

Submitter: Justin Francese
On Behalf Of:
Committee: Senate Committee On Rules
Measure, Appointment or Topic: SB686
Chair Jama, Vice Chair Bonham and Members of the Committee,

For the record, my name is Justin Francese. I am an expert in social media regulation and I teach media law at the University of Oregon School of Journalism and Communication. My research is narrowly focused on intermediary liability laws that regulate content on internet platforms, such as Google and Facebook. Internet intermediary laws, like Section 230 of the Communications Decency Act and Section 512 of the Digital Millennium Copyright Act (DMCA), protect technology companies from burdensome litigation while also providing incentives and obligations for the removal of harmful and unlawful posts.

I submit to you today, that SB686 is very much inline with the legal standard established in Section 512 of the DMCA. In passing the Digital Millennium Copyright Act in 1998 Congress created a legal mechanism to address the serious problem of copyright infringement online, that threatened the business models of our nation's recording, publishing and film industries. In simple terms, Section 512 requires that social media companies takedown copyrighted content when they are notified that a user has posted a song or film, without the artist's permission. Compliance with section 512 is now standard practice and it has served to support the growth of our creative industries and social media platforms.

Section 512 of the DMCA, or the notice-and-takedown system of copyright enforcement, is an agreement between two affected industries, brokered by government. SB686 follows this model. While not entirely self-regulation, SB686 is semi-privatized regulation, or self-regulation facilitated by the state. This approach reaffirms the free-market principles that have guided internet policy in the Unites States since the 1990s.

By passing SB 686, you will affirm the standard that was set in motion by Digital Millennium Copyright Act in 1998, one that recognizes that intra-industry agreements brokered by governments are vital for the health of economic growth in all media sectors. This bill does not threaten our free market media system, it strengthens it.

Thank you,

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