

# Resources on Intermediary Liability and Gatekeeping

December 13, 2012

Tags: Array

The central question to many Internet policy debates is whether Internet intermediaries such as ISPs, content hosts, and search engines should bear legal liability for or obligations to police third-party content. Intermediary liability arises where governments or private litigants can hold technological service providers liable for unlawful or harmful content disseminated by users of those services. Gatekeeping obligations, such as requirements that intermediaries filter or block access to content, can force intermediaries to monitor or limit how users access or post material.

The threat of either liability or gatekeeping obligations reduces intermediaries' willingness to host user-generated content, leads intermediaries to block even legal content, and inhibits innovation. Limiting such obligations and protecting intermediaries from liability for the expressive actions of third parties expands the space for online expression, encourages innovation in the development of new communications services, and creates more opportunities for local content, thereby supporting development of the information society.

The resources below are intended to support Internet advocates as they fight for policies that recognize these principles and urge governments to protect intermediaries as critical platforms for innovation, expression, and economic activity. Working together, we can advance policies to address unlawful or harmful online content without burdening intermediaries or restraining the exercise of human rights online. These resources are published with the intent that they be used, reused, modified, and extended to be most effective in a variety of contexts.

## Resources for Advocacy

[Shielding the Messengers: Protecting Platforms for Expression and Innovation](#) [1]. Deep research and analysis on the issues and their implications for free expression and innovation. [[pdf](#) [1]]

[Summary](#) [2]. A shorter version of the full research paper. [[doc](#) [2]] [[pdf](#) [3]]

[Sample Presentation](#) [4]. A slide deck presenting key points [[ppt](#) [4]] [[pdf](#) [5]]

["Talking Points" Memo](#) [6]. Two pages on the key points. [[doc](#) [6]] [[pdf](#) [7]]

---

## Additional CDT Resources

[Account Deactivation and Content Removal: Guiding Principles and Practices for Companies and Users](#) [8] (CDT & The Berkman Center)

[CDT's "Shielding the Messengers" blog posts](#) [9]

[CDT Comments to the European Commission on Notice-and-Action](#) [10]

- [Sec. 230](#)
- [toolkit](#)
-

- [intermediary liability](#)
- [Innovation](#)
- [e-commerce directive](#)
- [Free Expression](#)
- [dmca](#)

Copyright © 2013 by Center for Democracy & Technology. CDT can be freely copied and used as long as you make no substantive changes and clearly give us credit. [Details.](#)

**Source URL:** <https://www.cdt.org/toolkit/intermediary-liability>

## Links:

- [1] <https://www.cdt.org/files/pdfs/CDT-Intermediary-Liability-2012.pdf>
- [2] <https://www.cdt.org/files/Intermediary-Liability-6p.doc>
- [3] <https://www.cdt.org/files/file/Intermediary-Liability-6p.pdf>
- [4] <https://www.cdt.org/files/CDT-Protections-for-Intermediaries.ppt>
- [5] <https://www.cdt.org/files/file/CDT-Protections-for-Intermediaries.pdf>
- [6] <https://www.cdt.org/files/Intermediary-Liability-2p.doc>
- [7] <https://www.cdt.org/files/file/Intermediary-Liability-2p.pdf>
- [8] <https://www.cdt.org/report/account-deactivation-and-content-removal-guiding-principles-and-practices-companies-and-users>
- [9] <https://www.cdt.org/category/blogtags/shielding-messengers>
- [10] <https://www.cdt.org/blogs/andrew-mcdiarmid/1109shielding-messengers-notice-and-action>