscribers over the alleged sharing of their viewing habits were [dismissed](#), although the court granted leave to amend claims under the VPPA and California's analogous state law.

There will be quite a few updates in this issue regarding California bills either signed or vetoed by Gov. Gavin Newsom this month (with the plurality falling under Artificial Intelligence, below). In this section, we have Newsom (1) [vetoing](#) AB 3048, which would have required browsers and mobile operating systems to allow users to ask them to convey to businesses that the users want to opt out of, or limit the use of, their personal information, and (2) signing [AB 3030](#), which requires disclosures by health services regarding their use of generative AI to communicate with patients about their health information.

Finally, the FTC released a [report](#) this month [alleging](#) that major social media and video streaming services lack transparency or user controls over their collection, processing, and sharing of user data. TechCrunch's Devin Coldewey [predicts](#) (reasonably, to my mind) that the report is a prelude to forthcoming rulemaking on the topic.

C. Children's Privacy & Safety

A coalition of internet law professors [filed an amicus brief](#) supporting the petitioners in *Free Speech Coalition v. Paxton*, the pending Supreme Court case involving a First Amendment challenge to a Texas law requiring certain online services to verify the ages of their users. A different (and even broader) Texas age-gating law was [enjoined](#) this month by a judge in W.D. Tex., while another sweeping age-gating law in Utah [met the same fate](#) in that state's federal district court.

Meanwhile, a parent who sued Epic Games in E.D. Ark. alleging that popular game "Fortnite" addicted her 14-year-old [voluntarily dismissed](#) the case. Roblox was not so lucky, with a judge in N.D. Cal. [holding](#) that the plaintiff had successfully pleaded a negligence claim over the company's alleged failure to prevent minors from being exposed to off-site gambling using Roblox's in-game currency.

In Connecticut state court, Snap [settled](#) a claim alleging that the platform's cartoony "Bitmoji" avatars allowed predators to arrange meetings with children. An Indiana appellate panel [reversed](#) the dismissal of a state AG lawsuit against California-based TikTok, Inc., over alleged misrepresentations regarding the fitness of its platform for teens, while affirming the dismissal of claims against TikTok's foreign affiliates for lack of personal jurisdiction. And in New Mexico state court, the state's attorney general [asserted](#) similar misrepresentation claims against Snap.

In the last issue, I reported that the Kids Online Safety Act (KOSA) and COPPA 2.0 stalled in the House, but this month the House Energy and Commerce Committee [held a markup](#) of these laws under significant pressure. Still, concerns remain and it [seems unlikely](#) that we'll see a floor vote before the November elections (if at all).

California Gov. Newsom signed [SB 976](#), prohibiting platforms from presenting algorithmic "addictive" feeds to minors without parental consent, and [AB 3216](#), requiring California public schools to clamp down on students' use of mobile devices during the school day. New York Gov. Kathy Hochul is [totally on board](#) with that latter idea for the Empire State.

Finally, a coalition of state attorneys general [called on](#) Congress to require the Surgeon General to implement "warning labels" for social media, following SG Vivek Murthy's New York Times op-ed comparing the effects of social media to the dangers of cigarettes.

D. Rights of Publicity

A judge in W.D. Wash. [denied](#) a motion to compel arbitration by the operator of yearbook platform Classmates.com in a putative class action alleging ROP violations arising out of the alleged use of individuals' photos in advertising, holding that plaintiffs' counsel had effectively opted the name plaintiff out of arbitration under Classmates.com's terms of service.

The [final text](#) of the NO FAKES Act has been released. While the bill, which imposes restrictions on the use of “digital replicas” of people, has a variety of exclusions intended to limit its impact on freedom of expression, EFF’s Corynne McSherry [discusses](#) remaining concerns.

Along similar lines, California Gov. Newsom signed [AB 2602](#), imposing restrictions on contracts for the creation and use of digital replicas of an individual’s likeness in audio, video, or audiovisual works or transmissions, and [AB 1836](#), imposing new penalties for the unauthorized use of a digital replica of a deceased performer.

E. Biometrics

An Illinois Biometric Information Privacy Act claim against Meta over augmented reality filters on Facebook Messenger [survived](#) a motion to dismiss in the Southern District of Illinois.

F. Manipulated Media

The Biden administration [announced](#) that a group of major AI companies have agreed to take steps to protect their training datasets and outputs against the inclusion of nonconsensual sexual deepfakes. Meanwhile, FCC Chair Jessica Rosenworcel [spoke publicly](#) on the Commission’s efforts to address the deceptive use of AI tools.

Gov. Newsom signed another bill (I told you there were a lot of these), [AB 2839](#), which imposes civil penalties on the malicious distribution of election ads or communications including “audio or visual media that is intentionally digitally created or modified, which includes, but is not limited to, deepfakes, such that the content would falsely appear to a reasonable person to be an authentic record of the content depicted in the media,” and which “is reasonably likely to harm the reputation or electoral prospects of a candidate.” This bill was [immediately challenged](#) under the First Amendment by a lawsuit in E.D. Cal. filed by conservative influencer, who argued that it unconstitutionally restricts satire and parody. [LATE UPDATE: A judge [agreed](#) in early October, and enjoined enforcement of the law.]

Newsom also signed the following bills related to AI-generated media:

- [AB 2355](#), requiring political advertisements to include disclosures for AI-generated content;
- [AB 2905](#), requiring robocalls to disclose the use of AI-generated voices (cf. this [recent incident](#) involving Sen. Ben Cardin, and this [recent FCC fine](#) against a robocaller using a deepfake of President Biden);
- [AB 1831](#), amending state child pornography laws to cover AI-generated CSAM; and

- [SB 981](#), requiring social media platforms to provide a mechanism for reporting and removal of unauthorized deepfake nudes.

G. Hacking, Scraping & Data Breach

In N.D. Cal.: Alphabet secured [final approval](#) of a settlement of an investor class action arising out of a 2015-2018 data breach on the Google+ service; DNA testing service 23andMe [sought approval](#) for a \$30 million settlement of claims arising out of a 2023 hack; and Apple [moved](#) to drop its lawsuit against NSO Group, developer of the infamous Pegasus spyware, after the Israeli government reportedly seized files from NSO's offices to frustrate lawsuits against the company. Meanwhile, the U.S. government has [sanctioned](#) another spyware developer operating out of Europe.

A judge in C.D. Cal. [ruled](#) that an anti-SLAPP motion filed in an attempt to shut down Hunter Biden's CFAA lawsuit over the hack of his laptop was frivolous because it targeted a federal cause of action, and awarded Biden his attorneys' fees in responding to the motion.

AT&T will pay \$13 million to [settle](#) an FCC enforcement action over its alleged failure to properly oversee the security practices of a vendor, whose poor data practices resulted in a massive 2023 data breach of customer information. T-Mobile will pay \$31.5 million to [settle](#) FCC charges related to data breaches in 2021, 2022, and 2023. The FTC has begun [issuing compensation checks](#) to victims of a hack of online print shop CafePress. And finally, the National Institute of Standards and Technology has [issued new guidelines](#) to prevent password authentication services from imposing certain requirements for online passwords that no longer make sense (such as character requirements, mandatory periodic changes, and so forth).

H. Other Privacy Issues

Nothing to report this month.

II. Intellectual Property

A. Copyright

We have amicus briefing this month in Cox Communications' fight at the Supreme Court to undo a billion-dollar jury verdict over its failure to terminate users targeted with multiple DMCA complaints by music companies. A group of ISPs backing Cox Communications [argued](#) both that the Fourth Circuit's ruling below departed from traditional contributory liability standards, and also that such liability would cause the mass termination of internet access for innocent parties who happened to use the same connection as an infringer (or, for that matter, as someone mistakenly accused of infringement). Curiously, the ISPs invoked § 230's statement of Congress' intent to promote the development of the internet, but did not mention the First Amendment rights of those terminated – although, given the Supreme Court's recent

pronouncements on standing and its terrible history of analyzing free speech issues in copyright cases, the ISPs' choices in this regard might be disappointing but not surprising. Meanwhile, music and songwriter associations supported the music companies by [arguing](#) that the Fourth Circuit's decision encouraged profiting from infringement by limiting vicarious liability.

Also in the Supreme Court, we have former Rep. Steven King [petitioning](#) for cert from a ruling of the Eighth Circuit that rejected King's claim of an implied license to use a popular internet meme for his political campaign.

So, look, full disclosure here, I was on vacation in Paris for eight days between my writing the prior section of this article and writing the Copyright section. That being the case, I'm a little more mellow than I might otherwise have been about the Second Circuit [ruling](#) that the Internet Archive's "Free Digital Library" program was not a fair use. However, I refer you to [Mike Masnick](#) of Techdirt and [Chris Lewis](#) of Public Knowledge if you're looking for dissections of the opinion from a free speech perspective.

The Eleventh Circuit [upheld](#) an \$11 million default copyright judgment against a man upon whom, pursuant to a court order, service of a lawsuit was made by electronic mail after other forms of service failed. The email address was one at which the man had responded to (and rejected) informal demands from the plaintiff, but the defendant claimed he had no notice of the lawsuit or the default judgment until more than ten years later.

Stephen Thaler's ongoing quest to obtain copyright protection for AI-generated works reached [oral argument](#) before the D.C. Circuit this month. Thaler's legal theories, which depended on his ownership of the AI that produced the image "A Recent Entrance to Paradise," didn't seem to gain much traction. In related news, Jason Allen, the artist of the award-winning AI-assisted image "Théâtre D'opéra Spatial," [filed suit](#) in D. Colo. challenging the Copyright Office's refusal to register his copyright in the work. Allen's theory is perhaps more appealing than Thaler's, comparing his use of AI tool Midjourney to multiple takes of a scene during film production and describing how he iterated his prompts more than 600 times in order to produce an output matching the image in his mind.

In one of the author lawsuits against OpenAI in N.D. Cal., the parties [came to an agreement](#) for the plaintiffs' inspection of OpenAI's training data. In a similar lawsuit in the same court against Meta, a judge [denied](#) a motion to block the plaintiffs' deposition of Mark Zuckerberg. Meanwhile, in S.D.N.Y., OpenAI [lost](#) a motion to compel the New York Times to divulge how many failed attempts it made while attempting to get ChatGPT to reproduce copyrighted material and to provide documentation that the allegedly infringed material is comprised of "original works of authorship."

A judge in S.D. Fla. [awarded](#) attorneys' fees to Office Depot after it defeated a copyright lawsuit accusing it of exceeding a license for the use of the defendant's data, but cut the amount sought by more than 50%.

A tattoo artist's \$3,750 jury verdict in S.D. Ill. against Take-Two Interactive over the appearance of her designs on a digital recreation of a wrestler in a video game was [reduced to zero](#) on post-verdict motions, but the finding of liability stood.

So, a while ago I was having a conversation with George. My esteemed executive director opined that Donald Trump seemed to be drawing an unusual number of lawsuits this year over the unauthorized use of music by his campaign, while I responded that this happens in the run-up to every presidential election and that this year isn't that unusual. But looking at the activity in September, I'm thinking that George might be right (though I haven't had a chance yet to check the data from 2016 and 2020). We've got an [order](#) from N.D. Ga. barring Trump from using Isaac Hayes' "Hold On, I'm Comin'" at his rallies (though the order did not address online use and the NRA and RNC were [dropped](#) from the lawsuit), Eddy Grant [won](#) summary judgment against Trump in S.D.N.Y. over the latter's use of "Electric Avenue" in a 2020 tweet (so, okay, that one really relates to a prior election cycle), and the constituent members of The White Stripes [sued](#) Trump in S.D.N.Y. over his use of "Seven Nation Army" in a social media video.

Also in S.D.N.Y., we've got Vox and DraftKings [settling](#) a photog lawsuit over an image of New York Giants quarterback Daniel Jones, and shadow library Library Genesis getting [whacked](#) with a \$30 million default judgment on top of broad injunctive relief (including an order to transfer the defendants' domain names to the plaintiffs).

In E.D.N.C., the videographer engaged in a long-running battle with the state of North Carolina over its use of his footage of Blackbeard's sunken ship [scored a win](#) with a ruling that his claims against the North Carolina Department of Natural and Cultural Resources survived a motion to dismiss. In M.D. Tenn., Spotify [fended off](#) a motion for reconsideration of an order shutting down claims by Eminem's Eight Mile Style over a licensing dispute, though the judge certified an interlocutory appeal. In N.D. Tex., Dow Jones [won](#) a summary judgment ruling against a professor who emailed articles from its publications to newsletter subscribers.

And finally, a scientist-photographer [sued](#) a pest control company in S.D. Tex. over their alleged unauthorized use of his picture of an ant. /groucho I've heard of de minimis infringement, but this is ridiculous! /groucho

B. Trademark

A new [petition](#) to the Supreme Court asks the justices to flip a Tenth Circuit ruling holding that Bank of America's "Erica" virtual assistant did not infringe a trademark for an AI-powered mobile search engine.

The Fourth Circuit [denied rehearing](#) on its ruling that a Virginia cell phone company had stated a claim against T-Mobile over the use of the mark “Simply Prepaid.”

In N.D. Cal., Google is facing a new [lawsuit](#) over its use of the mark “Gemini” for its AI projects, with a smaller AI company in the Bay Area not pleased with its larger twin. (Sorry, couldn’t resist.) In the same court, OpenAI secured [dismissal](#) of counterclaims in its lawsuit accusing the defendant of improperly interfering with OpenAI’s TM registration for its company name.

In C.D. Cal., a hardware/software company using the mark “Netverse” and with plans for the mark “Netaverse” [sued](#) the Brooklyn Nets and various media companies over their use of “Netaverse” for a virtual reality tool for viewing of Nets games. Also in C.D. Cal., on a challenge by Snap to the USPTO’s refusal to register the term “Spectacles” for smart glasses, a judge [ruled](#) that the USPTO had failed to establish that the term was generic in that limited category. On the other hand, the judge found that Snap had failed to establish that the term is either suggestive or currently carries secondary meaning; hence, the court approved Snap’s registration of the term on the supplemental register because of the possibility that the mark might acquire supplemental meaning in the future.

C. Patent

A new [petition](#) for cert asked the Supreme Court to weigh in on the patentability of tech to animate digital photos. [LATE UPDATE: The Supreme Court [declined](#).]

It was another busy month at the Federal Circuit, with the court [holding](#) in a suit against Amazon.com that patents for video-on-demand programming were invalid, [upholding](#) a ruling in a case against Meta that patents for image tagging were invalid, [rejecting](#) Google’s *Loper Bright* argument for rehearing the company’s appeal of an ITC ruling, [granting](#) en banc rehearing in another case against Google involving the admissibility of expert testimony on patent damages, and [denying](#) an effort to shift a case against Sony over game controller technology from E.D. Tex. to the Northern District of California.

Meta is facing a [new suit](#) in N.D. Cal. over a patent for disappearing messages. We’ve got two new plaintiff’s jury verdicts in D. Del., [one](#) for \$30.5 million against Amazon over computer networking technology and [one](#) for \$45 million against Zynga over technology for shunting computing workloads from host servers to a user’s PC. Nintendo’s Switch console controllers are the target of a [new lawsuit](#) in W.D. Wash. from the current owner of old BlackBerry patents, while in the same court Valve [avoided dismissal](#) of its lawsuit against an alleged patent troll for violation of Washington State’s anti-patent-trolling law. (Wait, can a state impose penalties on filing bad-faith federal patent claims? My preemption alarm bells are going off, but I’m not sure they’re well-calibrated.)

The U.S. International Trade Commission [found](#) in Amazon's favor at the very end of August on a claim that the company infringed video processing patents.

Finally, a [new bill](#) in Congress would statutorily overrule about 90% of the cases I've reported in this section for the past I-don't-know-how-many years by declaring that "all judicial exceptions to patent eligibility are eliminated." That would include the Supreme Court's landmark ruling in *Alice*, which has killed many patents that "simply instruct the practitioner to implement [an] abstract idea ... on a generic computer[.]"

D. Trade Secrets/Misappropriation/Conversion

So, remember that trade secret-ish lawsuit in E.D.N.Y., against Martin Shkreli claiming that he rendered a unique Wu-Tang Clan album less so by ripping tracks, impairing its value when the album was sold to help pay off his court judgment? Shkreli [turned over](#) digital copies of 15 tracks from the album in response to a court order, only for the judge to notice some discrepancies regarding Shkreli's statements and [demand](#) a supplemental explanation.

Sigh. Are we surprised? No, we are not.

III. Platform Management

A. Section 230

The Fourth Circuit [heard argument](#) this month from survivors of church shooter Dylan Roof that Meta should not be protected by § 230 for the Facebook algorithm's alleged role in feeding Roof radicalizing content.

A judge in N.D. Cal. cited § 230 in [bouncing](#) a pro se lawsuit against Facebook by a user who didn't like the third-party ads he was being served. On the other hand, licensed home contractor matching site Angi [unsuccessfully invoked](#) § 230 in an attempt to escape a claim in D. Nev. that the website failed to catch a vendor trading on another company's license number (despite Angi's representations that it vets vendors).

Prof. Goldman [rounds up](#) for us other recent decisions rejecting the application of § 230 including, from September, a teen addiction case in D.C. Super. against Meta, a FOSTA case against Salesforce in N.D. Tex., and a contract case in Cal. App. related to Twitter advertising.

B. Elections & Political Advertising

The Senate Intelligence Committee [held a hearing](#) this month on foreign influence on elections via social media platforms; Alphabet, Meta and Microsoft sent representatives, while X "declined to send an appropriate witness."

A quick thought, apropos of nothing. It's not a mark of genius to ignore the rule of law because you've realized that it's essentially a collective fiction dependent on group willingness to abide by common principles for the greater good. That's like ignoring the yellow lines on the highway because they don't actually stop you from driving over them. You might survive, but you're certainly going to hurt a lot of other people.

A related thought: The mythological role of the trickster is to exceed societal boundaries in order to demonstrate what is possible and to avoid societal stagnation. However, for society to remain coherent, the trickster must always be subject to judgment for their actions – e.g., Loki's punishment for the death of Baldr, Hermes' acquittal for the death of Argos, and so on.

Anyway, where was I? Oh, right. One of California's new laws, [AB 2655](#), requires large online platforms, like Facebook and X, to remove or label AI deepfakes related to elections, as well as create channels to report such content. Candidates and elected officials can seek injunctive relief if a large online platform does not comply with the act.

In other news, we've got Donald Trump [stating](#) that he would want his Justice Department to prosecute Google for allegedly returning biased search results against him, which he wrongly thinks would be "illegal" even if the unsupported allegations turned out to be true. Meanwhile, it has been [suggested](#) that social media companies' blocking of the hacked J.D. Vance dossier seems inconsistent with their handling of and subsequent statements about the Hunter Biden laptop story.

C. Content Moderation

In X's constitutional challenge to California's mandatory content moderation transparency law (AB 587), the Ninth Circuit [flipped](#) a district court decision to hold that provisions of the law requiring social media companies to provide detailed disclosures regarding their moderation of certain topics of speech violate the First Amendment and should have been enjoined.

RFK Jr. bombed out on yet another First Amendment challenge to moderation of his social media content, with a judge in N.D. Cal. [holding](#) that he failed to establish on his motion for a preliminary injunction that Meta was behaving as a state actor. Notably, Judge Orrick found that whatever cooperation Meta might have given the feds during the pandemic had no bearing on whether it was acting as a tool of the government now.

In the same court, bizarre allegations of a conspiracy between Facebook and OnlyFans to blacklist users who promoted OnlyFans competitor services [crumbled](#) at the summary judgment phase after surviving a motion to dismiss.

The House [passed](#) the Online Dating Safety Act of 2023, a bill that would require online dating services to provide warnings to users who receive messages from any banned member of the service.

Meta's Oversight Board issued a couple of rulings of note this month, with a [finding](#) that the phrase "from the river to the sea" has "multiple meanings" and is not necessarily hate speech, and [another](#) that limitations of political content could have a negative effect on dissent and public information needs in crisis situations.

Finally, we have X's [first transparency report](#) under Elon Musk's ownership, revealing that the platform's compliance with government blocking requests is, percentagewise, greater now than in the Twitter era.

D. Terms of Service & Other Contracts

The First Circuit [held](#) that a properly formed clickwrap agreement can override objections that a user did not actually read the terms as indicated by their click. Meanwhile, a New Jersey appellate panel [enforced](#) an arbitration provision in Uber's TOS despite a user's argument that her apparent acceptance was invalid because her child accepted it while using her phone.

Finally, Valve, operator of the popular video game platform and market Steam, has [removed](#) the arbitration clause from its terms and instead now requires disgruntled users to file lawsuits in an effort to head off the costs and headaches of mass arbitration.

IV. Other Content Liability

A. Defamation

The Eighth Circuit [heard argument](#) this month on Devin Nunes's appeal of summary judgment in favor of journalist Ryan Lizza on Nunes's claim that he was defamed by Lizza's tweet linking to an allegedly defamatory article. While Nunes's counsel was focused on the question of whether Lizza's tweet was an actionable republication, the Court of Appeals appeared more interested in the question of whether the underlying statements were substantially true.

On X's appeal to the Ninth Circuit of its loss against the Center for Countering Digital Hate for its alleged violations of X's terms of service in its reporting on hate speech on the platform, [amici weighed in](#) to support CCDH, arguing that X's lawsuit is a thinly disguised defamation claim.

Hey, it's an online single publication rule case! It's been a while since I saw one of these. A judge in N.D. Ala. [dismissed](#) a defamation lawsuit over the defendant's alleged failure to amend an online report of the plaintiff's arrest after charges were dropped, holding that the suit was

untimely (with the clock running from the date of publication) and that later developments do not render a once-true statement retroactively false.

A former Dominion Voting executive suing in D. Colo. over statements that we was involved in rigging the 2020 election scored a [contempt order](#) against an election denier who refused to sit for deposition and another [order](#) allowing him to seek exemplary damages in the case.

A judge in D.D.C. [ruled](#) that a social media post referring to one of Cassidy Hutchinson's lawyers as "the one who coached her to lie" could be interpreted as a statement of fact rather than opinion.

In S.D. Fla., two groups representing Haitian immigrants [sued](#) Donalds Trump and Trump Jr., J.D. Vance., Elon Musk, X Corp., Ohio AG Dave Yost, and others over their widespread claims that Haitian immigrants were eating pets in Springfield, Ohio. So, is *Beauharnais* dead or no?

In D. Kan., a lawsuit over U.S. Rep. Tim Burchett's incorrect social media comments that the plaintiff was responsible for a shooting at a Kansas City Chiefs Super Bowl celebration was [dismissed](#) for lack of personal jurisdiction. In D. Md., a defamation case arising out of an acrimonious social media exchange about school book banning was likewise [dismissed](#) for lack of jurisdiction over the defendant. And [so was](#) a defamation case in S.D.N.Y. over a Der Spiegel book review, on which the plaintiff author had attempted to hang jurisdiction on the mere accessibility of the review online in New York.

In D. Mass., a Harvard Business School professor's defamation claims over the school's statements regarding her research and her being placed on administrative leave were [dismissed](#) for a lack of allegations to support actual malice.

Colorado's Supreme Court has agreed to [hear argument](#) on the application of the state's anti-SLAPP law to online criticism of a veterinary clinic. Connecticut's Supreme Court [heard oral argument](#) on whether an accusation that the plaintiff is a white supremacist is a statement of opinion. And, on a certified question from the U.S. District Court for the District of Massachusetts, the Massachusetts Supreme Judicial Court [held](#) that the question of whether a plaintiff should have been aware of a social media post for the purposes of the discovery rule in defamation and right-of-publicity cases is highly fact-specific, depending on the nature of the post, the extent to which it is shared, and other factors.

In lower state courts: A Connecticut Superior Court judge [addressed](#) the challenges of collecting a defamation judgment from a social media user with a low income. Smartmatic and Newsmax [settled](#) their defamation dispute in Del. Super. on the eve of trial, after the judge [allowed](#) Newsmax to argue neutral reportage and [excluded](#) punitive damages from Smartmatic's potential recovery. A judge in Ga. Super. hit Lin Wood with another [\\$105,000 in sanctions](#) for breaching a non-disparagement order with his disparaging social media posts about his former colleagues

during the defamation case that previously resulted in a \$4.5 million verdict against Wood. A Chicago tavern's defamation lawsuit over a TikTok video [survived](#) a motion to dismiss in Illinois state court, while a #TheyLied lawsuit filed by an NYC mayoral candidate in N.Y. Sup. [survived](#) a challenge under New York's new anti-SLAPP law. And in Ohio, a police officer who sued online critics in his city has [agreed](#) to pay their attorneys' fees in defending the case.

Finally, the tangible and intangible assets of Alex Jones's media company Free Speech Systems will go on the block after a judge in Jones' bankruptcy [cleared their sale](#) to pay off the massive defamation verdict against the conspiracy theorist. Jones's IP assets and social media accounts are attracting particular interest from buyers.

B. Commercial Speech

In the pending Supreme Court case between Meta and investors who claim to have been misled by the company's failure to disclose the Cambridge Analytica incident, the investors have filed their [brief](#) arguing that Meta has played a shell game with its arguments about whether its statements of risk can convey information about past adverse events.

Meanwhile, in N.D. Cal., Meta [lost its motion to dismiss](#) a suit alleging that the company misled an advertising purchaser with its representations regarding its policy for explaining ad rejections, but successfully [escaped](#) an investor lawsuit over its alleged omissions on the effect of Apple's privacy practices on its business.

Also in N.D. Cal., app developer Budge Studios was hit with a new [complaint](#) alleging that it engaged in stealth marketing and implemented dark patterns in apps directed to children.

A judge in S.D.N.Y. [ruled](#) that a New York City law compelling food delivery services such as DoorDash to share full customer information with restaurants was a commercial speech regulation that failed intermediate scrutiny. A new complaint in W.D. Wash. [alleges](#) that Amazon is misleading customers with its "sale" pricing for its Fire TVs. And in S.D. W. Va., a social media influencer has been [sued](#) by the SEC over allegedly false statements regarding real estate investments.

AI-based legal services company DoNotPay has agreed to a [\\$193,000 settlement](#) of FTC charges that it misled the public that its AI chatbot could match the output of a human lawyer when it had done no testing on that claim. (And if you're reading this and thinking, "Which human lawyer?", shame on both of us because I'm thinking it too.)

Finally, California Gov. Newsom signed AB 2426, which compels digital media marketplaces to disclose when you're just getting a revocable license for that video game or movie as opposed to actually purchasing ownership of a copy.

C. Professional Speech

A new [petition for cert](#) asks the Supreme Court to rule that a California occupational licensing law governing surveyors violates the First Amendment, to the extent that it prohibits the petitioner's creation and sale of site-plan drawings on his website for purposes that do not require a licensed surveyor's work.

The Fifth Circuit dealt a blow to state restrictions on veterinary telemedicine this month, [holding](#) that a Texas law requiring in-person visits for pet care violated the First Amendment under either strict or intermediate scrutiny. I don't see how the law is even remotely content-neutral, but at least the panel reached the right conclusion.

D. Threats, Harassment, and Incitement

The Third Circuit [upheld](#) the conviction of a man for social media threats against the FBI, an Alaska man was [indicted](#) in D. Alaska for sending threatening messages to the Supreme Court through the Court's website, and a Massachusetts man was [charged](#) with using AI-powered tools to harass a woman and call for others to do so as well.

V. Infrastructure

A. Accessibility, Affordability & Discrimination

The Fifth Circuit [agreed](#) with the Federal Communications Commission that the Court of Appeals lacked jurisdiction to hear a legal challenge to Commission rules on Wi-Fi subsidies while an internal agency challenge was still pending. Meanwhile, the Eighth Circuit [heard argument](#) on whether the FCC exceeded its remit with its broadband anti-discrimination rule. The FCC had been [preparing](#) to enforce the rule beginning in October.

In other FCC news, the Commission [adopted new rules](#) to improve access to video conferencing for people with disabilities.

B. Antitrust

A new [lawsuit](#) in N.D. Cal. from Epic Games this month accuses Samsung and Google of conspiring to lock up the Android app marketplace.

Thomson Reuters succeeded in having antitrust counterclaims [dismissed](#) in its lawsuit in D. Del. against an AI company that allegedly trained its product on the Westlaw service.

Following the recent verdict in the major antitrust lawsuit in D.D.C. against Google over its dominance of search, Judge Mehta [set a schedule](#) looking toward a determination of remedies in August 2025.

Meanwhile, after [preliminary evidentiary rulings](#), the DOJ's lawsuit against Google over online advertising went to trial this month in E.D. Va., with the [prosecution](#) painting a picture of an attempt by Google to monopolize all aspects of ad tech from its perch between advertisers and publishers, while [Google](#) argued that the ad market is far more varied, fluid, and competitive than the government portrayed it, and [asserted](#) that its success stemmed from the quality of its products. By the end, [Judge Brinkema said](#) "There's no question this is a very competitive area," but either way [commentators](#) don't expect this trial to have as dramatic an impact on Google as the search case in the District of Columbia.

Fubo's lawsuit against a coalition of major streaming services over their plan for a sports streaming joint venture is [on track for a trial](#) in S.D.N.Y. in October 2025. Meanwhile, at the Second Circuit, a range of amici [weighed](#) in to support the streamers' appeal of a preliminary injunction against the venture.

In W.D. Wash., a judge [trimmed](#) some state claims out of an FTC/state AG antitrust complaint against Amazon over online marketplace services, but allowed other state claims and the federal antitrust claims to proceed. The court also bifurcated the case into liability and penalty phases.

Finally, some folks in Congress who have difficulty understanding that public information isn't proprietary have [asked](#) the FTC and DOJ to investigate whether AI summaries of such information might be in some sense anticompetitive. I didn't like this idea back when it was called the "hot news doctrine," but given how bollixed up the Supreme Court is when it comes to the intersection of IP and the First Amendment, who's to say what they'd make of this attempted end-run around the idea/expression dichotomy?

C. [Net Neutrality & Data Throttling](#)

The FCC filed its [brief](#) this month at the Sixth Circuit in defense of its new net neutrality rule, arguing that the rule did not relate to a "major question" in the exclusive purview of Congress absent a specific delegation.

D. [Domain Name System](#)

Nothing to report this month.

E. [Taxation & Compelled Payments](#)

We've got [more commentary](#) this month on California's deal last month with Google that headed off legislation that would have taxed tech companies for the benefit of journalism. That second link goes to a piece from Clay Calvert questioning the wisdom of state funding of journalism, which I find to be an interesting issue.

F. Wire & Wireless Deployment

I am informed that [this ruling](#) from the Ninth Circuit on municipal zoning ordinances for wireless towers and related structures is a mixed bag with wins for both the FCC and the municipalities, but damned if I can sort it all out on a Friday afternoon. Sorry, folks, even I have my limits. So, I asked ChatGPT to summarize the decision, and make it sassy:

Oh, this one's spicy! The FCC tried to get fancy with wireless facility rules, but local governments weren't having it. The court said, "Nice try, FCC," upholding some of their tweaks (like equipment cabinets and deadlines) but smacking down others for being way too over-the-top (looking at you, concealment provisions). The FCC got called out for acting like lawmakers instead of just interpreting the rules. It's a mix of "you win some, you lose some," but definitely a humbling moment for the FCC!

Huh. Don't worry, I'm not planning to rely upon AI as a general rule in writing these articles. For one thing, it hasn't quite nailed my so-called sense of humor, though I know for some of you that would probably be a plus. For another, its free speech analysis tends to be...well, how do I put this? It's basic. If there are any AI companies out there that want some help in that regard, let me make this perfectly clear: ***I can be bought***. For a ridiculously high price, mind you, but that price does exist.

Ahem.

Oh, look, Cox Communications is looking to head off broadband competition in Rhode Island, with a new [lawsuit](#) in state court challenging the Ocean State's plan to distribute federal funding for broadband deployment in areas Cox currently claims to serve.

And up on Capitol Hill, the Senate [passed](#) a bill that would subject companies receiving federal subsidies for high-speed broadband deployment to scrutiny of their actual ability to, y'know, deploy broadband services. And they're only thinking about that now?

G. Artificial Intelligence

Government & Voluntary Regulation

- [US sets reporting requirements for AI models, infrastructure operators](#), *The Register*
 - [Proposed Rule: Establishment of Reporting Requirements for the Development of Advanced Artificial Intelligence Models and Computing Clusters](#)
- [United Nations wants to treat AI with same urgency as climate change](#), *Ars Technica*

- [US, UK and EU sign on to the Council of Europe’s high-level AI safety treaty](#), *TechCrunch*
- [Mr ChatGPT and other AI power players are going to the White House to discuss AI’s massive thirst for energy](#), *CNN*
- [OpenAI Pitched White House on Unprecedented Data Center Buildout](#), *Bloomberg*
- [California’s governor has vetoed a historic AI safety bill](#), *Vox*
- [Here is what’s illegal under California’s 18 \(and counting\) new AI laws](#), *TechCrunch*, including but not limited to:
 - [AB 2885](#) (standardized definition of artificial intelligence)
 - Why does that remind me of [this](#)?
 - [SB 896](#) (risk analyses on generative AI)
 - [AB 2013](#) (disclosures regarding datasets)
 - [SB 942](#) (mandatory disclosure that outputs have been generated by AI)
 - [AB 2876](#) (AI literacy as part of school curricula)
 - [SB 1288](#) (use of AI in public school education)
- [Half of U.S. states seek to crack down on AI in elections](#), *Axios*
- [How Memphis became a battleground over Elon Musk’s xAI supercomputer](#), *NPR*
- [Sam Altman departs OpenAI’s safety committee](#), *TechCrunch*
- [The AI industry uses a light lobbying touch to educate Congress from a corporate perspective](#), *Associated Press*
- [AI on Trial: Liability in the AI Ecosystem](#), *Lawfare / Georgetown*

Legal Industry

- [11th Cir.: US judge runs 'mini-experiment' with AI to help decide case](#), *Reuters*
 - [Opinion: U.S. v. Deleon](#)

- [Facing off with a chatbot](#), *University of Missouri*
- [Legal Pros Grapple With Best Use Of AI As Clients Divide](#), *Law360*

News Industry

- [ESPN's AI-generated sports recaps are already missing the point](#), *The Verge*
- [Historic Newspaper Uses Janky AI Newscasters Instead of Human Journalists](#), *404 Media*
- [A courts reporter wrote about a few trials. Then an AI decided he was actually the culprit.](#), *Nieman Lab*
- [How The Economist is using AI to extend its global reach](#), *Press Gazette*
- [Politico's wonky Pro service to roll out new AI tool](#), *Semafor*
- ['If journalism is going up in smoke, I might as well get high off the fumes': confessions of a chatbot helper](#), *The Guardian*
- [Documentary filmmakers publish new AI ethics guidelines. Are news broadcasters next?](#), *Nieman Lab*

Entertainment Industry

- [S.D.N.Y.: AI Musician Duped Streaming Giants To Steal \\$10M, Feds Say](#), *Law360*
 - [Indictment: U.S. v. Smith](#)
- [Audible to Start Generating AI Voice Replicas of Select Audiobook Narrators](#), *Bloomberg*
- [With AI, Dead Celebrities Are Working Again—And Making Millions](#), *Bloomberg Businessweek*
- [Landmark AI deal sees Hollywood giant Lionsgate provide library for AI training](#), *Ars Technica*

- [Terminator’s Cameron joins AI company behind controversial image generator](#), *Ars Technica*

Technical Developments & Challenges

- [OpenAI unveils o1, a model that can fact-check itself](#), *TechCrunch*
 - [The new followup to ChatGPT is scarily good at deception](#), *Vox*
 - [What it means that new AIs can “reason”](#), *Vox*
 - [OpenAI Threatens to Ban Users Who Probe Its ‘Strawberry’ AI Models](#), *Wired*
- [OpenAI Says It's Fixed Issue Where ChatGPT Appeared to Be Messaging Users Unprompted](#), *Futurism*
- [OpenAI CEO: We may have AI superintelligence in “a few thousand days”](#), *Ars Technica*
- [Talking to ChatGPT for the first time is a surreal experience](#), *Ars Technica*
- [YouTube is developing AI detection tools for music and faces, plus creator controls for AI training](#), *TechCrunch*
- [Google outlines plans to help you sort real images from fake](#), *The Verge*
- [Google is using AI to make fake podcasts from your notes](#), *The Verge*
- [Google and Meta update their AI models amid the rise of “AlphaChip”](#), *Ars Technica*
- [Meta's new AI-made posts open a Pandora's box](#), *Axios*
- [Microsoft claims its new tool can correct AI hallucinations, but experts advise caution](#), *TechCrunch*
- [Amazon releases a video generator — but only for ads](#), *TechCrunch*
- [Roblox is launching a generative AI that builds 3D environments in a snap](#), *MIT Technology Review*
- [Adobe previews Firefly for videos](#), *Axios*
- [Reddit is bringing AI-powered, automatic translation to dozens of new countries](#), *TechCrunch*

- [Is Math the Path to Chatbots That Don't Make Stuff Up?](#), *New York Times*

H. Blockchain, Cryptocurrency, & NFTs

Two individuals going variously by the aliases “Greavys,” “Anne Hathaway,” “\$\$\$,” “Box,” “VersaceGod,” and “@SkidStar” were [arrested](#) in Miami and [indicted](#) in D.D.C. this month for ~~tackling~~ their roles in a crypto fraud scheme that netted them some \$230 million.

Is it just me, or has Miami become the world capital of crypto scams? I feel like every time I see one of these cases come through, it has its origins in the Southern District of Florida (even if the defendants get haled into court elsewhere, as in the example above).

VI. Government Activity

A. Data Surveillance, Collection, Demands, and Seizures

The Michigan Supreme Court has [agreed](#) to hear a case on whether warrants to search a smartphone must particularize the information sought or whether they can authorize a search of an entire phone. A quick reminder, however, that the issues to be addressed in the case might wind up being moot if you [voluntarily hand a police officer your phone](#).

Meanwhile, Oracle CEO Larry Ellison brings us [this terrifying vision of the future](#). I can't tell from the report whether *he* thinks this is a good thing, though.

B. Encryption

Nothing to report this month.

C. Domain & Website Seizures

The FBI [seized control](#) of a Chinese government-sponsored botnet this month, while a law enforcement coalition coordinated by Europol [took down](#) a service that assisted the less technologically savvy to phish targets for their mobile phone passcodes and other access credentials.

D. Biometric Tracking

Nothing to report this month.

E. Social Media Posts & Blocking

A doctoral student in pharmacy will be allowed to pursue claims against the University of Tennessee after the state school disciplined her for her “sexual,” “crude,” and “vulgar” social media activity, with the Sixth Circuit [reversing](#) the dismissal of the case and holding that the

pleadings were at the preliminary stage sufficient to overcome the defendants' claims of qualified immunity.

A workplace friendship gone sour resulted in the firing of a police chief when her colleague disclosed texts forwarded by the former chief that included racist images, but without the chief's comments on the texts complaining about the racism. A split panel of the Ninth Circuit [held](#) that the ex-chief's First Amendment retaliation lawsuit failed because the texts were not related to a matter of public concern.

The D.C. Circuit [affirmed the conviction](#) of a former Capitol Police officer who tipped off a January 6 rioter that the latter should take down a Facebook post about being inside the Capitol because of forthcoming criminal charges, and then attempted to cover up the tip by deleting his own Facebook activity. The Court of Appeals held that the defendant could reasonably have foreseen that his activities would impair later grand jury proceedings, which, yeah.

A judge in D. Md. [denied](#) a motion to dismiss a lawsuit over a school system's decision to block critical speakers from its official "StaffPRIDE" Twitter account for discussion of LGBTQIA+ issues, applying *Lindke*.

An Austin, Texas, volunteer fire department chaplain decided to weigh in on transgender issues on his blog (namely, to voice his belief that there were no such things) and got fired as a result. A judge in W.D. Tex. [denied](#) cross-motions for summary judgment on his retaliation claim on the basis that the evidence was disputed regarding the disruption that his speech caused within the fire department.

The North Dakota Supreme Court [heard argument](#) this month on a Park River man's claim that his First Amendment rights were violated when a state senator blocked him on Facebook.

Finally, Fort Bend County Judge KP George was [indicted](#) in Texas state court for allegedly targeting himself with racist social media posts under an alias in order to garner public sympathy during his 2022 re-election campaign.

F. Prior Restraint

The New Jersey Supreme Court has [agreed](#) to hear reporter Charlie Kratovil's First Amendment challenge to New Jersey's "Daniel's Law," after he was threatened with prosecution under the law if he published a public official's home address online. Meanwhile, a judge in D.N.J. [is scheduled to hear argument](#) on October 1 in a raft of consolidated cases by cops against a data broker under the same law, and a retired police officer [sued](#) a data broker in N.D. W. Va. under West Virginia's version of the law.

What else? Oh, the New York Court of Appeals [rejected](#) Donald Trump's latest attempt to appeal his gag order in his N.Y. election interference prosecution.

G. Online Access to Government Information

Nothing to report this month.

VII. Global

A. Europe

- [The EU's 10 biggest antitrust actions on tech](#), *TechCrunch*
- [EU regulators to seek feedback on Google's compliance proposals to avert charges](#), *Reuters*
- [CJEU: Google loses appeal against EU's \\$2.7B Shopping antitrust case, as bloc also wins \\$15B Apple state aid appeal](#), *TechCrunch*
 - [Judgment: Google v. European Commission](#)
 - [Judgment: European Commission v. Ireland](#)
 - [Google and Apple Face Billions in Penalties After Losing Appeals](#), *New York Times*
- [Gen. Ct.: Google nets court win against EU's \\$1.7B AdSense antitrust decision](#), *TechCrunch*
 - [Judgment: Google v. European Commission](#)
- [Google offered to sell part of ad tech business, not enough for EU publishers, sources say](#), *Reuters*
- [Google Faces EU Ultimatum in Fresh Attack on Search Dominance](#), *Bloomberg*
- [Google accuses Microsoft of antitrust violations over Azure cloud platform](#), *Ars Technica*
- [EU to tell Apple how to do interoperability, DMA style](#), *TechCrunch*
- [Like Brazil, the European Union also has an X problem](#), *AFP*
- [EU Tech Enforcer and Musk Antagonist Thierry Breton Quits](#), *Wall Street Journal*
 - [EU's Top Censor Out Of A Job](#), *Techdirt*
 - [European leadership change means new adversaries for Big Tech](#), *Ars Technica*

- [Top EU Court’s Advisor Explains Why Video Game Cheats Are Not Copyright Infringement](#), *Techdirt*
 - [Opinion of Advocate General: Sony Computer Entertainment Europe v. Datel Design and Development](#)
- [Early sign-ups to EU’s AI Pact include Amazon, Google, Microsoft, and OpenAI — but Apple and Meta are missing](#), *TechCrunch*
- [Consumer group sues to ban purchases inside games like Fortnite and Minecraft in Europe](#), *TechCrunch*
- [Global Coalition Takes Down New Criminal Communication Platform](#), *Europol*
- [WikiLeaks’ Julian Assange says he pleaded ‘guilty to journalism’ in order to be freed](#), *Associated Press*

B. Argentina

- [Google ordered to block illegal La Liga stream in Argentina](#), *Football Espana*

C. Australia

- [Social media giants face big fines in plan to ban kids](#), *Australian Associated Press*
 - [Social media ban for children to be introduced this year, but age limit undetermined](#), *ABC (Australia)*
- [Australia threatens fines for social media giants enabling misinformation](#), *Reuters*
 - [Australian plan for misinformation law riles Elon Musk](#), *TechCrunch*
 - [“Fascists”: Elon Musk responds to proposed fines for disinformation on X](#), *Ars Technica*
- [ASIO director-general Mike Burgess issues warning to big tech companies they may soon be forced to unlock encrypted chats](#), *ABC (Australia)*
- [Would a tech tax be a fair way to make Google and Meta pay for the news they distribute and profit from?](#), *Nieman Lab*
- [Does the Albanese government’s proposed ‘hate speech’ law give us what we need?](#), *The Conversation*

- [Australia is the latest country to give workers the 'right to disconnect' after hours](#), *NPR*
- [After five weeks of evidence and five years of trauma, a judge weighs who to believe in Reynolds v Higgins](#), *The Guardian*
- [Alex Greenwich wins defamation case against Mark Latham](#), *The Guardian*
- [Donkey Kong champion claims he was 'defamed' over YouTube death video](#), *Nine News*

D. Austria

- [Mozilla hit with privacy complaint in EU over Firefox tracking tech](#), *TechCrunch*

E. Brazil

- [Elon Had SpaceX Defy Brazilian Supreme Court Order To Block ExTwitter, But Then Backed Down](#), *Techdirt*
- [‘Stop harassing Starlink,’ SpaceX president tells Brazilian judge](#), *TechCrunch*
- [Brazil’s X ban drives outraged Bolsonaro supporters to rally for ‘free speech’](#), *Associated Press*
- [X has been blocked in Brazil. Does it matter for journalism?](#), *Reuters Institute*
 - [NFL kicks off in Brazil for the first time, but reporters and fans can’t post on X due to nationwide ban](#), *TechCrunch*
- [The burning of the Library of Alexandria for fandoms](#), *Taylor Lorenz*
 - [Bluesky now has more than 10M users](#), *TechCrunch*
- [Brazil judge orders US\\$3m seized from Musk’s firms after X ban](#), *AFP*
 - [Brazil judge seizes cash from Starlink to cover fine imposed on Elon Musk’s X](#), *Ars Technica*
- [ExTwitter’s Brazil Ban Evasion: Cloudflare’s CDN Becomes Latest Battleground](#), *Techdirt*
- [Elon Musk’s X Backs Down in Brazil](#), *New York Times*
 - [Brazil's Top Court Imposes New Fine Before Allowing X to Resume Service](#), *Reuters*

F. Cambodia

- [Cambodia ramps up efforts to combat fake news](#), *The Star*
- [Cambodia arrests award-winning journalist who exposed human trafficking and scam compounds](#), *The Independent*

G. China

- [23 nations ‘concerned’ over sedition conviction of 2 Hong Kong Stand News editors](#), *SCMP*
- [For the first time, Hong Kong imprisons a journalist for sedition](#), *Washington Post*

H. Cuba

- [The crackdown on independent press](#), *Columbia Journalism Review*

I. France

- [France: Telegram’s Founder, in First Comments Since Arrest, Defends the App](#), *New York Times*
 - [Telegram is not an “anarchic paradise,” CEO Pavel Durov says after arrest](#), *Ars Technica*
 - [Comment on France’s Prosecution of Telegram Founder Pavel Durov](#), *Technology & Marketing Law Blog (Prof. Eric Goldman)*
 - [Telegram quietly enables users to report private chats to moderators after founder’s arrest](#), *TechCrunch*
 - [Telegram CEO Durov Says App to Provide More Data to Governments](#), *Bloomberg*.
- [French media sue Google for \\$1.1 billion over advertising](#), *AFP*
- [Brigitte Macron Awarded Damages Over False Trans Claim](#), *AFP*

J. Germany

- [The Wikimedia Foundation Successfully Sees Off Another SLAPP Suit, But More Protection Is Needed Globally](#), *Techdirt*

- [After losing a lawsuit in Germany, Meta says it's never getting back together with Deutsche Telekom](#), *TechCrunch*
- [Microsoft to face higher competition scrutiny in Germany, including over its use of AI](#), *TechCrunch*
- [Court Rules Against Photographer Who Sued AI Dataset for Copyright Theft](#), *PetaPixel*

K. India

- [High Court issues contempt notice to Wikipedia](#), *Tribune India*
- [HC summons Netflix over copyright infringement in IC 814: The Kandahar Hijack](#), *Mint*
- [India eyes digital law to rein in Google, tech giants](#), *Deutsche Welle*
- [Indian state orders internet blackout, curfew after ethnic clashes](#), *AFP*
- [Amazon and Flipkart violated competition laws in India, report says](#), *TechCrunch*

L. Ireland

- [Ireland's privacy watchdog ends legal fight with X over data use for AI after it agrees to permanent limits](#), *TechCrunch*
 - [Elon Musk's X could still face sanctions for training Grok on Europeans' data](#), *TechCrunch*
- [Google's GenAI facing privacy risk assessment scrutiny in Europe](#), *TechCrunch*
- [Meta pays the price for storing hundreds of millions of passwords in plaintext](#), *Ars Technica*
- [Irish Big Tech watchdog digs into platforms' content reporting mechanisms after DSA complaints](#), *TechCrunch*

M. Israel

- [Defamation trial of firebrand Likud MK repeatedly interrupted by clashes with judge, crowd outbursts](#), *Times of Israel*

N. Italy

- [1,000 social media pages closed for promoting migrant trips](#), *InfoMigrants*

O. Japan

- [Nintendo and The Pokémon Co. accuse Palworld game developer of patent infringement in new lawsuit](#), *NBC News*

P. Mexico

- [Attack on transparency authority is an attack on democracy](#), *Article 19*

Q. Netherlands

- [Dutch Sperm 'Superdonor' Sues Netflix Over '1,000 Kids' Show](#), *AFP*

R. Nicaragua

- [Nicaragua Passes Social Media Law Opponents Say Can Land Them In Jail](#), *AFP*

S. Poland

- [Polish publishers condemn Facebook after it limits post visibility following change to copyright law](#), *Notes from Poland*

T. Portugal

- [Google Portugal guilty of allowing access to illegal film and series-sharing website](#), *Portugal Resident*

U. Russia

- [Jailed Anti-War Journalist Declares Hunger Strike](#), *Moscow Times*
- [How the Kremlin Finds Ways to Spread Its Messages](#), *New York Times*
- [Google Restricts Creation of New Accounts in Russia, News Agencies Report](#), *Reuters*
- [Russian Anti-War Rappers' New Album Blocked On Yandex Music Platform](#), *RFE/RL*

V. Singapore

- [Lee Hsien Loong's brother pays nearly US\\$500,000 to Singapore ministers for defamation](#), *SCMP*

W. South Korea

- [Korean women scurrying to take down selfies amid deepfake porn crimes](#), *Korea Times*

X. Switzerland

- [Google does not have to remove critical FIFA content, court rules](#), *SwissInfo*
 - [FIFA's attempt to muzzle website and Google backfires](#), *World Soccer Talk*

Y. Thailand

- [Google to invest \\$1 billion in Thailand to build data center and accelerate AI growth](#), *CNBC*

Z. Turkey

- [Turkey's media regulator says journalists on YouTube need licenses](#), *VOA*
- [Ruling AK Party's new initiative to regulate social media, combat misinformation](#), *Türkiye Today*

AA. Ukraine

- [Ukraine bans Telegram messenger app on state-issued devices because of Russian security threat](#), *Associated Press*

BB. United Kingdom

- [Google faces provisional antitrust charges in UK for 'self-preferencing' its ad exchange](#), *TechCrunch*
- [Google's revised ad targeting plan triggers fresh competition concerns in UK](#), *TechCrunch*
- [Amazon dodges antitrust scrutiny in UK over Anthropic investment](#), *TechCrunch*
- [LinkedIn has stopped grabbing UK users' data for AI](#), *TechCrunch*
- [Bitcoin and NFTs may get greater legal protections as 'personal property' under proposed UK law](#), *TechCrunch*
- [UK's privacy watchdog takes credit for rise of 'consent or pay'](#), *TechCrunch*
- [High Court dismisses Swiss lawyer's libel claim over Wikipedia page](#), *Law Society Gazette*
- [Peter Cushing's Star Wars resurrection at centre of legal battle](#), *The Times*

- [Huw Edwards given suspended six-month sentence over indecent images charges](#), *Press Gazette*
- [Online, led by social media, overtakes TV as the most popular source of news in the UK](#), *Ofcom says*, *TechCrunch*

CC. Venezuela

- [Venezuela: AI news anchors aren't replacing journalists. They're protecting them](#), *CNN*

DD. Vietnam

- [Vietnam Jails Journalist For Seven Years On 'Propaganda' Charge](#), *AFP*
- [Vietnam's top leader Lam to meet Google, Meta in US next week, sources say](#), *Reuters*

VIII. Miscellaneous

Lorie Smith, the website designer at the center of the Supreme Court's decision in *303 Creative*, will recover [over \\$1.5 million](#) in attorneys' fees under an agreement with the State of Colorado.

Over the dissent of six circuit judges, the Ninth Circuit [denied](#) rehearing en banc on a decision regarding the ability of Falun Gong members to pursue claims under the Alien Tort Statute against Cisco Systems over the latter's alleged provision of technology to China that enabled tracking of those associated with the movement.

And finally, two employees of Kremlin media mouthpiece RT were [indicted](#) in S.D.N.Y. this month for their role in channeling approximately \$10 million into Tenet Media, a content creator platform known for its stable of popular right-wing social media influencers.

* * *

Jeff Hermes is a Deputy Director with the Media Law Resource Center. His favorite season is autumn, though it was a bit startling to discover that it had arrived in force during his recent trip abroad.