The MLRC Digital Review

Reporting on developments in digital media law and policy

by Jeff Hermes

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Hi everyone!

So, if you're thinking that this article is late, and moreover it just covers January and February, what the heck, it's April, you are right. I plead illness, the MLRC's Entertainment and Media Law Conference, and keeping up with Donald Trump, in that order of priorities preempting my work on this issue. Not to worry, I'm going straight into working on the March issue after this.

Since I was running late anyway, I thought I'd engage in an experiment that I've long been planning and see if I could get ChatGPT to help write this article. After all, AI is supposed to be good at summaries, right?

Here was the process:

(1) I trained ChatGPT on lengthy samples of my own writing for tone and style.
(2) I prompted its output, section by section, with my own hand-compiled digests of legal developments. I did not ask ChatGPT to search for updates on its own or make its own judgments about which updates to cover.
(3) I double-checked its summaries of cases and other legal developments. Any remaining errors are my own.
(4) I added all of the hyperlinks by hand from my own digests or independent research; none were suggested by ChatGPT.
(5) All editorial commentary (and snark) is my own, not generated by ChatGPT. Every time you see the pronoun "I," that's me, Jeff, not ChatGPT.

The results were interesting. ChatGPT made a significant number of errors, but not so many as to render the project impossible. I did wind up heavily editing or rewriting several sections. I had to tell it to knock off the jokes; while it attempted to mimic my humor, those instances were strained and out of place. It had a hard time with properly formatting the bullet-point sections (i.e., AI and Global).

Did I save time doing it this way? It's hard to say. It was much like the classic dilemma of deciding whether to write a legal memo yourself or to give a summer or first-year associate a crack at it, knowing that you'll likely need to rewrite much of it and/or spend time in a back-and-

forth over edits. Curiously, ChatGPT did get noticeably better at giving me what I was looking for as the project continued, which was odd because I didn't give it much explicit feedback.

I am, however, giving ChatGPT a section of its own this month. The new Section IX will feature ChatGPT's evaluation of the last several months of the *Digital Review* for patterns and trends of interest.

On with the show…

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I. Privacy

A. Anonymity/Pseudonymity

In N.D. Cal., preacher and filmmaker T.D. Jakes is seeking to compel Google to identify the YouTube creators behind allegedly defamatory videos.

A judge in D. Colo. rejected pseudonymity for a revenge porn plaintiff suing a political candidate, finding that while the plaintiff invoked the protections of anonymity, she had not conducted the litigation as if it involved highly sensitive matters—particularly given her willingness to make public accusations against the named defendant. The court wasn't impressed by the asymmetry.

The Wikimedia Foundation is preparing new anonymity tools for Wikipedia editors in the United States, reportedly adapting techniques developed for repressive jurisdictions where its volunteer editors have been persecuted. Sadly, this isn't paranoia.

B. Personal Information

TikTok lost its First Amendment challenge to the Protecting Americans from Foreign Adversary Controlled Applications Act, with the Court issuing a terse per curiam opinion that offered little comfort to anyone concerned about speech rights in the digital age. The Court found that TikTok, though a popular platform used by 170 million Americans, could be subjected to divestiture or a ban given the national security concerns cited by Congress regarding Chinese collection of user data. Because the Court found that the concern over collection of private information was content-neutral and could support the Act by itself, it found it unnecessary to consider whether separate explicit concerns over Chinese manipulation of content on the platform would require the Court to apply strict scrutiny.

Justice Gorsuch, in a solo note of concern, called on Congress and the judiciary to figure out what to do about the government's use of classified evidence in civil litigation—an issue of particular relevance where the government asks the Court to sacrifice the First Amendment on the altar of national security.

Post-ruling reactions were mixed: some commentators expressed relief that the Court's content-neutral rationale did not undermine user speech rights as badly as was feared, while others pointed out that the opinion would open the door for repressive regimes to rely upon similar justifications to suppress platforms.

But almost as soon as the opinion dropped, both Presidents Biden and Trump were looking for ways to undo a ban whose popularity was rapidly fading with the American public. As the Biden administration signaled it had no plans to pull TikTok offline overnight, Senator Ed Markey proposed pushing back the implementation deadline by 270 days. Then, before the seat in the Oval Office had time to warm under his posterior, President Trump issued an executive order purporting to suspend enforcement of the law. Some legal scholars said he can't do that, but there were contrary opinions.

Still, the executive order left tech companies guessing. ByteDance, for its part, is shopping for alternatives to a sale. Eventually, Apple and Google restored TikTok to their app stores, a sign of confidence that the whole sorry mess would soon evaporate like a fever dream, leaving the First Amendment sweating and shaking in the morning.

In other news, the Supreme Court declined to hear a challenge to Facebook's $90 million settlement over tracking users while logged out, while the Ninth Circuit affirmed Meta's much larger $725 million Cambridge Analytica deal.

The Ninth Circuit also heard argument in a phone data suit against X , and refused to let an individual plaintiff proceed separately from a 7,000-member consolidated arbitration against Starz.

In N.D. Cal., claims were allowed to proceed against Google in cases alleging deceptive Android data collection, unauthorized use of children's data on YouTube, and wiretapping of customer service calls via AI-powered phone monitoring tools. In a separate case in the same court, Google failed to stop tens of thousands of mass arbitration opt-outs over home device audio recording practices.

Apple agreed to pay $95 million to settle a case in N.D. Cal. over Siri's alleged eavesdropping, while maintaining that it "has never used Siri data to build marketing profiles."

LinkedIn also saw activity in N.D. Cal. in this issue. One case alleging improper use of messages for AI training was dismissed, but a new case alleges data sharing with Meta and Adobe via LinkedIn Learning.

Meta dodged class certification in a separate data privacy case in N.D. Cal., with the judge rejecting plaintiffs' expert's opinion on the value of individuals' personal data. HuffPost is facing a new suit in N.D. Cal. over ad tracking practices involving Microsoft's and others' third-party tools. And Thomson Reuters won approval of a $27.5 million settlement to resolve claims in N.D. Cal. over its CLEAR product and the sale of Californians' personal information.

In C.D. Cal., LinkedIn escaped a second complaint alleging that it collected information about users visiting the California DMV website, Autotrader's motion to dismiss a web-tracking suit failed, and Pornhub succeeded in compelling arbitration in a data privacy class action.

A judge in S.D. Fla. dismissed a rape video privacy suit against OnlyFans on jurisdictional grounds, adopting a magistrate judge's recommendation and sending the remainder of the case to state court.

Quest Diagnostics got a reprieve in a federal suit in New Jersey over allegations that it shared patient data with Meta via tracking software. The judge reversed his earlier ruling, dismissing eavesdropping claims under California's Invasion of Privacy Act.

A judge in S.D.N.Y. dismissed a class action accusing Insider Inc. of disclosing users' IP addresses via tracking tools, holding that the plaintiff hadn't demonstrated injury sufficient to support a privacy claim under California law.

In N.D. Tex., a judge enjoined a woman from distributing revenge porn of her ex-boyfriend after she allegedly distributed an intimate photo of him via LinkedIn to frustrate his job search.

Amazon is facing its first suit under Washington state's "My Health, My Data" law, with a complaint in W.D. Wash. alleging that the company collected sensitive user location information through SDKs embedded in third-party apps.

The Massachusetts Appeals Court held that sharing an unflattering nude image of an ex with friends could create civil liability for infliction of emotional distress, particularly when coupled with unauthorized access to personal accounts. That's…not a surprising result.

Google defeated a suit from our old buddy Ken Paxton, who claimed the company misled residents about its privacy practices. An appellate panel held there wasn't sufficient nexus to Texas for the claims to proceed. Paxton has also filed a new privacy suit against Allstate, alleging that its subsidiary Arity improperly collected and used driver data from mobile apps to adjust insurance rates.

The FTC banned GM from selling location and driving behavior data for five years following revelations that the company was selling geolocation data as frequently as every three seconds.

The new Trump administration's purge of Democratic appointees from the Privacy and Civil Liberties Oversight Board could jeopardize the EU-U.S. data sharing agreement, which depends on U.S. oversight mechanisms as a condition for compliance with EU privacy law.

Senator Josh Hawley introduced legislation that would impose up to 20 years in prison for downloading Chinese AI systems like DeepSeek. He characterized the chatbot as "TikTok on steroids" and a threat to national security.

The California Privacy Protection Agency announced a settlement with a Connecticut-based data broker over registration failures and is seeking to fine a Florida broker following a massive breach involving Social Security numbers.

Meanwhile, states are copying California's data deletion law. Virginia's senate has voted to ban the sale of precise location data, even with user consent.

C. Children's Privacy & Safety

The Supreme Court heard arguments in *Free Speech Coalition v. Paxton*, a challenge to Texas's age-verification law for pornography websites. Justices questioned the Fifth Circuit's application of rational basis scrutiny and seemed inclined to require a heightened standard of review—though several appeared ready to uphold the law even under a stricter test.

I'm not sure what I'm hoping for here…maybe a narrow ruling flipping the 5th on the standard of review with time for development of a fuller record on how age-gating tech works? I'm concerned about some of the justices not understanding that this is far more intrusive, and less effective, than flashing an ID at the liquor store.

In the Fifth Circuit, a panel heard argument in *NetChoice v. Fitch*, where Mississippi sought to vacate an injunction against its age-verification law for social media. The Sixth Circuit, meanwhile, allowed Tennessee's age-verification law to take effect, vacating a preliminary injunction from W.D. Tenn. that found the law likely violated the First Amendment.

The Ninth Circuit temporarily blocked California's "Protecting Our Kids from Social Media Addiction Act." The district court had previously enjoined some provisions and allowed others to proceed, pending appellate review. Meanwhile, another judge in N.D. Cal. expressed strong skepticism toward a separate kids' privacy law out of California.

The White Mountain Apache Tribe filed a lawsuit in the Northern District of California against Meta, alleging social media platforms have contributed to a mental health crisis among their youth. In the same district, the judge overseeing multidistrict litigation against social media companies criticized Google and Snap for seeking interlocutory appeal, saying their motions lacked merit and delayed resolution of the case.

In C.D. Cal., Cognosphere—the developer of video game *Genshin Impact*—agreed to settle COPPA claims by the FTC for $20 million.

In N.D. Fla, a judge heard argument on the constitutionality of the state's new social media law (HB 3), which bans children under 14 from using social platforms and imposes strict age-verification mandates.

In M.D. Fla., Character AI moved to dismiss a lawsuit brought by the parent of a teen who died by suicide, arguing that its chatbot platform is protected by the First Amendment.

In the D. Md., NetChoice sued to block the Maryland Kids Code, arguing that it violates the First Amendment. The statute imposes platform obligations related to design, data collection, and content aimed at minors.

In W.D. Tex., Judge Robert Pitman expanded an injunction against the Securing Children Online through Parental Empowerment Act (SCOPE) Act, blocking three additional provisions as unconstitutionally vague.

In California Superior Court, Activision Blizzard has moved to strike a lawsuit brought by the parents of a Uvalde school shooting victim alleging that *Call of Duty* played a role in the shooter's actions. Activision invoked the state's anti-SLAPP statute, arguing that video games are protected by the law. I'll be interested to see how this one goes…I've long thought that the MLRC needs to be paying more attention to how the First Amendment applies to "video games," which really is too simplistic a term for entertainment experiences that can include player-to-player speech, cinematic storytelling, third-party advertising, and a wide array of other features

that are about as far from Pac-Man chomping dots as a modern cell phone network is from the signal beacons of Gondor.

Separately, a new California law—AB 1831—has led to the arrest of a well-known cartoonist for allegedly creating AI-generated child sexual abuse material. The law criminalizes such content even in the absence of a specific child victim, citing its potential to groom children and normalize abuse. As I've written before, that's not the justification that the Supreme Court has leaned on for years in excluding child pornography involving real children, but I expect that the question of AI CSAM will reach the justices sooner rather than later.

What else…San Diego County has sued a bunch of the usual social media companies, alleging that their platforms are designed to manipulate student behavior using neurobiological triggers.

In Del. Super., TikTok is facing a wrongful death suit from the parents of two UK teens who died in connection with online "challenges." The complaint accuses ByteDance of creating an addictive and dangerous product through its algorithmic design.

Meta has asked the Massachusetts Supreme Judicial Court to intervene in a lawsuit filed by the commonwealth's AG, which claims Instagram is intentionally designed to addict children.

A Nebraska state court judge has ruled that the state can proceed with its lawsuit against TikTok over claims that it misrepresented its platform as safe for minors, finding that the court has personal jurisdiction. Similarly, in Tex. Dist., Ken Paxton has filed another suit against TikTok, alleging violations of the state's Deceptive Trade Practices Act. The complaint focuses on the platform's app store representations and its alleged failure to enforce its own standards. And in Utah state court, the state has unsealed a complaint from the Utah Division of Consumer Protection alleging that TikTok's livestream feature facilitates grooming and sexual exploitation of minors.

The Federal Trade Commission has referred a complaint against Snap, alleging the company's AI-powered chatbot harmed minors, to the Department of Justice. Meanwhile, the FTC also finalized amendments to the Children's Online Privacy Protection Rule, tightening restrictions on the collection and use of kids' data and giving parents ways to control their children's data.

In Congress, the Senate Commerce Committee advanced the Kids Off Social Media Act (KOSMA), co-sponsored by Sens. Brian Schatz (D-HI) and Ted Cruz (R-TX). The bill would, inter alia, bar kids under 13 from using social media and ban personalized recommendation algorithms for users under 18. Critics say the measure is facially unconstitutional.

Meanwhile, state legislatures are plowing ahead with similar or even more aggressive proposals. A House committee in Alabama heard testimony on two bills to limit youth social media access. In California, lawmakers are trying again to pass legislation aimed at reducing online harms to

children, and seven other states are moving to adopt California-style kids' online safety bills. A new bill in Florida would restrict social media platforms from offering encrypted messaging to users under 16 and open up their accounts to their parents. Similar measures in Indiana and Nebraska would require parental consent before minors can join social media platforms. In New York, a state senator is pushing an age verification law targeting pornographic content, modeled on laws that have already triggered site shutdowns in other states. North Carolina's legislature is advancing a measure requiring school boards to restrict student cellphone use during the school day. South Dakota lawmakers have passed a bill mandating age verification for access to any online content deemed "pornographic"—without even the ridiculous "one-third" provision of other age-gating laws. And Virginia is considering a bill that would require "verifiable" parental consent, such as signed forms or driver's license uploads, before platforms can permit minors to join.

D. Rights of Publicity

A judge in W.D. Ark let a right of publicity claim between law firms survive, finding that a LinkedIn connection between the principals supported the inference that the defendant knew about the plaintiff's use of the name. The case settled via a consent judgment and stipulated injunction.

Ancestry.com escaped a proposed class action in N.D. Ill. in which plaintiffs claimed the site used yearbook photos to advertise without consent, finding a lack of evidence that Ancestry used the photos for a "commercial purpose."

Invoking the hoary concept of laches, a judge in D. Mass. granted summary judgment for the defendant in another model vs. strip club ROP suit over social media promotions.

On the policy side, the Section of Intellectual Property Law of the ABA House of Delegates introduced Resolution 501, urging Congress to regulate unauthorized use of likeness, voice, and image through tech. The move follows incidents like a recent viral AI video of Scarlett Johansson, which she publicly condemned while calling for new legislation.

E. Biometrics

In W.D. Wash, Amazon Web Services has settled a BIPA lawsuit over facial scans that it collected in connection with providing online services for the NBA 2K videogame series. Meanwhile, a new lawsuit in Ill. Cir. alleges that Google Photos illegally collected and retained facial templates for the purpose of organizing pics.

F. Manipulated Media

So, here's a head-scratcher…a judge in S.D. Fla. held that a defendant who "liked" a post on X containing a pornographic deepfake and encouraged users to click through to an archived version of the "liked" content could be held liable under Florida's law prohibiting promotion of "altered sexual depictions." I would have thought Section 230 would have had a look in here, but apparently not.

The plaintiff who successfully blocked California's election deepfakes law had less success in D. Minn. over Minnesota's anti-deepfake statute, with a court rejecting the claim that the Minnesota law jeopardized the plaintiff's parodic content because it only prohibits deepfakes "so realistic that a reasonable person would believe it depicts speech or conduct of an individual who did not in fact engage in such speech or conduct." I share Prof. Goldman's concern that these two categories are not mutually exclusive.

Oh, here's an interesting one. The New York Commissioner of Education reversed a student's suspension for creating but not distributing "nudified" images of classmates, finding that the school district has no authority to impose discipline for conduct that does not reach school operations. The incident raises a much deeper issue of whether the mere creation of a nudified image of an individual causes any legally cognizable harm, without publication. Minnesota lawmakers seem to think so, with a new bill that prohibits AI companies from offering products in the state that can create sexual deepfakes.

G. Hacking, Scraping & Data Breach

The scraping battle between X and Bright Data continues in N.D. Cal., with Bright Data fighting back hard against claims it unlawfully copied data from X. X has amended its complaint and survived motions to dismiss, but Bright Data remains in the fight.

Also in the Northern District of California, Gravy Analytics faces another lawsuit over alleged failures to protect smartphone location data tied to tens of millions of devices, and Meta is suing an alleged extortionist who claimed to make $600K a month through a service called "Unlocked 4 Life" that offered to unban Instagram accounts for a fee.

A Beverly Hills plastic surgeon is facing a class action in C.D. Cal. after nude photos and financial data of patients were allegedly stolen and the breach was not disclosed.

In D. Del., a judge flipped a jury verdict against Booking.com in a scraping case brought by Ryanair, finding the jury was misled by poor instructions and that Ryanair's claims didn't hold up.

MGM's $45 million deal to settle breach litigation in D. Nev. has won preliminary approval. The lawsuits stem from breaches in 2019 and 2023 affecting more than 37 million customers.

Microsoft has gone to E.D. Va. to shut down a website and sue foreign actors it says built tools to bypass AI safety features. The company obtained a TRO, now converted to a preliminary injunction.

In W.D. Wash., a U.S. Army soldier pleaded guilty to hacking phone records from AT&T and Verizon and distributing the data online.

The State of Washington sued T-Mobile in state court over a 2021 data breach that affected 79 million people.

GoDaddy reached a settlement with the FTC after years of allegedly lax security. The settlement requires better practices but imposes limited penalties.

The U.S. has launched a cybersecurity label for smart devices, aiming to help consumers understand which products meet baseline protections.

Anyone worried about the fact that the FBI can apparently hack your computer based on a single warrant issued elsewhere in the country so that the Bureau can disrupt networked hacking attempts by bad actors? Then don't read this article.

The Trump administration, via the Department of Homeland Security, has shut down the Cyber Security Review Board, the advisory committee tasked with reviewing massive and ongoing cyberattacks into U.S. infrastructure by foreign adversaries. Look, if I comment on every upsetting thing that's happened since January 1, we'll be here for at least, oh, 25 hours, so let's just assume a permanent Picard facepalm for this issue and move on.

Speaking of which…DOGE—the, er, "Department of Government Efficiency," apparently—has triggered a cascade of litigation. Lawsuits claim the group, affiliated with Elon Musk and empowered by the Trump administration, unlawfully accessed federal systems and personal data. The allegations implicate include CFAA violations and Privacy Act breaches.

Courts are split. The DOJ agreed to temporarily withhold certain Treasury data from DOGE in connection with a lawsuit in D.D.C., but a judge in E.D. Va. denied an injunction in the Electroniv Privacy Information Center's challenge over Treasury data, calling allegations of harm speculative. Meanwhile, in D. Md., a judge ruled that federal agencies likely violated the Privacy Act in sharing data with DOGE. Senator Wyden has blasted the access as a threat.

H. Other Privacy Issues

The Ninth Circuit has upheld Oregon's all-party notice wiretapping law. The Court of Appeals rejected Project Veritas's argument that the restriction on surreptitious recording violated the First Amendment rights of undercover journalists.

The Eleventh Circuit held that the FCC exceeded its authority when interpreting the statutory term "prior express consent" to allow it to impose additional detailed conditions on consent for telemarketing and advertising robocalls and robotexts. Meanwhile, the FCC has imposed new reporting rules on voice providers regarding their verification of whether a robocaller is listed in the Robocall Mitigation Database.

II. Intellectual Property

A. Copyright

The Supreme Court began the year by denying cert in several IP cases of note, including *Abdelsayed v. Affordable Aerial Photography* out of the Eleventh Circuit, leaving undisturbed a ruling that a defendant whose copyright case was voluntarily dismissed was not a prevailing party for purposes of attorney's fees. The Court also turned away *Strategic Technology Institute v. MGMTL* out of the Fifth Circuit, on whether copyrightability of software is a judge or jury issue, and *King for Congress v. Griner* out of the Eighth Circuit, declining to revisit the "Success Kid" meme battle brought by former Rep. Steve King who was looking for a more "flexible" test for infringement of memes.

There's a new petition in *Morford v. Cattelan*, a case out of the Eleventh Circuit asking whether an artist can copyright the concept of taping a banana to a wall; the appellate court declined to extend copyright protection to the idea. Meanwhile, eight NBA teams filed an amicus brief asking the Court to grant cert in *RADesign v. Michael Grecco Productions*, a case out of the Second Circuit involving the discovery rule in copyright cases.

In *Capitol Records v. Vimeo*, the Second Circuit upheld the application of the DMCA safe harbor under Section 512(c), bringing a 15-year-old case a little closer to finality. The same court affirmed the dismissal of an author's copyright action against Amazon's Audible platform, finding that contractual licensing agreements defeated the claims.

In *Thomson Reuters v. Ross Intelligence* (D. Del.), Judge Bibas reversed himself and ruled that training an AI model on copyrighted legal content is not fair use. Despite the fact that the AI training at issue in *Thomson Reuters* was not quite the same as the training of other generative AI tools, the opinion will undoubtedly rear its head in other lawsuits, including *Kadrey v. Meta Platforms* (N.D. Cal.), where plaintiffs allege in a Third Amended Complaint that Meta's

LLaMA team trained their system on pirated ebooks with Mark Zucklerberg's blessing. That case continues to escalate, with new filings detailing allegedly damning internal emails and arguments over whether torrenting a dataset is itself infringing without evidence of seeding.

Also in the Northern District of California, OpenAI was ordered in *Tremblay v. OpenAI* to disclose its full training dataset to plaintiffs, Google moved in *In re Google Generative AI Copyright Litigation* to dismiss artists' claims, and the parties to *Concord Music Group v. Anthropic* reached agreement on a preliminary injunction requiring Anthropic to maintain existing filters to prevent Claude from providing or generating copyrighted lyrics.

In the Southern District of New York, Judge Rakoff allowed some claims in *Intercept Media v. OpenAI* to proceed based on alleged removal of copyright management information, and other publishers filed a new copyright suit against Canadian AI company Cohere.

AI aside, we had a ton of more traditional copyright cases worth noting. *Mob Entertainment v. Google* (N.D. Cal.) is a new case over fake games using the "Poppy Playtime" brand, while *Invisible Narratives v. Next Level Apps* (also N.D. Cal.) resulted in a TRO against a DMCA-based extortion attempt. TikTok prevailed back in October in *Waterman v. TikTok* (C.D. Cal.) on a straightforward motion to dismiss claims over failure to honor DMCA notices. And in *Coupon v. Wolfsdorf Rosenthal LLP* (C.D. Cal.), the parties settled a case involving a photographer's IP claims against a law firm.

Further east, *Whaleco v. Shein Technology* (D.D.C.) brings us a knock-down-drag-'em-out between fast-fashion giants Temu and Shein, with the former failing to secure a TRO against the latter over allegedly bogus DMCA notices. *Eight Mile Style v. LaFontaine Ford St. Clair* (E.D. Mich.) pits Eminem's publisher against a dealership accused of using "Lose Yourself" in TikTok ads. In *Hayden v. 2K Games* (N.D. Ohio), a tattoo artist who decorated LeBron James dropped claims over the appearance of LeBron's avatar in the NBA 2K video game series. Down in Florida, *Taggart v. Fan Arch Sports* (S.D. Fla.) brings a more classic photo-use claim from a New York photographer. In *Zaful (Hong Kong) Ltd. v. Schedule A Defendants* (N.D. Ill.), yet another judge questioned the SAD Scheme for grouping unrelated online merchants into a single copyright suit. *Mechanical Licensing Collective v. Spotify USA* (S.D.N.Y.) ended in a defense win for Spotify over its royalty structure for bundled music and audiobooks. *White v. DistroKid* (also S.D.N.Y.) saw a music distribution service successfully assert a volitional conduct defense over an uploaded album. And *Breedan Media v. The Daily Wire* (W.D. Tenn.) survived a motion to dismiss, with the court unwilling to hold as a matter of law that using a video posted to X was either fair use or pursuant to a waiver of rights.

In *Richardson v. Townsquare Media*, a judge in S.D.N.Y. applied both a fair use rationale and a sublicense defense under YouTube's terms to reject infringement claims involving embedded video content. On the other hand, similar claims survived in *Lynk Media v. Mediaite* (S.D.N.Y.)

and *Lynk Media v. IHeartMedia* (W.D. Tex.). As Prof. Goldman points out, embedding isn't risk-free, though it's safer in the Ninth Circuit.

Prof. Goldman also brings us *Levy v. Kilgore* (W.D. Tex.) and *Channel 781 News v. Waltham Community Access* (D. Mass.); both involve fights over access to and control of city council video footage, with a magistrate denying cross-motions for summary judgment in the former and a judge denying a defense motion to dismiss in the latter. In *Equine Legal Solutions v. Fireline Farms* (D. Or.), the court ruled that a defendant who posted licensed form contracts online violated the license terms. Also in D. Or., we have *ESHA Research v. Cronometer Software*, a head-scratcher about copyright in nutritional data.

Finally, *Warner Records v. Altice USA* (E.D. Tex.) resulted in an order compelling an ISP to unmask 100 alleged BitTorrent pirates in an RIAA-backed lawsuit, continuing the long tradition of forcing intermediaries to play enforcement proxy.

On the legislative front, site-blocking proposals are back. Rep. Zoe Lofgren (D-CA) introduced H.R.791, a bill that would authorize copyright owners to obtain orders requiring ISPs and DNS providers to block access to foreign piracy sites. This follows continued pressure from publishers over shadow libraries like Anna's Archive, Sci-Hub, Z-Library, and Libgen, which remain as troubling to copyright owners as they are tempting to AI developers looking for low-cost training data.

The Copyright Office dropped its latest report on AI, reiterating that authorship requires human creativity and not just text prompts but offering little clarity beyond that.

Finally, a belated happy Public Domain Day to all: works from 1929 and sound recordings from 1924 are now freely available for all purposes. ChatGPT wanted me to include a comment saying that this was a good thing for AI training, but I want any editorial commentary to be my own.

B. Trademark

The Supreme Court opened the year in trademark by holding that the Lanham Act doesn't poke new holes in the corporate veil when it comes to remedies. In *Dewberry Group v. Dewberry Engineers*, the Court held that a prevailing trademark plaintiff isn't entitled to profits earned by the defendant's affiliates if those affiliates weren't named in the complaint. The ruling knocks out the Fourth Circuit's prior endorsement of affiliate disgorgement, with Justice Kagan cautioning that remedies under the Lanham Act still need to respect the basic limits of civil procedure. The opinion doesn't close the door entirely on disgorgement, however—if anything, as Prof. Tushnet points out, it adds to the sense that disgorgement is trending toward default rather than exception.

A trademark battle between a greeting card company and an online news site has ended in the Ninth Circuit, with the former dropping its appeal of a judgment for the latter.

Perplexity AI is facing a new suit in N.D. Cal. from tech company Perplexity Solved Solutions. In the same court, counterclaims were dismissed against Sam Altman and Greg Brockman in a lawsuit between OpenAI and Open Artificial Intelligence, and a fight over X Corp.'s logo quietly wrapped up, with the plaintiff PR/social media company agreeing to drop its trademark claims over the Twitter rebrand.

One lawsuit that hasn't gone quietly is *Keller v. Automattic* (N.D. Cal.), where a user of WordPress Enterprise accused Automattic of using a flimsy trademark claim to justify booting its customer from the platform—allegedly part of a broader campaign to control the WordPress ecosystem.

In *Babstock v. Packer* (D. Conn.), a professional women's hockey player settled her trademark dispute with two former teammates over the podcast name "Moms Who Puck," bringing to an early end to the case.

Brand owners continue to file mass infringement claims lawsuits against online merchants, particularly in the Northern District of Illinois. *Warner Bros. Entertainment v. Schedule A* and multiple suits filed by Sesame Workshop allege the sale of counterfeit merchandise through Amazon, Temu, and similar platforms. These lawsuits brought to you by the letter A, as in Schedule A Defendants; we'll see how these cases fare in light of the rising skepticism around this tactic.

In *Program 15 Sports v. Sony Interactive Entertainment* (S.D. Tex.), a federal judge rejected Sony's request for sanctions against a baseball training program that had filed a trademark suit over the use of "Future Stars" branding in Sony's MLB video games.

And finally, a quick note on *DeepSeek*, which may soon find itself on the defensive. The AI firm recently filed a trademark application in the U.S. for its chatbot tools, but missed the window to beat out other claimants who appear to have gotten there first. Whether this turns into litigation or just a quiet USPTO skirmish remains to be seen.

C. Patent

The Supreme Court denied cert in *DISH Network v. Dragon Intellectual Property*, where Dish sought to recover fees both from its opponent and their counsel after prevailing in a PTAB proceeding. We also had a denial of cert in *Roku v. ITC*, which concerned the scope of the International Trade Commission's power to issue exclusion orders in patent cases, and a new petition in *Koss v. Bose* out of the Federal Circuit, on whether a settlement in a PTAB dispute could collaterally estop patent claims in other cases.

Broadcom and its affiliates struck out in three cases against Netflix (two on appeal to the Federal Circuit, one in N.D. Cal.) involving caching, chip, and streaming technology. Netflix also had a win in *Robocast v. Netflix* (D. Del.), in which the court invalidated three playlist patents. Meanwhile, in *AiPi v. Netflix* (E.D. Va.), a litigation funder was ordered to turn over documents in connection with patent claims against the streaming giant.

In *InterDigital v. Walt Disney Co.* (C.D. Cal. and elsewhere), a patent holder sued Disney, Hulu, and ESPN+ alleging unauthorized use of video encoding technologies.

After initially being awarded $3.9 million in fees by a judge in D. Colo., Dish Network was left with nothing in *Realtime Adaptive Streaming v. Sling TV*, after the Federal Circuit found the trial court's fee analysis flawed and a reconsideration on remand.

In the PTAB, a joint effort by Meta, Roku, and Samsung to invalidate an online ad targeting patent failed in *Meta Platforms v. AlmondNet*.

D. Trade Secrets/Misappropriation/Conversion

The Supreme Court denied cert in two DTSA cases this month, one out of the Seventh Circuit involving extraterritorial application of the statute and one out of the Eleventh Circuit involving whether webscraping is an "improper means" under the statute.

And we'll round out this issue's IP section with a criminal prosecution in N.D. Cal. against a Chinese citizen over theft of AI-related trade secrets from Google.

III. Platform Management

A. Section 230

The Supreme Court has again declined to weigh in on the meaning of Section 230, rejecting a pro se petition in *Medina v. Microsoft* that cited Third Circuit's abominable reasoning in *Anderson v. TikTok* as evidence of a circuit split. It's evidence of *something*, I grant you.

The Fourth Circuit handed a win to Meta in *M.P. v. Meta Platforms*, rejecting claims based on Facebook's alleged "radicalization" of Charleston church shooter Dylan Roof. Prof. Goldman notes that the court seemed to be following its *Zeran* jurisprudence, signaling that *Henderson v. Public Data* might not mark a lasting shift.

In *Doe v. Grindr*, the Ninth Circuit rejected the familiar "defective design" end-run around § 230. The Ninth Circuit also heard argument in *Doe 1 v. Twitter*, with survivors of child exploitation arguing that the district court erred in rejecting their FOSTA and defective design arguments with respect to the former Twitter.

Speaking of FOSTA, we've got two sex-trafficking-related cases reaching different results this month. In S.D. Fla., a judge held that § 230 protected Fenix International (i.e., OnlyFans) from liability for user-posted material, with the plaintiff failing to satisfy the FOSTA exception's scienter requirement. On the other hand, in N.D. Ala., a judge held that § 230 didn't protect MG Freesites (i.e., PornHub) at all because of *Moody v. NetChoice*. I'm pretty sure that's the first non-Third Circuit district court to take a big swig of the *Anderson v. TikTok* Flavor-Aid, but I'm dreadfully certain it won't be the last.

In *Bogard v. TikTok* (N.D. Cal.), a judge invoked § 230 to dismiss an attempt to hold platforms liable for failing to remove allegedly harmful videos. In *Nicholas Services v. Glassdoor* (N.D. Cal.), Glassdoor defeated a defamation claim over employee reviews; the case had taken a detour through Mississippi, where a court had briefly questioned the platform's eligibility for immunity. And in *Affleck v. Harvard Crimson* (D. Mass.), the court upheld the Crimson's right to ban a commenter for viewpoint-based reasons, holding that § 230 preempted contrary state laws.

In a consolidated state court proceeding in California, social media companies failed to dismiss failure-to-warn claims in ongoing youth mental health litigation, with the judge finding that the apps' own features, not just third-party content, could form the basis of liability.

Beyond the courts, Section 230 has returned to the political spotlight. Senator Dick Durbin continues to push for its repeal, citing concerns about disinformation and content moderation. Meanwhile, Adam Candeub—a longtime critic of platform immunity and a central figure in efforts to revoke it during the Trump administration—has been named general counsel of the FCC. Chairman Brendan Carr has hinted at possible regulatory steps to weaken the law's protections, though what those might be, and how they'd fare in court, remains unclear.

B. Elections & Political Advertising

The Republican National Committee attempted to articulate to the Ninth Circuit why its allegations that Gmail's spam filters were unlawful should not have been dismissed. Commentary here from Corbin Barthold at TechFreedom.

C. Content Moderation

In the first days of his second term, President Trump issued an executive order directing the federal government to "end federal censorship" and investigate past efforts to influence content moderation by private platforms. The order, framed as a response to years of allegations that federal agencies pressured tech companies into suppressing speech, puts immediate scrutiny on federal grants, third-party partnerships, and informal nudges from government actors. (The irony of this move was not lost on the Democrats on the House Judiciary Committee.)

The new leaders of federal agencies are taking up the call already. The FTC has opened an inquiry into so-called "tech censorship," asserting that content moderation may now be viewed as a form of discrimination against users' speech or affiliations. FTC nominee Mark Meador pledged allegiance to the effort, while FCC Chair Brendan Carr signaled similar moves. Meanwhile, the Cybersecurity and Infrastructure Security Agency (CISA) was stripped of staff working on U.S. defenses against foreign influence operations, disinformation, and misinformation, and the Agency has ceased advising private businesses on those topics.

This shift coincides with sweeping changes inside Meta, where the company has loosened its control over hateful content, disbanded its U.S. fact-checking program, and announced a shift to user-generated community notes. The move caught many by surprise, including members of Meta's Oversight Board; the Board is planning to address Meta's new hate speech policies. Were this simply an internal policy shift, well, that'd be Meta's choice, but there's a pretty strong sense that the president who doesn't want the federal government to lean on platforms has been throwing his weight around – which might have something to do with Trump himself claiming credit for the changes. Meanwhile, Meta's platforms could develop something of a split personality given that Europe isn't on board with this shift and fact-checkers continue their work overseas.

Speaking of government leverage, Meta and X have both agreed to multimillion-dollar payouts to resolve lawsuits (thought by many to be meritless) arising from their respective post-January 6 account suspensions of Donald Trump. X reportedly will pay $10 million as X and Trump asked the Ninth Circuit to drop Trump's appeal of his loss below; Meta's $25M settlement of its case pending in N.D. Cal. followed a Mar-a-Lago dinner described by critics as a shakedown.

In E.D. Cal., the California AG settled a constitutional challenge from X Corp., stipulating to a permanent injunction against enforcement of central provisions of a law that would have compelled platforms to provide detailed reports on their moderation policies and practices. In M.D. Fla., a judge refused to enforce a Brazilian censorship order against Trump Media and Rumble, finding that the order was not properly served or domesticated in the United States. In D. Or., a judge ruled that an order in a patent case directing Google, a non-party, to remove certain YouTube posts was invalid. And in N.D. Tex., X is suing more advertisers that it alleges conspired to boycott its platform.

In Missouri, state AG and Ken-Paxton-wannabe Andrew Bailey is pursuing a rule that would let users control who decides what they see, which is great if we're talking about independently-operated federated servers but not so awesome if we're talking about overriding platforms' own editorial discretion. Alabama is joining the bandwagon of states contemplating limits on youth access to social media, while California toys with mandatory warning labels.

Remember what I said about the facepalm up above.

D. Terms of Service & Other Contracts

Let's see…the Ninth Circuit is playing fast and loose with the "wrapper" terminology for online contracts, a terms-of-service case out of E.D. Cal. implicated online privacy issues, Google fought off a challenge in S.D.N.Y. to an arbitration clause added to its advertising TOS in 2017, Meta Pixel litigation in W.D. Pa. avoided arbitration after a terms link on the defendant's website was found to be insufficient to form an agreement, and a contract-breach lawsuit in W.D. Wash. against Amazon Prime over its introduction of commercials to its streaming service failed for lack of any terms indicating that ads would not appear.

IV. Other Content Liability

A. Defamation

The Second Circuit remained a busy place for defamation jurisprudence this cycle. In *Carroll v. Trump*, Trump petitioned the full court to rehear his appeal of the verdicts in favor of E. Jean Carroll, attacking her credibility and attempting to stretch the Supreme Court's ruling on presidential immunity in criminal cases to civil cases over post-presidency conduct. Meanwhile, the Second Circuit disposed of *Farrakhan v. ADL*, upholding the dismissal of defamation claims brought by Louis Farrakhan and the Nation of Islam against the Anti-Defamation League because the statements at issue were either nonactionable opinion or not sufficiently alleged to be false or made with actual malice.

In the Fifth Circuit, oral argument in *X Corp. v. Media Matters for America* showcased judicial skepticism toward X's efforts to unmask the watchdog's donors. Judges questioned how disclosure of donor identities could possibly illuminate whether Media Matters triggered an advertiser walkout with false reporting.

The Eighth Circuit, for its part, shut down former Rep. Devin Nunes's attempt to revive his $77 million lawsuit against *Esquire* over a report that his family farm employed undocumented labor, holding that the plaintiffs failed to prove cognizable damages.

At the district court level, rapper Megan Thee Stallion's lawsuit in S.D. Fla. survived a motion to dismiss, with the court finding her allegations of knowing falsehood against a social media influencer sufficient to proceed. In M.D. Fla., Trump Media sued a Brazilian judge considering charges against Jair Bolsonaro, a move viewed by many as an attempt to leverage a foreign judiciary through U.S. defamation law.

In S.D. Ga., a judge denied a motion to dismiss a suit against a podcaster accused of defaming a former ICE facility doctor. In S.D. Ohio, a judge issued a narrow injunction in a bizarre suit involving email impersonation of a banker and invitations to join a non-existent neo-Nazi

banking club. In D. Or., a magistrate in a #TheyLied case outlined what suffices as an allegation of actual malice in cases involving accusations allegedly based on personal knowledge. (I've long said that claims of personal knowledge are particularly vulnerable to allegations of actual malice, but I still think that plaintiffs need to prove by clear and convincing evidence that the speaker was not simply mistaken about what they thought they perceived.)

In S.D.N.Y., Rudy Giuliani settled Georgia election workers' long-running defamation lawsuit on the verge of losing several of his prized assets. Also in S.D.N.Y., a social media post that called a manager "racist" for supporting Trump was deemed an opinion based on disclosed facts.

ExxonMobil filed a defamation suit in E.D. Tex. against California AG Rob Bonta and environmental advocates, accusing them of spreading falsehoods in the context of a fight over recyclability of plastics. And in the Sandy Hook litigation, a federal bankruptcy court in S.D. Tex. rejected a deal that would have facilitated a second auction of Alex Jones's company.

In California Superior Court, Kim Kardashian faces a lawsuit for misidentifying an innocent man on Instagram as a death row inmate. The Connecticut Supreme Court ruled that calling someone a "white supremacist" in an online spat was nonactionable opinion. Meanwhile, Alex Jones has asked Connecticut's highest court to overturn the $1.44 billion judgment against him, arguing that the trial court improperly bypassed causation.

In Florida, Michael Flynn petitioned the state Supreme Court to review his defamation suit against Rick Wilson over a tweet implying Flynn was a Russian asset. Separately, a Florida appellate court upheld a contempt finding against a lawyer who failed to publish an apology per a defamation settlement.

The Georgia Supreme Court clarified that a plaintiff need not show actual malice to overcome a conditional privilege defense, reviving a doctor's defamation claim. Another Georgia case pending in Superior Court involves OpenAI, with the company seeking summary judgment on a hallucinated output-based defamation suit.

The Massachusetts Appeals Court allowed a defamation claim from a former MIT professor to proceed despite anti-SLAPP objections, which will be unsurprising to anyone familiar with the Bay State's anemic statute. In Maine, Robert F. Kennedy Jr. is suing a local man over social media posts tied to his presidential campaign. The Michigan Court of Appeals affirmed sanctions against cooking influencer "The Kitchenista" for filing a frivolous defamation suit over social media unpleasantness.

Mississippi made headlines after a local judge issued a temporary restraining order requiring a newspaper to remove a critical editorial from its website, because apparently even with four i's it's hard to read the First Amendment. And in Nevada, the state Supreme Court affirmed the

denial of an anti-SLAPP motion in Nickolas Carter's #TheyLied lawsuit, allowing the Backstreet Boy's claim to proceed to trial.

Finally, in New Jersey, a woman sued NFL player Sauce Gardner and Barstool Sports for defamation after Gardner posted false claims that she had an OnlyFans account.Legislative activity around defamation and anti-SLAPP protections continues apace across the states. Arizona lawmakers introduced a bill (HB 2633) expanding anti-SLAPP protections, with critics noting its potential to shield "fake electors." Idaho's Senate Bill 1001, designed to strengthen anti-SLAPP procedures, passed a House committee unanimously. In Iowa, lawmakers are once again attempting to pass an anti-SLAPP bill, House Bill 116, after years of little progress. Montana's HB 292, a bipartisan anti-SLAPP measure, passed the House unanimously and enjoys wide-ranging support. Ohio Gov. DeWine signed the Uniform Public Expression Protection Act, marking the state's first anti-SLAPP statute. Wyoming's House Bill 223 would create one of the nation's most robust anti-SLAPP regimes.

Meanwhile, not all the news is positive. A separate Idaho bill would criminalize certain defamatory statements against public officials. And in Texas, a proposed bill would substantially weaken the Texas Citizens Participation Act, drawing concern from free speech advocates statewide.

B. Commercial Speech

The Supreme Court denied Meta Platforms' petition for certiorari in *Meta Platforms v. DZ Reserve*, leaving in place the Ninth Circuit's ruling certifying a massive advertiser class on claims that Meta overstated potential ad reach across Facebook and Instagram.

In the Fifth Circuit, *Airlines for America v. Department of Transportation* dealt a procedural blow to the DOT, holding that while its final rule requiring upfront disclosure of airline fees was within the agency's authority, it was invalid for failing to comply with required notice-and-comment procedures.

Meanwhile, the Fifth Circuit heard argument in *X Corp. v. Media Matters for America* over X's attempt to compel disclosure of donor information from Media Matters on claims that the latter interfered with its business by reporting that X placed ads next to extremist content. Should this case be up under Defamation? Absolutely. Mark this as another attempt to invoke business torts as an end-run around First Amendment issues.

Speaking of Elon, the Ninth Circuit declined Musk's interlocutory appeal of class certification on a claim by Twitter investors alleging that Musk's tweets about bot accounts on the platform were a dodge to get him out of spending $44 million.

The Northern District of California found an H&R Block ad to be literally false, although redactions obscured much of the court's reasoning. In the same court, Apple faces a new suit over its "carbon neutral" marketing claims for Apple Watches. And in C.D. Cal., a court accepted expert testimony on the meaning of "horsepower" in online ads for sink disposal units, leading to a finding of literal falsity.

In D.N.J, a class action over PayPal's allegedly inflated user metrics was dismissed, with the judge ruling that even if some users gamed PayPal's promotion system, the resulting metrics did not amount to actionable securities fraud.

The Southern District of New York is hosting a complex clash between gaming platforms, where initial claims of false advertising spawned a sprawling counterclaim alleging trademark and copyright infringement, defamation, and civil conspiracy. The court issued a mixed ruling on a motion to dismiss the counterclaim and severed the surviving IP counterclaims.

A judge in W.D. Wash. let a putative class action proceed against Amazon over its Audible auto-enrollment practices, after the plaintiff sufficiently alleged she never received notice of the subscription terms.

At the regulatory level, the FTC ordered an AI-powered online review service to cease using point-of-purchase reviews that misled consumers, and fined an accessibility tech startup $1 million for false claims and undisclosed paid endorsements. Meanwhile, the FTC's "click-to-cancel" rule has now gone into effect, while challenges from several industry groups remain pending in the Fifth Circuit.

Senator Ron Wyden called for clearer standards on whether digital media purchasers actually own what they buy, or merely license access to content. For my part, unless it's on survivable media, I assume anything to which I now have digital access is no more than a passing dream, a fancy that will evaporate in the light of dawn like the morning dew. And when it comes time to throw down, you bring your e-book of *The Lord of the Rings* and I'll bring this, and we'll see who does more damage.

C. Professional Speech

Nothing to report this issue.

D. Threats, Harassment, and Incitement

We begin this section with a rare result: a successful RICO claim arising out of a targeted online defamation and harassment campaign. The Eleventh Circuit upheld a $9 million trebled damages award under RICO in a case against a rival business owner who launched an extensive campaign of online impersonation, false reviews, and smears aimed at "crushing" the plaintiff's business, reputation, and emotional stability.

In S.D.N.Y., federal prosecutors brought charges against an individual for allegedly sending "hate-based" threats to a news reporter and her family, including a bomb threat, and for interstate stalking. In S.D. Ohio, investment firm Raymond James obtained a TRO against a former intern who allegedly retaliated for lack of a job offer by engaging in a cyber-harassment campaign.

The California Court of Appeal held that an online threat to kill Jews, untethered to any specific person or institution, was not punishable under state criminal threat statutes. In Connecticut, a woman was convicted for mass-mailing accusations of sexual misconduct against a former teacher, under a harassment statute that did not require the state to prove the allegations were false.

The Michigan Court of Appeals was active this cycle, upholding the conviction of a mother who published a sharply critical website targeting a woman who accused her son of rape, striking down the state's "terroristic threat" statute as facially unconstitutional, and holding that a trial court erred in evaluating whether an insulting email was unprotected as a true threat or fighting words by focusing on the recipient's "subjective feelings of intimidation."

Meanwhile, a New Jersey appellate panel reversed a harassment restraining order based on the defendant's Facebook post calling his ex-fiancée a "crumbum," noting that the post neither named the complainant nor ensured that she would see it.

"Crumbum"? Really? I'm pretty sure even Adam West's Batman wouldn't blanch at that one.

V. Infrastructure

A. Accessibility, Affordability & Discrimination

New FCC Chair Brendan Carr has disbanded the Commission's "digital discrimination taskforce" and terminated its diversity efforts, because if you ignore a problem it doesn't exist, and if you call the solution a problem then the problem is its own solution. Or something. Remember, blanket facepalm this issue.

New York's law compelling ISPs to offer affordable $15 dollar plans to low-income households went into effect in January. AT&T retaliated ending its 5G home internet service on the state, apparently to build a record for a request for rehearing on the Supreme Court's denial of cert in its legal challenge to the N.Y. law. It didn't work. And while New York doesn't seem to be too keen on enforcing its law, other states are considering similar measures.

B. Antitrust

The Ninth Circuit heard argument on appeal from the jury verdict in *Epic Games v. Google*, which found that the company violated antitrust laws with its control over the Play Store.

Meanwhile, Google continues to fight battles on multiple other fronts, including a D.D.C. case over its search engine dominance, where Judge Mehta denied Apple's attempt to intervene in the remedies phase—too late, said the court. Apple is appealing to the D.C. Circuit, claiming that it moved tout de suite when it saw the DOJ wanted to "force Apple to develop its own general search engine." In other Google news, in N.D. Cal. a judge threw out claims from a defunct ad app company that accused Google of excluding it from the Play Store to eliminate competition, holding that the plaintiff failed to connect its exclusion to market harm. Google faces a new complaint in D.D.C., where an educational company alleges that AI summaries in search results have tanked its traffic. A S.D. Fla. judge dismissed a suit against Google from the owner of OkCaller.com, finding the plaintiff's second attempt at stating antitrust claims too incoherent to parse. And in E.D. Tex., Google failed to dismiss a multistate lawsuit over its display ad business, though the trial has been pushed from March to August.

A judge in N.D. Cal. refused to certify a class in a case alleging that Meta suppressed a market for purchasing user data by misrepresenting its privacy safeguards, holding that an expert's evaluation of the value of the data did not cross the threshold between theory and market reality. Meta and Netflix, meanwhile, got a procedural breather in N.D. Ill., where a case accusing them of colluding to hand Netflix the streaming market has been paused pending the resolution of a summary judgment motion on similar claims in the Northern District of California.

Elsewhere: Elon Musk's lawsuit in N.D. Cal. against OpenAI got a quiet assist from outgoing FTC Chair Lina Khan, whose FTC filed a statement of interest signaling potential antitrust concerns in the AI space (without backing Musk directly). Meanwhile, the FTC issued a staff report flagging partnerships between tech and AI companies as potentially anticompetitive. But from here on out, the FTC (and the FCC, and the SEC, and more) have been declared a mouthpiece of Donald Trump, so past performance is definitely not indicative of future results.

In S.D.N.Y., we've got both the consolidation and unraveling of sports streaming deals: Fubo and Disney have settled the Venu Sports lawsuit with a plan to merge Hulu + Live TV into Fubo, giving Disney a 70% stake in the new venture. At the same time, the larger Venu Sports joint venture between ESPN, Fox, and TNT collapsed entirely. But that hasn't allowed Disney to escape the courtroom—Fubo subscribers filed a new antitrust lawsuit alleging that Disney exercises monopolistic control of pro sports broadcasting licenses through ESPN.

Sticking with the sports theme, an unrelated suit in S.D.N.Y. claims that the NFL is violating antitrust law by restricting its teams from joining the Bluesky social platform.

In other news, Apple scored a win in D.D.C. against a COVID-19 app developer suing over its exclusion from the App Store, and GoDaddy and a tech company have quietly settled their dispute in E.D. Va. over the latter's allegedly anticompetitive exclusion from the former's services.

C. Net Neutrality & Data Throttling

If you're shocked that the Sixth Circuit held in January that the Biden-era FCC's reinstatement of net neutrality exceeded its authority, you haven't been paying attention. Not that the Carr FCC would have let that stand anyway, of course. But because hope never dies, a petition for rehearing was filed.

D. Domain Name System

E. Taxation & Compelled Payments

Nothing to report this month.

F. Wire & Wireless Deployment

Cox Communications settled its lawsuit, pending in R.I. Super., over the state's plans for $108 million in federal funding for broadband deployment. Don't ask where other broadband infrastructure funding is going.

Did you want a choice of ISP providers in your apartment building? Tough, says Brendan Carr.

G. Artificial Intelligence

I am ending the "Technical Developments & Challenges" subsection because developments are occurring too quickly for this section to maintain relevance.

Government & Voluntary Regulation

- Biden administration opens up federal land to AI data centers, *TechCrunch*
- Donald Trump rescinds Biden-era executive order on AI safety, *The Verge*
    - America's new AI safety plan is "let's see what happens", *Platformer (Casey Newton)*
    - US AI Safety Institute could face big cuts, *TechCrunch*
- The Dangerous A.I. Nonsense That Trump and Biden Fell For, *New York Times (Zeynep Tufekci)*
- OpenAI teases "new era" of AI in US, deepens ties with government, *Ars Technica*
- Elon Musk, White House adviser, says OpenAI deal announced at White House is a sham, *The Verge*

- ‘Things Are Going to Get Intense:’ How a Musk Ally Plans to Push AI on the Government, *404 Media*
- FTC Urges Individuals And Cos. To Exercise Caution With AI, *Law360*
    - FTC Statement
- Will states lead the way on AI regulation?, *TechCrunch*
- California is investigating OpenAI’s conversion to a for-profit company, *Route Fifty*
- California Wants AI Chatbots to Remind Users They Aren’t People, *Gizmodo*
- Lawmaker favors ‘issue by issue’ approach to AI regulation, *Route Fifty*
- Texas Gov. Greg Abbott bans DeepSeek, RedNote and other Chinese-backed AI platforms, *Austin American-Statesman*
- OpenAI presents its preferred version of AI regulation in a new ‘blueprint’, *TechCrunch*
- OpenAI quietly revises policy doc to remove reference to ‘politically unbiased’ AI, *TechCrunch*
- OpenAI pledges that its models won’t censor viewpoints, *TechCrunch*
- Google drops pledge not to use AI for weapons or surveillance, *Washington Post*

Legal Industry

- D. Minn.: Misinformation Expert's "Citation to Fake, AI-Generated Sources in His Declaration … Shatters His Credibility with This Court", *Volokh Conspiracy*
    - Order: *Kohls v. Ellison*
- D. Wyo.: A Major Law Firm’s ChatGPT Fail, *Original Jurisdiction (David Lat)*
    - Order: *Wadsworth v. Walmart*
- Colo. App.: AI Hallucinations in a Self-Represented Litigant's Brief in the Colorado Court of Appeals, *Volokh Conspiracy*
    - Opinion: *Al-Hamim v. Star Hearthstone*

- Cleveland police used AI to justify a search warrant. It has derailed a murder case, *Cleveland.com*
- Most lawyers aren't using AI to address growing workloads, new report says, *ABA Journal*
- Davis Wright Tremaine Turns to Gen AI To Teach Its Associates Legal Writing, *Law.com*

News & Publishing Industry

- Apple urged to withdraw 'out of control' AI news alerts, *BBC News*
    - Apple's inaccurate AI news alerts shows the tech has a growing misinformation problem, *CNBC*
    - Apple pauses AI notification summaries for news after generating false alerts, *TechCrunch*
- Google unveils an AI-powered TV that summarizes the news for you at CES 2025, *TechCrunch*
- What Deepseek may mean for the future of journalism and generative AI, *Reuters Institute*
- How DeepSeek stacks up when citing news publishers, *Nieman Lab*
- On Musk, Grok, and the Press, *Columbia Journalism Review*
- ChatGPT referrals to top publishers up eight times in six months but still negligible, *Press Gazette*
- Meet the journalists training AI models for Meta and OpenAI, *Nieman Lab*
- How journalism will adapt in the age of AI, *Bloomberg*
- That Sports News Story You Clicked on Could Be AI Slop, *Wired*
- Inside a network of AI-generated newsletters targeting "small town America", *Nieman Lab*
- Public Library Ebook Service to Cull AI Slop After 404 Media Investigation, *404 Media*

- AI Distortion is new threat to trusted information, *BBC Media Centre*
- Google inks deal with The Associated Press to bring more real-time info to Gemini, *TechCrunch*
- Quartz's New AI Slop Is Regurgitated AI Slop, *Gizmodo*
- Guardian signs licensing deal with ChatGPT owner OpenAI, *Press Gazette*
- New York Times goes all-in on internal AI tools, *Semafor*
- Dow Jones expands AI marketplace to nearly 5,000 publishers, *Axios*
- Gray Media VP, Assistant General Counsel Discusses Updated Gen AI Policy, *TV Technology*
- The Financial Times' AI paywall is improving subscriber metrics, but not lifting conversions yet, *Digiday*
- Axios partners with OpenAI, forgetting the scorpion stung the frog, *Engadget*

Entertainment Industry

- Thousands of documentaries are fueling AI models built by Apple, Meta, and Nvidia, *Nieman Lab*
- AI Commercials Are Going to Take Over the Super Bowl This Year, *Hollywood Reporter*
- Oscars Consider New AI Disclosure Rules Over Controversies with The Brutalist, Other Films, *Gizmodo*
- A 'True Crime' Documentary Series Has Millions of Views. The Murders Are All AI-Generated, *404 Media*
- The Beatles won a Grammy last night, thanks to AI, *TechCrunch*
- AI opens 'endless' doors for fashion models, closes others, *Tech Xplore*

H. Blockchain, Cryptocurrency, & NFTs

In a closely watched case, the Third Circuit held that the SEC is not obligated to issue formal rules specific to cryptocurrency and may instead continue developing its regulatory approach through case-by-case adjudication. The panel unanimously rejected Coinbase's petition to compel rulemaking, but Judge Bibas flagged a "lurking" constitutional issue in the SEC's application of legacy rules to novel crypto markets—hinting that future challenges to the agency's approach may get more traction if grounded in due process.

Meanwhile, a new lawsuit in the Central District of California raises the question of whether online hype around NFTs can support a fraud claim.

In the Southern District of New York, the NFL Players Association and DraftKings appear to have reached a tentative settlement in a lawsuit over the sports betting company's use of player likenesses in nonfungible token products. The union had accused DraftKings of breaching a licensing agreement, but the parties have now jointly moved to pause the litigation.

Finally, Trump's SEC has declared that most crypto-based "meme coins" do not qualify as securities under federal law. Let the Red Hour begin!

VI. Government Activity

A. Data Surveillance, Collection, Demands, and Seizures

Courts are showing increased skepticism toward government surveillance and digital searches. In *U.S. v. Hasbajrami*, the Fourth Circuit ruled that the FBI violated the Fourth Amendment by conducting warrantless searches of a U.S. resident's communications under Section 702 of FISA, reinforcing years of concern about the statute's potential for abuse. Meanwhile, during en banc arguments in *U.S. v. Chatrie*, the Fourth Circuit debated the constitutionality of geofence warrants, which allow law enforcement to sweep up data from potentially millions of innocent individuals to identify suspects — a practice critics compare to general warrants.

The Ninth Circuit weighed in on another digital privacy issue in *Olson v. County of Grant*, where sheriff's deputies conducted extensive searches of a woman's smartphone and shared nude photos they found on the device. Although the court held that phone searches for reasons unrelated to the initial justification for a search require a warrant, the panel declined to impose any penalties on the deputies.

On the private-sector side, new reporting shows that Telegram, a platform that often markets itself as privacy-protective, provided user data to U.S. authorities on over 2,200 users in the past year. And per Techdirt, ICE is planning a new social media surveillance dragnet that would

monitor online speech critical of the agency, with indications the agency is seeking to renew ties with facial recognition vendor Clearview AI.

B. Encryption

In a significant Fifth Amendment decision, the D.C. Court of Appeals held that compelling a suspect to unlock a smartphone using their fingerprint constitutes testimonial self-incrimination. The decision marks a major departure from previous rulings that treated biometric unlocking as non-testimonial.

C. Domain & Website Seizures

The Department of Justice announced a sweeping international operation targeting cybercrime infrastructure, including the seizure of 39 domains and associated servers trafficking in hacking tools and fraud-enabling services. The operation, coordinated with law enforcement agencies across Europe and Australia, disrupted two major hacking forums and related platforms tied to transnational organized crime.

Federal authorities in C.D. Cal. secured guilty pleas from sellers of Anom — the backdoored encrypted phone company covertly run by the FBI. The plea agreements suggest that the original informant behind the sting operation, known as "Afgoo," may not have to testify publicly, thereby preserving the secrecy of the informant's identity and further insulating the Anom operation from courtroom scrutiny.

D. Biometric Tracking

Biometric surveillance is also facing increased scrutiny. The Department of Homeland Security's inspector general has opened an investigation into the TSA's use of facial recognition technology, responding to bipartisan calls for an audit of both the legal authority and privacy implications of the agency's biometric programs. Meanwhile, states are moving to establish their own rules, with some legislatures enacting limits on the use of facial recognition in policing after high-profile cases of mistaken identity and wrongful arrest.

E. Social Media Posts & Blocking

The courts remain busy untangling the line between personal speech and official government action on social media. On remand from the Supreme Court in *Garnier v. O'Connor-Ratcliff*, the Ninth Circuit held new oral arguments on whether two California school board members violated the First Amendment by blocking critics from their official Facebook pages. These cases are still cropping up, if not quite as often…in N.D. Ill., the state's House Minority Leader is being sued for allegedly censoring critics on an official social media page.

Meanwhile, the Tenth Circuit ruled that a fired police officer should get another chance to pursue his First Amendment claim over his termination for social media posts, stating that it is "usually inappropriate – if not impossible" to resolve the *Pickering* balancing test without discovery.

A wave of additional disputes underscores how public employers are policing — and sometimes punishing — speech online. A Georgia school district is now facing its second lawsuit in S.D. Ga. over alleged political viewpoint discrimination tied to social media screening of job applicants. And in Tennessee, the University of Tennessee's pharmacy school agreed to pay a $250,000 settlement to a student expelled over sexually themed tweets that were unrelated to coursework.

Other courts continue to push back against government discipline for online speech. In Florida's appellate courts, a public school teacher won reinstatement after being disciplined for two 2020 anti-Bernie Sanders posts; the state court ruled the school board violated the teacher's First Amendment rights. Massachusetts's Civil Service Commission similarly found that a Boston police officer's tweets from the "Stop the Steal" rally — however misinformed — were protected from employer retaliation.

At the same time, inappropriate online activity by law enforcement officials is still raising concerns. A city investigation revealed "irresponsible and unprofessional" social media behavior by senior NYPD executives, while the Texas Observer uncovered that a senior ICE prosecutor was operating a white supremacist X account under the pseudonym "GlomarResponder."

F. Prior Restraint

At oral argument, the Ninth Circuit appeared unconvinced by a First Amendment challenge to the SEC's "gag rule," which prohibits settling parties from publicly denying allegations in their enforcement cases. Judges expressed skepticism that such restrictions, attached to voluntary settlements, amount to unconstitutional compelled silence.

A more alarming prior restraint occurred in Mississippi, where a chancery court judge ordered a local newspaper to remove an editorial critical of the city government from its website. The ruling, widely condemned by press advocates and legal scholars, sparked national outcry and was later withdrawn — but only after the city dropped its underlying lawsuit.

G. Online Access to Government Information

The Fourth Circuit rejected a challenge by Courthouse News Service to Virginia's system of limiting remote access to state court records, ruling that the First Amendment does not guarantee journalists or the public real-time digital access to civil filings. A request for en banc review is pending, joined by 38 media organizations that argue the policy gives preferential access to certain people. Meanwhile, the Sixth Circuit upheld Kentucky's practice of charging higher fees

to commercial requesters like Zillow for access to public real estate records, finding no constitutional violation.

In D.D.C., a coalition of media organizations successfully challenged the removal of January 6th video evidence from a public court database. The court ordered the government to halt any further removals and restore access. Also in D.D.C., a judge ordered the Trump administration to restore CDC and FDA web pages after they were taken down without public notice, in violation of the Administrative Procedure Act.

Additional stories reflect the ongoing erosion and preservation of digital access to government information. The Columbia Journalism Review and CNN report on efforts to archive vanishing federal websites, especially those altered or removed since Trump's second term began. And tell me this doesn't sound like a kickback to Elon: The National Transportation Safety Board announced that if reporters want notice of press briefings (at least with respect to recent air crashes in Philadelphia and over the Potomac), they'll have to follow the NTSB on X.

What else…well, letters sent by federal lawmakers to major streaming services urge those services to carry C-SPAN, and a new bill introduced in Louisiana would require the live broadcast and online archiving of meetings of the Board of Ethics the Supervisory Committee on Campaign Finance Disclosure.

Meanwhile, journalists in Ohio await a state supreme court decision on whether court clerks or municipal judges control access to online eviction records.

VII. Global

A. International

- Governments call for spyware regulations in UN Security Council meeting, *TechCrunch*
- Trump's aid cuts will lead to a surge in propaganda and misinformation, say press freedom groups, *The Guardian*
- UN rights chief voices concern at new US political direction, *Deutsche Welle*
- DeepSeek: The countries and agencies that have banned the AI company's tech, *TechCrunch*

B. Europe

- EU is fully enforcing social media rules, says digital chief, *Reuters*

- Trump's not happy with how EU regulators have treated US tech giants, *Bloomberg*
- EU's Disinformation Code moves closer to becoming DSA benchmark, *TechCrunch*
- AI systems with 'unacceptable risk' are now banned in the EU, *TechCrunch*
    - EU puts out guidance on uses of AI that are banned under its AI Act, *TechCrunch*
    - EU details which systems fall within AI Act's scope, *TechCrunch*
    - EU accused of leaving 'devastating' copyright loophole in AI Act, *The Guardian*
    - Europe denies dropping AI liability rules under pressure from Trump, *TechCrunch*
    - Open source LLMs hit Europe's digital sovereignty roadmap, *TechCrunch*
- EU court fines European Commission for breaching its own data privacy laws, *TechCrunch*
- ECHR Rules Against Russia Over Press Restrictions and Defamation Laws, *EU Today*
- The EU wants to talk to US tech companies ahead of Germany's upcoming election, *TechCrunch*
    - Pressure mounts on EU to use legal weapons against Musk's interference, *Politico*
    - EU races to conclude investigation into X's content moderation efforts, *The Verge*
    - Brussels will be watching whether Musk breaks EU law in far-right livestream, *Politico*
    - Does Musk's interview with German AfD leader square with EU laws?, *Reuters*
    - European Union orders X to hand over algorithm documents, *Ars Technica*
- Google won't add fact checks despite new EU law, *Axios*
- Google braces to fight $4.5 billion EU antitrust fine over Android competition quashing, *Courthouse News Service*
- Google to be hit with EU charges of breaching Big Tech rules, sources say, *Reuters*

- CJEU: European judges rap Google over access denied to auto app, *Euronews*
    - EU's top court ruling on Android Auto antitrust referral could put interoperability requests in the fast lane, *TechCrunch*
- Facebook Marketplace to display eBay listings to appease EU regulators, *TechCrunch*
- WhatsApp faces EU tech rules after reaching very large platform status, *Reuters*
- Apple purges apps without contact info from EU app store, as DSA deadline hits, *TechCrunch*
- Microsoft finalizes its EU sovereign cloud project, *TechCrunch*
- TikTok, Temu and more face complaints alleging GDPR violations, *Engadget*
- Europol arrests 25 users of online network accused of sharing AI CSAM, *Ars Technica*

C. Australia

- Experts concerned legislators can't keep up as cases of pornographic deepfakes rise, *News.com.au*
- Governments can't control people's thoughts, but they must try to stamp out hate speech, *The Age*
- South Australia targets social media crime with new 'posting and boasting' laws, *Glam Adelaide*
- Why is Labor icing its tech levy — and what does Rudd have to do with it?, *Crikey*
- Australia bans DeepSeek AI program on government devices, *Tech Xplore*

D. Brazil

- Brazil says social media sites must respect domestic laws, *Deutsche Welle*
- Meta not ending fact-checks outside US yet, fails to appease Brazil, *Tech Xplore*
- Brazil's top court justice orders X to pay $1.4 million fine for non-compliance, *Associated Press*
- Brazil Supreme Court justice orders Rumble suspension nationwide for alleged non-compliance, *Associated Press*

E. Cambodia

- Cambodia prime minister's Facebook ad spending tops $1.5 million, Meta data reveals, *Radio Free Asia*

F. Canada

- Bracing for Poilievre, *Columbia Journalism Review*
- Trudeau government ends Meta ad ban, launches campaign to promote GST break, *CTV News*
- Meta Blocked News in Canada. Ads for Scams Are Taking Its Place, *Bloomberg*
- Torstar sues Meta for unlawful breach of contract after online news bill came into effect, *Globe & Mail*
- Google sends funds to journalism collective in exchange for Online News Act exemption, *Canadian Press*
- Google Canada denies abusing market power in Competition Bureau suit, *CTV News*
- Canada regulator to impose fee on Google for online news law's operating costs, *Economic Times*
- Short-lived Canadian Human Rights Commissioner launches defamation suits, *National Post*
- Court awards $118,000 to couple after neighbours defamed them in chat group, *Vancouver Sun*
- A Close Look at Legal Battle That Stymied Alberta Podcast 'The Breakdown', *The Tyee*

G. China

- OpenAI Uncovers Evidence of A.I.-Powered Chinese Surveillance Tool, *New York Times*
- Censoring Games, *New York Times*
- China hits back at Trump tariffs with Google antitrust investigation, *TechCrunch*
- RedNote may wall off "TikTok refugees" to prevent US influence on Chinese users, *Ars Technica*

- Chinese Companies' New Tactic to Stop Damaging Research: Legal Threats, *New York Times*

- 21 Tibetan netizens interrogated and punished for sharing updates on Dingri earthquake, *Phayul*

H. Democratic Republic of the Congo

- DR Congo restricts social media after M23 captured Goma, *The New Times*

I. Finland

- Finland trains six-year-olds to spot fake news – and they might be better at it than you, *Helsinki Times*

J. France

- Families sue TikTok in over teen suicides they say are linked to harmful content, *Associated Press*

- Telegram boss admits 'seriousness' of French allegations, *Tech Xplore*

- Macron Touts €109 Billion of Investments in Bid to Become AI Hub, *Bloomberg*

- French Newspaper Le Monde Leaves X, Says Trump's 'Alliance' With Social Media Heads Represents 'Global Threat', *The Wrap*

K. Germany

- German civil activists win victory in election case against Musk's X, *Reuters*
    - X challenges German court order granting data access to election researchers, *TechCrunch*
    - Study of TikTok, X 'For You' feeds in Germany finds far-right political bias ahead of federal elections, *TechCrunch*

- Why hate speech is punishable by law, *Deutsche Welle*

- Well-Meaning Germans Attempt To Stifle Neo-Nazis By Trademarking Their Coded Slogans, *Techdirt*

- Apple's app tracking privacy framework could fall foul of German antitrust rules, *TechCrunch*

- German Prosecutors Think It's Funny People's Homes Are Being Raided And Their Devices Seized Because They Said Stuff On The Internet, *Techdirt*

L. India

- Children below 18 will need parents' consent to create social media account, *Hindustan Times*
- India's Fact-Checkers React to Meta's Policy Change, *Columbia Journalism Review*
- OpenAI seeks to block Indian media groups from copyright lawsuit, *Reuters*
    - OpenAI cites US roots to dodge India courts, but lawyers say case can be heard, *Reuters*
    - OpenAI says it does not use Indian media groups' content to train ChatGPT, court filing shows, *Reuters*
    - OpenAI to face Indian news firms of Ambani, Adani in copyright battle, documents show, *Reuters*
    - Legal challenges await OpenAI chief as he visits India on global tour, *Washington Post*
- Cloudflare's VPN app among half-dozen pulled from Indian app stores, *TechCrunch*
- India expands Aadhaar authentication for businesses, raising privacy concerns, *TechCrunch*
- Backlash, Bailiffs, Bankruptcy: The Unmaking Of Independent, Public-Spirited Journalism In India, *Article 14*
- Indian press groups call for investigation after journalist's body found in septic tank, *The Guardian*
- India's Outrage Machine Devours a Star YouTuber Over a Crude One-Liner, *New York Times*
- Harassment, plaints and mass campaign: Online hate battle takes new shape, *India Today*

M. Indonesia

- Indonesia to push social media protections ahead of age-limit law, *Reuters*
- Google hit with $12.6M fine for monopolistic practices in payment system, *TechCrunch*

N. Ireland

- Court of Appeal allows Google to be joined in defamation case over 2018 video, *Irish Legal*
- Euractiv owner sues X in Ireland, *Euractiv*
- Gardaí investigate far-right TikTok account providing tips on how to make bombs, *Irish Central*
- Ireland and Italy send data watchdog requests to DeepSeek, *TechCrunch*

O. Israel

- Supreme court justice calls out lawyer for citing AI-generated 'phantom rulings', *Jerusalem Post*

P. Italy

- Google agrees to pay 326 million euros to settle Italian tax case, *Reuters*
- Italy sends first data watchdog request to DeepSeek: 'The data of millions of Italians is at risk', *TechCrunch*
    - DeepSeek App Blocked In Italy After Privacy Complaint Under EU's GDPR, Irish Data Protection Commission Also Investigating, *Techdirt*
- Italy plans crackdown on fake restaurant and hotel reviews, *El Pais*
    - Italian Legislators Rekindle Decade-Long Grudge Match Against Tripadvisor And Its Reviewers, *Techdirt*
- Journalists launch legal action against Italian government over spyware claims, *The Guardian*

Q. Japan

- Court Rules Foreign Service Provider Must Disclose Information in Piracy Case; Illustrator's Work Shared Illegally, *Yomiuri Shimbun*
- Japan's financial regulator asks Apple, Google to block unregistered crypto exchanges, *The Block*

R. Kenya

- Kenya Issues New Directive to Social Media Companies X and Facebook, *Kenya Times*
- Kenya's digital struggle: AI, activism and crackdowns, *Deutsche Welle*

S. Luxembourg

- Google feels the love and opens Luxembourg office, *Luxembourg Times*

T. Malta

- Judge rejects enforcement of US defamation case that awarded €660m in damages, *Malta Today*
- Joseph Muscat drops libel case over claim he 'blew up' Daphne Caruana Galizia, *Times of Malta*

U. Mexico

- Mexico threatens to sue Google over name change of Gulf of Mexico on US maps, *CNN*

V. Myanmar

- Myanmar's military rulers enact cybersecurity law with wide-ranging censorship provisions, *Associated Press*
- Myanmar online news site says its jailed journalist is tortured for revealing abuses of prisoners, *Associated Press*
- On a Lawless Tropical Border, the Global Scam Industry Thrives, *New York Times*

W. New Zealand

- Google AI breaches court name suppression orders, *New Zealand Herald*

X. Nigeria

- The Untold Story of a Crypto Crimefighter's Descent Into Nigerian Prison, *Wired*

Y. Pakistan

- Pakistani government proposes sweeping controls on social media, *Associated Press*
- FIA Takes Action Against Deepfake Videos/Images of Maryam Nawaz and UAE President, *TechJuice*

Z. Poland

- Former Polish justice minister arrested in sprawling spyware probe, *The Record*

AA. Russia

- Russia fines Google for YouTube clip telling Russian troops how to surrender, TASS says, *SRN News*
- Kremlin Chokes YouTube Service, but Russians Find Ways Around It, *New York Times*
    - Russia made it harder for citizens to watch YouTube. They're going to VKontakte instead., *Tubefilter*
- Anti-War Teen Released Pending Trial on Wartime Censorship Charges, *Moscow Times*
- Independent media in Russia, Ukraine lose their funding with USAID freeze, *Washington Post*
- How Russia is losing the AI race, *The Bell*

BB. Singapore

- Singapore considers minimum age for social media users, *Bloomberg*

CC. South Africa

- Google, Meta face penalties for anti-competitive behaviour towards South African news media, *Reuters*

DD. South Korea

- South Korea's Yoon sought to sabotage media during martial law bid: investigators, *SCMP*
- Top South Korean judge faces disinformation deluge as Yoon impeachment looms, *Malay Mail*
- South Korea watchdog to question DeepSeek over user data, *Tech Xplore*
- South Korea blocks downloads of DeepSeek from local app stores, *TechCrunch*

EE. Spain

- Spain's leader wants the EU to 'make social media great again.' Here's how, *Associated Press*

FF. Turkey

- Journalist gets suspended sentence for spreading 'disinformation' about 2023 earthquakes, *SCF*

GG. United Arab Emirates

- UAE to launch DeepSeek-inspired AI models: senior official, *Tech Xplore*

HH. United Kingdom

- Elon Musk's "Lies and Misinformation": Prime Minister Criticizes That "A Line Has Been Crossed", *Hollywood Reporter*
    - Debate: Should government be stronger on Musk?, *Channel 4*
    - Elon Musk 'plots to OUST Keir Starmer before next election as billionaire holds secret meetings with anti-Labour allies', *The Sun*
- How The UK Wants to 'Turbocharge' AI, Gain up to $57B A Year And 'Make Britain The World Leader', *Hollywood Reporter*
    - What are the challenges facing the government's AI action plan?, *BBC*
    - Paul McCartney says he fears AI will rip off artists, *Associated Press*
    - Lords amendments offer AI copyright protection for publishers, *PA Media*

  - FT policy chief warns MPs watered-down copyright regime for AI is 'huge mistake', *Press Gazette*
  - How publishers should fight back against the greatest heist in history, *Press Gazette*
  - 1,000 artists release 'silent' album to protest UK copyright sell-out to AI, *TechCrunch*
  - UK newspapers blanket their covers to protest loss of AI protections, *The Verge*
  - UK ministers consider changing AI plans to protect creative industries, *The Guardian*
  - UK unions call for action to protect creative industry workers as AI develops, *The Guardian*
  - UK drops 'safety' from its AI body, now called AI Security Institute, inks MOU with Anthropic, *TechCrunch*

- UK confirms plans to criminalize the creation of sexually explicit deepfake content, *TechCrunch*
  - AI-generated child sex abuse images targeted with new laws, *BBC*
  - UK demands adult content sites introduce 'effective' age verification methods, *Engadget*
  - UK's internet watchdog toughens approach to deepfake porn, *TechCrunch*
- UK Government shelves taking action against SLAPP anti-media lawsuits, *Press Gazette*
- Google commits to combating fake reviews in the UK after 5-year probe, *TechCrunch*
- UK's CMA slaps Google Search and its 90%+ market share with an antitrust investigation, *TechCrunch*
- UK probes Apple and Google over 'mobile ecosystem' market power, *TechCrunch*
- U.K. orders Apple to let it spy on users' encrypted accounts, *Washington Post*
  - Apple pulls end-to-end encryption in UK, spurning backdoors for gov't spying, *Ars Technica*

- UK Taxman Targets Evasion by YouTube Creators and Etsy Sellers, *Bloomberg*
- Prince Harry claims 'monumental victory' after reaching settlement with The Sun publisher, *CNN*
    - Prince Harry's lawsuit against The Sun is part of a long saga of alleged tabloid misbehavior, *Associated Press*
    - Hugh Grant Calls for Criminal Investigation of Murdoch Tabloids Over Hacking, Says Prince Harry's Settlement Doesn't Get to "Real Truth", *Hollywood Reporter*
    - Police request transcripts from Prince Harry's case against owner of the Sun, *The Guardian*
- Dale Vince's libel case against Lord Shaun Bailey can go to trial, judge rules, *The Independent*

II. Vietnam

- Vietnam: Prominent lawyer goes on trial for allegedly criticizing top judge on Facebook, *Associated Press*
- Vietnam jails leading journalist over Facebook posts, *AFP*

VIII. Miscellaneous

Presidential pardons were a major news story this cycle beyond the scope of the *Digital Review*, but I'd just call out two items here: First, Australian politicians failed to persuade President Biden to pardon the now-free Julian Assange before Biden left office, and second, President Trump pardoned Ross Ulbricht, the founder of the Silk Road drug marketplace on the dark web. I am ambivalent toward the former and highly disturbed by the latter, which pretty much sums up my attitudes toward the current and former presidents in general.

In other bits and bobs:

- A popular legal YouTuber sued PayPal in N.D. Cal. over its Honey browser extension, alleging that Honey surreptitiously substitutes its own purchase links for those of YouTubers, diverting affiliate revenue to PayPal even when users obtain no discount from the switch.
- An online news site was unable to shake a lawsuit in W.D. Wash. alleging that it aided and abetted terrorism by hiring and compensating a Hamas operative as a journalist.

Although the court held that publishing Hamas-favorable pieces was protected by the First Amendment, paying funds that were funneled to Hamas would not be if the plaintiff could plead that the site knew the journalist was a Hamas operative.

- A Florida trial judge allowed the defense in a criminal trial to present the jury with a VR simulation of the defense's view of the altercation at issue.

- The Ohio Supreme Court held that "Bloggers, Xers, Facebookers, YouTubers, Instagrammers, and others" have the right to video record court proceedings, in light of provisions of Ohio law granting that right to legacy media.

- In January, the Consumer Financial Protection Bureau proposed an interpretive rule that would bring non-traditional online currencies (such as Roblox's in-game currency) into existing rules regarding electronic fund transfers. But that was before President Trump attempted to dismantle or at least defang the CFPB, so who knows.

- In January, the DOJ announced that the FBI succeeded in a white-hat hacking operation to delete Chinese malware from a huge number of U.S. computers. But that was before President Trump attempted to dismantle the United States' cybersecurity apparatus, so who knows.

- Finally, an Oklahoma state senator just wants to ban porn entirely. Which is of course unconstitutional, but given that Trump's First Amendment only protects speech that he and his followers like, why not make all sorts of crazy laws?

IX. AI Trend Analysis

Okay, this is brand new. I've loaded this and recent past issues of the *Digital Review* into ChatGPT and gave it the following prompt: "Based on the uploaded files, identify in bullet-point format the top ten patterns or trends in digital media law that would be of interest or alarm to lawyers practicing in the areas covered by this article series."

Here's what ChatGPT came up with:

1. The Reframing (and Erosion) of First Amendment Norms Under Trump 2.0

2. State-Led Regulation of Online Platforms and Youth Access

3. Generative AI Legal Uncertainty is Fueling Parallel Waves of Copyright, Privacy, and Regulatory Litigation

4. Section 230 is Alive But Vulnerable to Political and Judicial Crossfire

5. Surveillance and Law Enforcement Tools are Drawing Renewed Scrutiny
6. The Platform Accountability Pendulum is Swinging Hard… in Multiple Directions
7. Cross-Border Legal Conflict is Escalating—Especially Over AI, Speech, and Competition
8. Content Licensing, News Industry Economics, and Platform Liability are Colliding
9. The Weaponization of Privacy and Data Governance as Political Tools
10. The Courts are Struggling to Keep Pace With Technology

Well, thanks for that, ChatGPT, and thank you all for reading!

* * *

Jeff Hermes is a Deputy Director with the Media Law Resource Center. He would time-travel to 2029 to skip over this nonsense, but for some reason his TARDIS won't let him open the doors in that time period. Something about nuclear radiation, as well as hostile mutants rolling around in personal tanks screaming "EXPURGATE" as they blast anyone vaguely different from themselves with energy weapons. Must be one of those "fix-it-now-or-the-future-is-doomed" things. We might want to get on that, ASAP.