

Cracks in the Armor?

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The Communications Decency Act has long shielded internet service providers from liability when they re-post fake news or fraudulent information from another provider. The federal statute says no interactive computer service provider or user “shall be treated as the publisher or speaker of any information provided by another information content provider.” 47 U.S.C. § 230(c)(1).

The D.C. Circuit last week affirmed dismissal of a lawsuit against Google, Microsoft, and Yahoo! under this provision. But the court’s opinion and the contentious oral argument suggest the court is growing impatient with immunizing websites from liability for false information.

In the lawsuit, a group of locksmiths sued the internet companies for posting false addresses, including pinpoints on maps, of competing locksmiths. These allegedly “scam” locksmiths were not actually local companies, but had allegedly manipulated mapping algorithms to make themselves appear to be local. The D.C. Circuit found Google, Microsoft, and Yahoo! had simply converted the false street addresses provided by the locksmiths into pinpoints on a map — nothing more. As a result, the Communications Decency Act shielded them from liability.

But “that immunity is not limitless,” the D.C. Circuit noted in a pointed conclusion to its opinion. “[W]e reject the defendants’ remarkable suggestion at oral argument that they would enjoy immunity even if they did in fact entirely fabricate locksmith addresses.”

Read the full opinion, [Marshall’s Locksmith Serv. Inc. v. Google, LLC](#), No. 18-7018 (D.C. Cir. June 7, 2019).

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