

# Mapping the space of social media regulation

Luke Thorburn

October 2024



# Motivations

The screenshot shows the Tech Policy Press website's Policy Tracker page. At the top left is the logo for Tech Policy Press, which consists of a cluster of colored dots followed by the text "Tech Policy .PRESS". To the right of the logo is a hamburger menu icon. Below the logo is a breadcrumb trail: "Home > Tracker". The main heading is "Policy Tracker" in a large, bold font. Below the heading is a paragraph of text: "Tech Policy Press is tracking laws and regulations, along with government investigations and litigation, that will shape the rules and accountability for tech companies. You can click on an item for more information and use the 'filter by' tool to narrow down the list by topic, government, and type. Check back often for new additions and updates to existing items." Below the text is a "FILTER BY:" section with three dropdown menus: "Topic", "Government", and "Type". Below the filter section is a "POLICY TRACKER" heading with a "SEE ALL" button to its right. Below the heading is a list of items, with the first item being "US V. GOOGLE LLC / STATE OF COLORADO V. GOOGLE LLC" and a dropdown arrow to its right. The background of the main content area is a dark green with a faint, grid-like pattern and some text from a document is visible in the background.

Tech Policy .PRESS

Home > Tracker

## Policy Tracker

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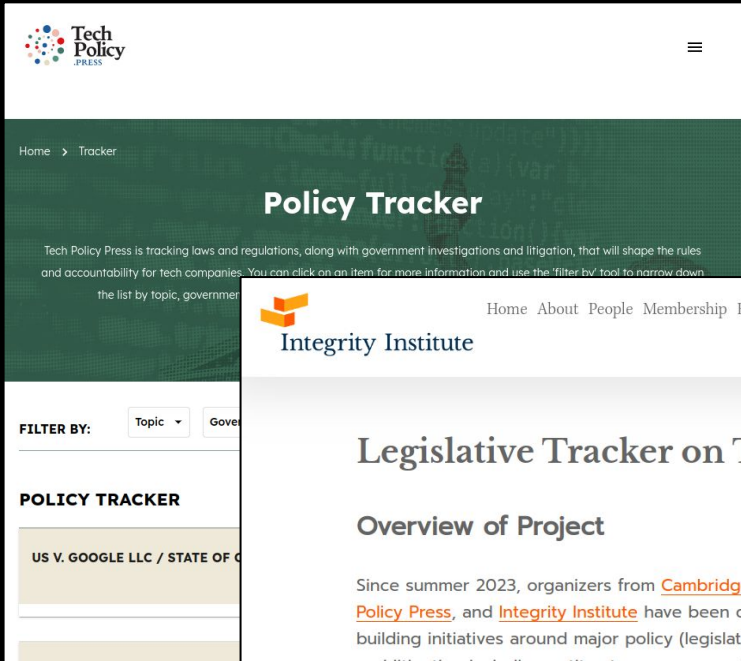
**FILTER BY:** Topic Government Type

### POLICY TRACKER

[SEE ALL](#)

US V. GOOGLE LLC / STATE OF COLORADO V. GOOGLE LLC

# Motivations



The screenshot shows the Tech Policy Press website. The top navigation bar includes the logo and a menu icon. Below is a green banner with the title "Policy Tracker" and a brief description of the project's mission. A filter section allows users to narrow down results by topic or government level. The main content area displays a list of tracked items, with the first entry being "US V. GOOGLE LLC / STATE OF C".

Tech Policy Press

Home > Tracker

## Policy Tracker

Tech Policy Press is tracking laws and regulations, along with government investigations and litigation, that will shape the rules and accountability for tech companies. You can click on an item for more information and use the "filter by" tool to narrow down the list by topic, government

Home About People Membership Blog Research Resources Podcast News [Support Us](#)

### Integrity Institute

FILTER BY:

#### POLICY TRACKER

US V. GOOGLE LLC / STATE OF C

## Legislative Tracker on Tech Policy

### Overview of Project

Since summer 2023, organizers from [Cambridge Local First](#), [Tech Policy Press](#), and [Integrity Institute](#) have been collaborating on data-building initiatives around major policy (legislation, investigations, and litigation including antitrust, consumer protection, and tech/data regulation) happening at the US federal and state level. We recognize that different civil society organizations are building disparate trackers, and we see a great opportunity to explore ideas and models to collaborate on infrastructure and data gathering in an effort to enhance the field's efforts.

This project is a continued work in progress with opportunities to contribute over the next few months.

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Home > Tracker

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Home About People Members

**Integrity Institute**

Home About People Members

**Legislative Tracker of**

**Overview of Project**

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**POLICY TRACKER**

**FILTER BY:** Topic Government

**US V. GOOGLE LLC / STATE OF CALIFORNIA**

CEPA

## Transatlantic Tech Policy Tracker

CEPA's Transatlantic Tech Policy Tracker charts the key tech policy and business developments around the globe. From antitrust to telecommunications and artificial intelligence to European digital regulation, this interactive tool allows users to search and find news items compiled since the beginning of 2020.

**ISSUES**

- Antitrust:** The set of policies designed to preserve business competition in specific markets.
- Artificial Intelligence:** The actions that impact the use of AI in the commercial and public spheres.
- Content Moderation:** The set of corporate and government actions designed to limit information published, processed, or consumed online.
- Cybersecurity:** The actions relating to the security and the vulnerabilities of cyberspace, including cyberattacks and new attempts at cyber resilience.
- Data Privacy:** The set of practices tackling individual rights in the digital world and organizations' use of personal data.
- E-commerce & Fintech:** The set of policies impacting the access to products through digital markets.
- Economic Security:** The agreements, industrial, technology, and trade policies aimed at de-risking the Western economies.
- Emerging Technologies:** The developments relating to digital and physical technologies with scalable transformational potential, such as blockchain or quantum computing.
- EU Digital Regulation:** All legislative efforts by the European Union and its bodies to regulate, reorganize, or impact the digital technology sector.
- Private Enterprise:** The set of strategic decisions made by leading tech companies to impact a desired market.
- Telecommunications & Infrastructure:** The developments related to the restriction, expansion, or building of connectivity and digital infrastructure.
- US Digital Regulation:** All legal developments in the United States regulating, reorganizing, or impacting the digital technology sector.

Search in table

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Date	Issue	Update
October 4, 2024	EU Digital Regulation, Data Privacy	Ireland's Data Protection Commissioner (DPC) <a href="#">opens</a> an EU-wide investigation on privacy violations related to Ryanair's use of facial recognition technology to verify customer bookings.
October 4, 2024	EU Digital Regulation, Data Privacy	The European Court of Justice (ECJ) <a href="#">rules</a> that Meta cannot use personal data from public sources outside its platform for targeted advertising, following a case on transfer of sexual orientation data.

# Motivations

Tech Policy Press logo

Home > Tracker

## Policy Tracker

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Home About People Members

**Integrity Institute**

Home About People Members

**Legislative Tracker of**

**Overview of Project**

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**POLICY TRACKER**

US V. GOOGLE LLC / STATE OF CO

Home About People Members

## Legislative Tracker of

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CEPA logo

## Transatlantic Tech Policy Tracker

CEPA's Transatlantic Tech Policy Tracker around the globe tracks digital regulations and the beginning of digital regulation.

**ISSUES**

- Antitrust: The set of policies that govern competition and market structure.
- Artificial Intelligence: The set of policies that govern the development and use of artificial intelligence.
- Content Moderation: The set of policies that govern the removal of content from digital platforms.
- Cybersecurity: The set of policies that govern the protection of digital systems and data.
- Data Privacy: The set of policies that govern the collection, use, and sharing of personal data.
- E-commerce & Fintech: The set of policies that govern the digital marketplace and financial services.
- Economic Security: The set of policies that govern the protection of the digital economy.
- Emerging Technologies: The set of policies that govern the development and use of emerging technologies such as computing, artificial intelligence, and quantum computing.
- EU Digital Regulation: A set of policies that govern the digital economy in the European Union.
- Private Enterprise: The set of policies that govern the operation of private companies.
- Telecommunications & Internet: The set of policies that govern the digital infrastructure and services.
- US Digital Regulation: A set of policies that govern the digital economy in the United States.

Search in table

Date
October 4, 2024
October 4, 2024

Digital Policy Alert logo

An independent, timely and accessible record of policy and regulatory changes affecting the digital economy.

Read more →

### Recent activity

Subscribe See all →

Changes proposed, advanced or implemented

Selected policy areas

Graph Table

Excel CSV

411

## Motivations

To help people:

- Orient themselves in the space of policy options.
- Surface under-explored areas.
- Think strategically about which approaches are most likely to work.
- Find language + framings that are less ideological.

# The New Chicago School

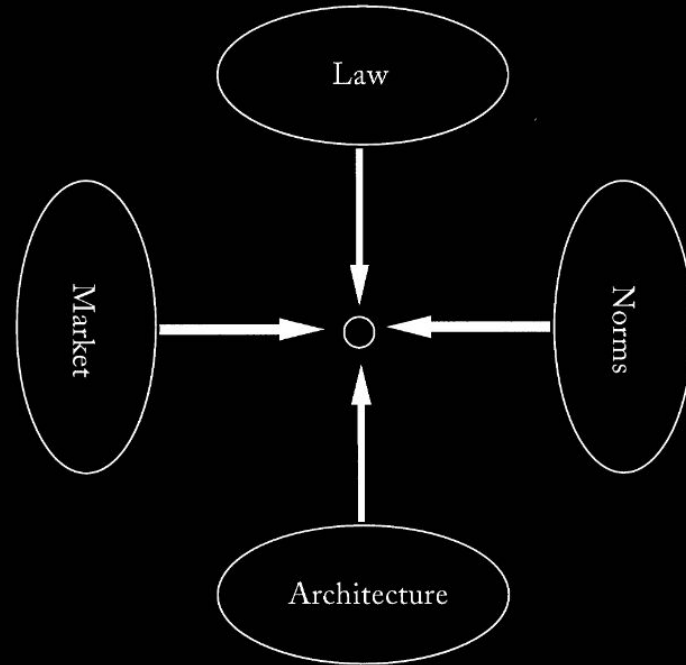


FIGURE 1

Lawrence Lessig, "The New Chicago School", *The Journal of Legal Studies* (1998)



# The New Chicago School

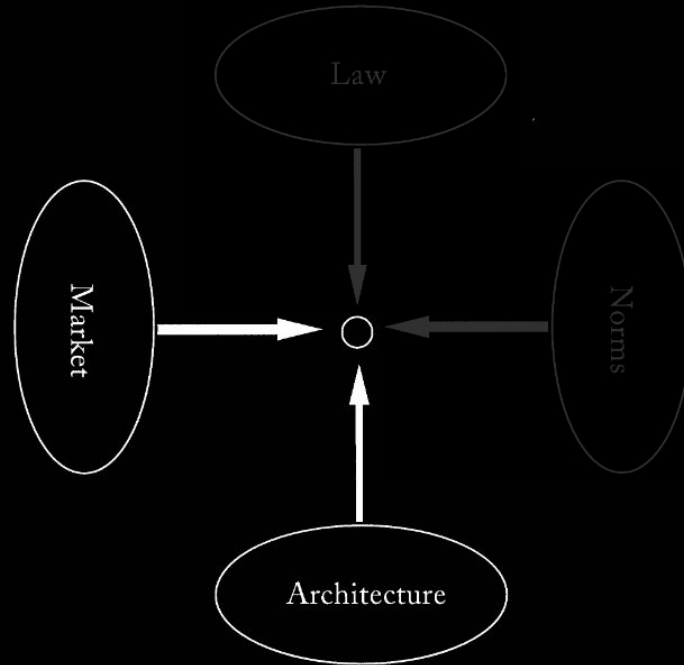


FIGURE 1

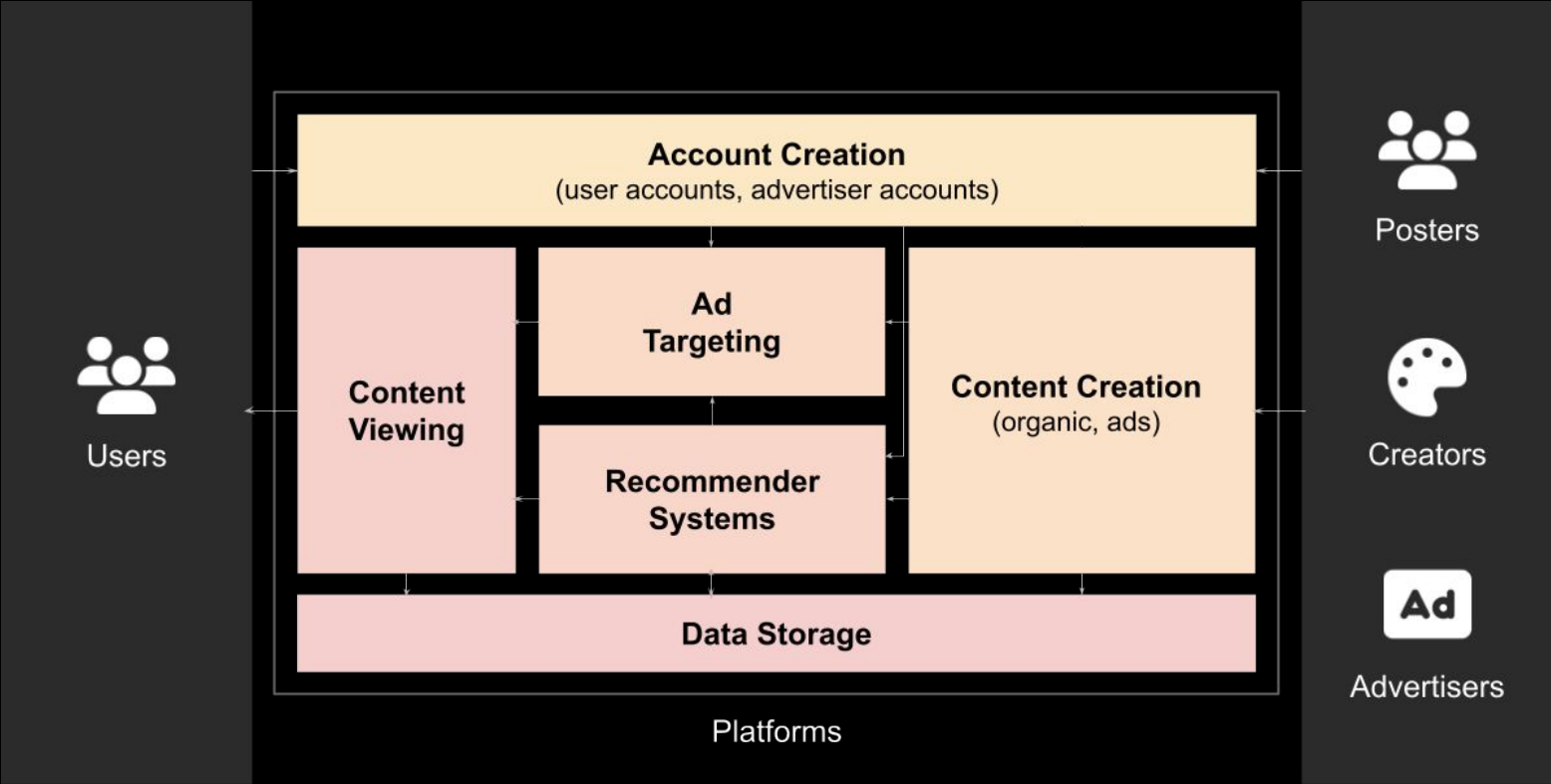
Lawrence Lessig, "The New Chicago School", *The Journal of Legal Studies* (1998)

Disclaimer!

- I. Social Media as Architecture
- II. Regulations by Affordance
- III. Social Media as Market
- IV. Regulations by Market Intervention

- I. Social Media as Architecture
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# Social Media as Architecture



# Background

[Home](#) > [Minds and Machines](#) > [Article](#)

## Regulation by Design: Features, Practices, Limitations, and Governance Implications

[Open access](#) | Published: 17 May 2024

Volume 34, article number 13, (2024) [Cite this article](#)

### New Directions in Information Technology Law: Learning from Human Computer Interaction

*International Review of Law, Computers and Technology, 2017, Forthcoming*

36 Pages · Posted: 8 Nov 2016 · Last revised: 15 Jan 2017

[Lachlan Urquhart](#)

University of Edinburgh - School of Law; Horizon Digital Economy Research Institute

[Tom Rodden](#)

University of Nottingham - School of Computer Science

Date Written: November 7, 2016

#### Abstract

Effectively regulating the domestic internet of things (IoT) requires a turn to technology design. However, the role of designers as regulators still needs to be situated. By drawing on a specific domain of technology design, human computer interaction (HCI), we unpack what an HCI led approach can offer IT law. By reframing the three prominent design concepts of provenance, affordances and trajectories, we offer new perspectives on the regulatory challenges of the domestic IoT. Our HCI concepts orientate us towards the social context of technology. We argue that novel regulatory strategies can emerge through a better understanding of the relationships and interactions between designers, end users and technology. Accordingly, closer future alignment of IT law and HCI approaches is necessary for effective regulation of emerging technologies.

**Keywords:** Algorithms, IoT, Trajectories, Provenance, Affordances, Right to Be Forgotten, Human Computer Interaction, IT Law Theory, Systems Theory

## Regulate Design, not Speech

Recent legislation and court cases over the future of online social platforms often focus on regulating speech. Regulating value alignment through design is a better, more robust alternative.



RAVI IYER

FEB 09, 2023



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Share



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- II. Regulations by Affordance
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- I. Social Media as Architecture
- II. Regulations by Affordance
- III. Social Media as Market
- IV. Regulations by Market Intervention



# Social Media as Architecture

AFFORDANCE	AREA OF IMPACT	REGULATORY APPROACHES
<b>Account Creation</b>	Authenticity & Trust	Ban online impersonation 🇺🇸-CA PC §582.5 (2011) 🇺🇸-TX PC §33.07 (2011) Require account validation (analogous to <i>Know Your Customer</i> rules [30]; can use third-party identity verification services) • Delays or rate limits for new accounts [31] • Require proof of personhood [32, 33]
	Child Safety	Age restrictions or verification 🇪🇺 DSA Art. 35 (2022) 🇺🇸 COPPA (2013) 🇺🇸-UT SMRA (2024) 🇺🇸-FL HB 3 (2023) • Parental controls 🇪🇺 DSA Art. 35 (2022) 🇺🇸-UT SMRA (2024) Parental controls 🇺🇸 KOSA (2023)
	Misuse	Suspend users who “frequently provide manifestly illegal content” 🇪🇺 DSA Art. 20 (2022)
<b>Content Creation</b> (organic, ads)	Harmful Content	Ban terrorism 🇪🇺 TCO (2021) 🇺🇸 PATRIOT Act (2001) • Ban Child Sexual Abuse Material 🇪🇺 Dir. 2011/93 (2011) 🇺🇸 Tit. 18 Ch. 110 (2024) 🇺🇸-CA AB-1394 (2023) • Ban sex trafficking 🇪🇺 Dir. 2011/36 (2011) 🇺🇸 FOSTA/SESTA (2017) • Limit content flagged by trusted parties 🇪🇺 DSA Art. 22 (2022) • Limit content posted by repeat offenders 🇪🇺 DSA Art. 23 (2022) Reporting abhorrent violent conduct • Timely removal or blocking of unlawful content • Require third-party access to content for research • Automatically filter content (w. classifiers, hash-sharing databases [34] , [35])
	Copyright	Ban distribution of copyrighted works 🇪🇺 Dir. 2019/790 (2019) 🇺🇸 DMCA (1998)
<b>Content Viewing</b>	Manipulation	Clearly label ads 🇪🇺 DSA Art. 26 (2022) • Require truth in advertising 🇪🇺 2005/29 (2005) 🇺🇸 FTC Act §52 (1994)
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<b>Private Messaging</b>	Security	Mandate encryption backdoors for law enforcement 🇪🇺 9093/24 (2024)

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Private Messaging	Security	Mandate encryption backdoors for law enforcement
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> FINRA RULES > 2000. DUTIES AND CONFLICTS

## 2090. Know Your Customer

The Rule Notices

Every member shall use reasonable diligence, in regard to the opening and maintenance of every account, to ascertain the essential facts concerning every customer and concerning the authority of each person acting on behalf of such customer.

••• Supplementary Material: -----

**.01 Essential Facts.** For purposes of this Rule, facts "essential" to "knowing the customer" are those required to open, maintain, or administer a customer's account, (b) act in accordance with any special handling instructions for the account, (c) understand the customer's investment objectives, and (d) comply with applicable laws, regulations, and rules.

Adopted by SR-FINRA-2010-039 and amended by SR-FINRA-2011-016 eff. July 9, 2012.

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<b>Private Messaging</b>	Security	Mandate encryption backdoors for law enforcement 🇺🇸 9093/24 (2024)
	Virality	Cap the size of private groups • Limit the rate of sharing between private groups
<b>Recommender Systems</b>	Mental Health	Require a ranking option that doesn't rely on user profiling 🇪🇺 DSA Art. 38 (2022) • Ban engagement-based ranking for minors 🇺🇸-NY SAFE for Kids Act (2024) • User controls: Make the main parameters that influence users' feed accessible and modifiable to some extent 🇪🇺 DSA Art. 27 (2022) Protecting children exposure to harmful content 🇺🇸-CA CAADCA (2022) • Design requirements for kids 🇺🇸 KOSA (2023) • General design standards (Neely Center Design Code, Prosocial Design Network, Calm Technology) • Require certain metrics to be included with A/B tests (analogous to drug or medical device trials [39])
	Social Trust	Taking preventive and reactive measures to mitigate risks of illegal or manipulative use of the services 🇪🇺 DSA Art. 34 (2022) Have recommender system promote highly-ranked content systems [40] • Nudge users before sharing [41, 42] • Nudges for users to pay attention to accuracy [41]
<b>Ad Targeting</b>	Fairness / Discrimination	Restrictions on protected demographics 🇪🇺 DSA Art. 28 (2022) • Record keeping 🇪🇺 DSA Art. 39 (2022) CFPB rules on false advertising [43]; Enforcement of FHA rules on companies like Facebook (Meta) [44].

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Ad Targeting

Fairness / Discrimination

Restrict

DS

CFPB

(Meta)



## Prosocial Design Network



### Removing Rule-breaking Comments

Reduce rule-breaking and recidivism

CIVIC SIGNAL

Welcome: Ensure user safety

WHEN TO USE

Reactive

Validated



### Reminder of Norms

Increase adherence to platform rules.

CIVIC SIGNAL

Welcome: Invite Participation

WHEN TO USE

Proactive

Validated



### Moderation Tool for Ban Appeals

Reduce moderation burden and exposure to toxic ban appeals

CIVIC SIGNAL

Welcome: Ensure user safety

WHEN TO USE

Reactive

Convincing



### Accuracy Prompts

Reduces re-posting of fake news

CIVIC SIGNAL

Understand: Show reliable information

WHEN TO USE

Interactive

Convincing



### Labeling misleading content

Reducing the spread and impact of misleading content

CIVIC SIGNAL

Understand: Show reliable information

WHEN TO USE

Interactive

Convincing

# Recommender Systems

AFFORDANCE	AREA OF IMPACT	REGULATORY APPROACHES
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	Social Disruption	<p>Transparency on ads nature, intent, audience and reach 🇺🇸 DSA Art. 26 (2022)</p> <p>FCC disclosure rules for social media influencers engaging in paid political speech [45]</p>
Data Storage	Privacy	<p>Time limits on storage [46, 47]; Limits on transfer/sale of data 🇺🇸 GDPR (2018) 🇺🇸 APRA (proposed) (N/A) • Limits on geographic size of targeting 🇺🇸 GDPR (2018) • Limits on 3rd party data usage [48]</p> <p>Analogous to financial data protection rules (e.g. U.S. Fair Credit Reporting Act (1970), HIPAA (1996))</p>

**TABLE I:** Architecture Map — This table provides a non-exhaustive mapping of regulatory options grouped by affordance and associated harm (we focus on harms here and discuss benefits in the description above). Interventions with current legal force

# Recommender Systems

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Ad Targeting	Fairness / Discrimination	Restrictions on DSA Art. 34
		CFPB rules of (Meta) [44].
	Social Disruption	Transparency of FCC disclosure
Data Storage	Privacy	Time limits on APRA (pro on 3rd party d Analogous to (1996))

TABLE I: Architecture Map — This table provides associated harm (we focus on harms here and dis

arXiv > cs > arXiv:2402.06831

Computer Science > Social and Information Networks

*[Submitted on 9 Feb 2024]*

## What We Know About Using Non-Engagement Signals in Content Ranking

Tom Cunningham, Sana Pandey, Leif Sigerson, Jonathan Stray, Jeff Allen, Bonnie Barrilleaux, Ravi Iyer, Smitha Milli, Mohit Kothari, Behnam Rezaei

Many online platforms predominantly rank items by predicted user engagement. We believe that there is much unrealized potential in including non-engagement signals, which can improve outcomes both for platforms and for society. In a recent daylong workshop with experts from industry and academia, we formulate a series of propositions and document each as best we can from public evidence, including quantitative results where possible. There is strong evidence that ranking by predicted engagement is effective in increasing user retention. However retention can be further increased by incorporating other signals, including item "quality" proxies and asking users what they think about "quality level" surveys. There is also evidence that "diverse engagement" is an effective quality signal. Ranking changes can alter the prevalence of self-reported experiences of various kinds (e.g. harassment) but seldom have large enough impact to affect user satisfaction, well-being, polarization etc. to be measured in typical experiments. User controls over ranking often have low usage rates, but when used they do correlate well with quality and item-level surveys. There was no impact of transparency/explainability on retention. There is reason to believe that generative AI could be used to create better quality signals and enable new kinds of user controls.

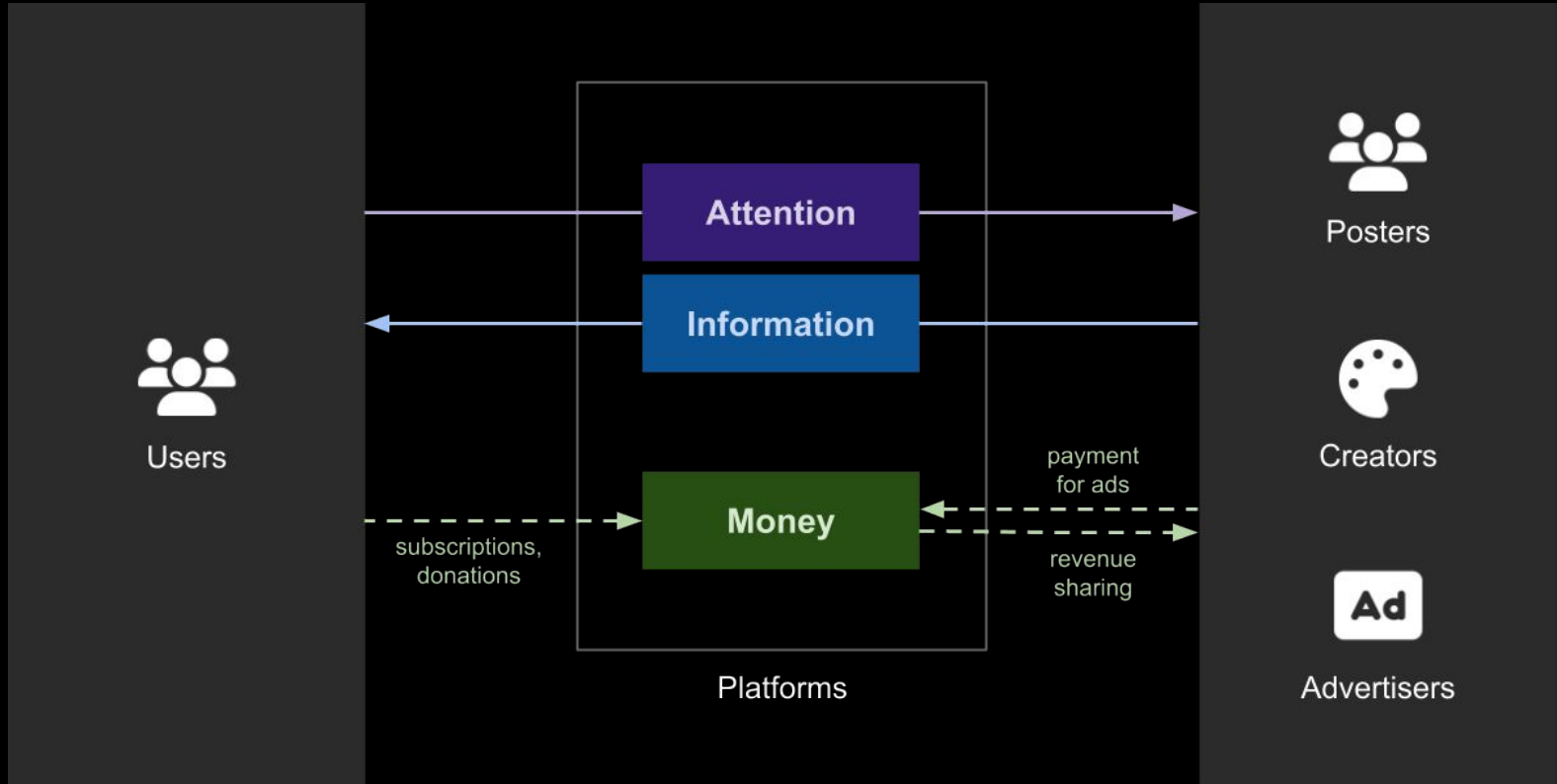
Subjects: **Social and Information Networks (cs.SI)**  
 ACM classes: H.3.3; H.4.3  
 Cite as: arXiv:2402.06831 [cs.SI]  
 (or arXiv:2402.06831v1 [cs.SI] for this version)  
<https://doi.org/10.48550/arXiv.2402.06831>

- I. Social Media as Architecture
- II. Regulations by Affordance
- III. Social Media as Market
- IV. Regulations by Market Intervention



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# Social Media as Market



# Background

## Information As a Factor of Production

WALTER R. KENDALL  
COLLEGE OF BUSINESS ADMINISTRATION  
UNIVERSITY OF NORTHERN COLORADO

C. RICHARD SCOTT  
COLLEGE OF BUSINESS AND ECONOMICS  
RADFORD UNIVERSITY

### ABSTRACT

Information... the special characteristics of it make it unique. The thrust of this paper advocates that

## Information As A Factor Of Production

Andrew Berzi  
Wilfrid Laurier University

*Some articles in this journal are clearly intended to be models of how things could be, or should be, done. Typical of such articles are those describing an analytical technique for determining elasticity of demand in a given market. This article is intended to fill an entirely different role. In it, the author suggests that consideration should be given to thinking in terms of another factor of production: information. There is definitely no consensus on the issue. There are those who clearly believe information is a factor of production, and that much greater attention to (1) developing it consciously as part of the production process can bring great rewards, and (2) explicitly pricing information is important for maximum efficiency in the modern productive enterprise. On the other side of the argument are those*

sumed per se, must be converted into desired outputs. These inputs, in economics, are called "factors of production" and they may be combined in various ways and proportions in order to bring about the desired output: the product. The process of conversion is determined by the so called "production function" which is normally depicted by a single mathematical relationship between output and inputs showing the output rate as a function of the input rates of the various inputs.<sup>1</sup>

### INTRODUCTION

The production function concept is a very simple model of reality, but it allows us to understand and appreciate the role, the relative contributions, and the interrelationships of the various components. Clearly, to maximize the effectiveness of this formulation, our factors of production should represent a mutually exclusive and a collectively exhaustive set of elements, a set of input components which

## Markets for Information Goods

Hal R. Varian  
University of California, Berkeley

April 1998 (revised: October 16, 1998)

### Contents

- [Contents](#)
- [Definition of information good](#)
- [Information as an economic good](#)
- [Information as experience good](#)
  - [Previewing and browsing](#)
  - [Reviews](#)
  - [Reputation](#)
- [Returns to scale](#)
- [Information as a public good](#)
  - [Economics of intellectual property](#)
  - [Software patents](#)
- [Other ways to deal with exclusion](#)
- [Terms and conditions](#)
- [Piracy](#)
- [International concerns](#)
  - [US as copyright pirate](#)
- [Overload](#)
- [Business models](#)
- [Institutions](#)
- [Bibliography](#)

Much has been written about the difficulties that "information" poses for neoclassical economics. How ironic that ICE--information, communication, and entertainment--now comprises the largest sector in the American economy. If

# Background

## The Economics of Attention

[CESifo Working Paper No. 10712](#)

66 Pages · Posted: 25 Oct 2023

[George Loewenstein](#)

Carnegie Mellon University - Department of Social and Decision Sciences

[Zachary Wojtowicz](#)

Harvard University

[There are 2 versions of this paper](#)

Date Written: 2023

### Abstract

Attention is a pivotal resource in the modern economy and plays an increasingly prominent role in economic analysis. We summarize research on attention from both psychology and economics, placing a particular emphasis on its capacity to explain numerous documented violations of classical economic theory. We also propose promising new directions for future research, including attention-based utility, the recent proliferation of attentional externalities introduced by digital technology, the potential for artificial intelligence to compete with human attention, and the significant role that boredom, curiosity, and other motivational states play in determining how people allocate attention.

**Keywords:** attention, motivation, behavioural bias, information, learning, education, artificial intelligence, machine learning, future of work

## Paying Attention

Karthik Srinivasan<sup>1</sup>

University of Chicago  
Booth School of Business  
December 18, 2023

Updated frequently. [Click here for the latest version.](#)

Abstract

ELASTICITIES

## Attention economies ☆

[Josef Falkinger](#) ✉

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<https://doi.org/10.1016/j.jjet.2005.12.001>

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### Abstract

A new theoretical model is developed which describes the structure of competition for attention in a modern economy. The model shows that attention is a pivotal resource in the modern economy and plays an increasingly prominent role in economic analysis. We summarize research on attention from both psychology and economics, placing a particular emphasis on its capacity to explain numerous documented violations of classical economic theory. We also propose promising new directions for future research, including attention-based utility, the recent proliferation of attentional externalities introduced by digital technology, the potential for artificial intelligence to compete with human attention, and the significant role that boredom, curiosity, and other motivational states play in determining how people allocate attention.

EQUILIBRIA

## The Economics of Content Moderation: Evidence from Hate Speech on Twitter

88 Pages · Posted: 11 Mar 2022 · Last revised: 3 Oct 2023

[Rafael Jiménez Durán](#)

Bocconi University - Department of Economics; University of Chicago

CONSUMER SURPLUS

Social media platforms ban users and remove posts to moderate their content. This "speech policing" remains controversial because little is known about its consequences and the costs and benefits for different individuals. I conduct two pre-registered field experiments on Twitter to examine the effect of moderating hate speech on users' behavior and welfare. Randomly reporting posts for violating the rules against hateful

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# Social Media as Market

INTERVENTION	DESCRIPTION	REGULATORY APPROACHES
<b>Taxes + Subsidies</b>	Tax or subsidize to internalize externalities of information production or consumption.	Tax platforms, or digital ad revenue specifically, to redistribute income (e.g., to fund journalism) 🇺🇸-CA AB 2829 (2024) 🇺🇸-CA SB1327 (2024) or according to the externalities they cause [102, 103]
<b>Controls (ceilings, floors)</b>	Place a ceiling on the attention required to 'buy' or access information.	Require that ads be clearly labeled 🇪🇺 DSA Art. 26 (2022) • Ban dark patterns 🇪🇺 DSA Art. 25 (2022)
	Place a floor on the quality of information required to 'buy' or access attention.	Ban terrorism 🇪🇺 TCO (2021) 🇺🇸 PATRIOT Act (2001) • Ban Child Sexual Abuse Material 🇪🇺 Dir. 2011/93 (2011) 🇺🇸 Tit. 18 Ch. 110 (2024) 🇺🇸-CA AB-1394 (2023) • Ban sex trafficking 🇪🇺 Dir. 2011/36 (2011) 🇺🇸 FOSTA/SESTA (2017) • Require truth in advertising 🇪🇺 2005/29 (2005) 🇺🇸 FTC Act §52 (1994)  Ban doxxing • Require fairness or balance 🇺🇸 fairness doctrine [104] 🇺🇸 equal time rule [105]
<b>Direct Provision</b>	Government provision of information.	Public service media (e.g., 🇺🇸 PBS) • Weather forecasts 🇺🇸 NOAA • Public health advice (e.g., 🇺🇸 healthcare.gov) • Emergency information (e.g., 🇺🇸 FEMA Flood Maps)
	Government provision of attention.	Co-opt communications infrastructure to notify everyone of emergencies 🇺🇸 FCC Emergency Alerts System
<b>Ratings</b>	Rate quality of information providers.	Fact checking • Domain-level reputation ratings (NewsGuard [106], Media Bias/Fact Check [107])
	Rate quality of attention providers.	Platform brand safety ratings (MRC Accreditation [108]) • Industry self-accreditation [109]
<b>Property Rights</b>	Grant rights to those infringed by the exchange of attention + information.	Rights for owners of intellectual property 🇪🇺 Dir. 2019/790 (2019) 🇺🇸 DMCA (1998) • Rights to privacy 🇪🇺 GDPR (2018) • Rights to have personal data erased – "right to be forgotten" 🇪🇺 GDPR Art. 17 (2018)

# Taxes + Subsidies

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## California SB 1327

### Tax on Digital Advertising Revenue to Fund Journalism

On May 16, 2024, Sen. Steven Glazer and 7 co-authors in the California Senate amended [SB 1327](#), a bill that imposes a “data mitigation extraction fee” on digital services and funnels collected taxes to qualifying publications or broadcasts in the state. A non-comprehensive summary of significant elements of the proposed legislation and the digital ad tax follows:

#### Covered Entities: Who is subject to requirements in this proposal?

- The proposal excludes news media entities and includes taxpayers or users with more than “\$2,500,000,000 in gross receipts derived from data extraction taxes in this state in the taxable year.”

#### Eligible Entities: What news organizations qualify for payments?

- “Qualified taxpayer”: an eligible local news organization or a qualified broadcast station which is defined as:
  - “Eligible local news organization”: any person or entity with primary circulation or

# Taxes + Subsidies

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# SOCIETAL DIVIDES AS A TAXABLE NEGATIVE EXTERNALITY OF DIGITAL PLATFORMS

An exploration of the rationale for  
regulating algorithmically  
mediated platforms differently

# Property Rights

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<b>Liability</b>	Clarify liability for unwanted exchange of attention + information.	Grant platforms immunity from user-generated content 🇺🇸 CDA Sec. 230 (1996) 🇪🇺 DSA Arts. 4-6 (2022)
<b>Competition Law</b>	Promote competition b/w information providers.	<p>Improve content moderation dispute processes 🇪🇺 DSA Arts. 17, 20-21 (2022) • Interoperability [113] 🇪🇺 DMA Art. 7, (2022)</p> <p>Limit concentration of media ownership • Force compensation for news content (“link taxes”)</p>
<b>Compliance</b>	Due diligence + transparency requirements for platforms (who broker attention + information).	<p>Data access 🇪🇺 DSA Art. 40 (2022) • Advertising records 🇪🇺 DSA Art. 39 (2022) • Systemic risk assessment 🇪🇺 DSA Art. 35 (2022) • Audits 🇪🇺 DSA Art. 37 (2022) • Reporting requirements 🇪🇺 DSA Arts. 8-10, 15-16, 18, 24, 41-42 (2022)</p> <p>Data access 🇺🇸 PATA (2022)</p>
<b>Bans</b>	Ban market activity of certain forms or in certain contexts.	<p>Ban platforms controlled by “foreign adversaries” 🇺🇸 PAFACA (2024)</p> <p>Ban social media access for youth • Ban use of social media in schools</p>

**TABLE II:** Market Map — This table provides a non-exhaustive mapping of regulatory approaches grouped by type of market intervention. Interventions with current legal force are shown in black; all other regulatory options are shown in gray. We emphasize that this analysis is descriptive and the inclusion of any given intervention in this table is not an endorsement or recommendation.

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## Three Rationales for a Legal Right to Mental Integrity

Chapter | Open Access | First Online: 06 May 2021

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## From Freedom of Speech and Reach to Freedom of Expression and Impression

RICHARD REISMAN / FEB 14, 2023

*Richard Reisman is a Nonresident Senior Fellow at Lincoln Network, media-tech innovator, and frequent contributor to Tech Policy Press.*



# Competition Law

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# Competition Law

## INTERVENTION

### Competition Law

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Promote competition b/w information providers.

## REGULATORY APPROACHES

Improve content moderation dispute processes [DSA Arts. 17, 20-21 \(2022\)](#) • Interoperability [\[113\]](#) [DMA Art. 7, \(2022\)](#)

Limit concentration of media ownership • Force compensation for news content ("link taxes")

## Cory Doctorow on Why Interoperability Would Boost Digital Competition

Wednesday, April 12th, 2023 - ZANDER ARNAO



[Research Analysis](#) [Policy Analysis](#) [Commentary](#) [Interviews](#) [Print Publication](#) [DSA Art. 17 \(2022\)](#) • [Advertising records](#) [DSA Art. 39 \(2022\)](#) • [DSA Art. 35 \(2022\)](#) • [Audits](#) [DSA Art. 37 \(2022\)](#) • [DSA Arts. 8-10, 15-16, 18, 24, 41-42 \(2022\)](#)

["Sign adversaries"](#) [PAFACA \(2024\)](#)

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[Science Policy Review](#) | August 27, 2024 | vol. 5 | pg. 113

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The screenshot shows a webpage with the following elements:

- Navigation tabs: Research Analysis, Policy Analysis, Commentary, Interviews, Print Publication
- Article title: **Cory Doctorow on Why Interoperability Won't Boost Digital Competition**
- Author: ZANDER ARNAO
- Date: Wednesday, April 12th, 2023
- Image: Hands typing on a laptop with digital security icons (locks and padlocks) overlaid.
- Logos: Stanford Program on Democracy and the Internet Cyber Policy Center, and Stanford PACS Center on Philanthropy and Civil Society.
- Section title: **REPORT OF THE WORKING GROUP ON PLATFORM SCALE**
- Author list: Francis Fukuyama, Barak Richman, Ashish Goel, Roberta R. Katz, A. Douglas Melamed, Marietje Schaake
- Page number: August 27, 2024 | vol. 5 | pg. 113



# Competition Law

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Research Analysis Policy Analysis Commentary Interviews Print Publication

## Cory Doctorow on Why Interoperability Won't Boost Digital Competition

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Stanford Program on Democracy and the Internet  
Cyber Policy Center

### REPORT OF THE WORKING GROUP ON PLATFORM SCALING

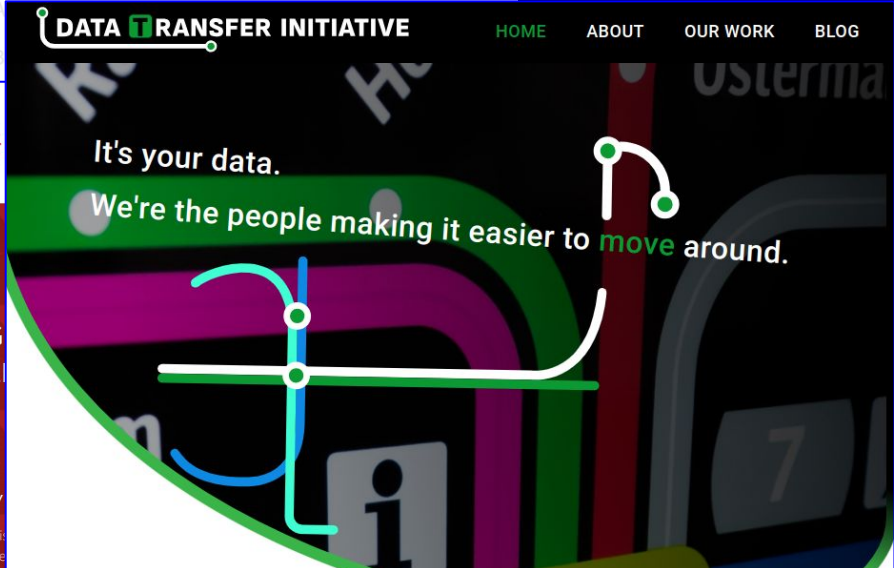
STANFORD UNIVERSITY

Francis Fukuyama, Barak Richman, Ashli Bhatnagar, Robert A. Katz, A. Douglas Melamed, Marietje Schaake

## DATA TRANSFER INITIATIVE

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It's your data.  
We're the people making it easier to move around.



## Architecture or Market?

### Architecture Map

Governance by affordance

Intervention-focused

Can be used to assess coverage

### Market Map

Governance by incentives

Outcome-focused

Can't be used to assess coverage

lukethorburn.com

Thanks to my co-authors on this work →

Link to full paper ↓



**Manon Revel**  
Harvard



**Nate Lubin**  
Harvard



**Kaylie Mayberry**  
Harvard



**Dylan Moses**  
Harvard



**Andrew West**  
Yale

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