

This is the January 1, 2007 Newsletter of the Colorado Bar Association's Technology Law and Policy Section.

The next CLE luncheon of the Technology Law and Policy Section is:

February 8, 2007

12:00 PM - 2:00 PM

Speaker: Wayne Wiemerslage

Topic: Drafting and Negotiating Information Technology Contracts

Location: CBA Executive Conference Room / Denver, CO

Social Networking Site Regulation

Court Upholds Immunity From Defamation Claims for ISPs and Internet Users

FCC Acts to Simplify Telecom Entry into Cable TV

Coming in 2007

Social Networking Site Regulation

Sen. John McCain introduced legislation to extend ISP regulatory requirements to social networking sites such as MySpace. If enacted, the legislation would require social networking sites, and sites that carry message boards, to report suspected child pornography-related activity to the CyberTipline of the US National Center for Missing and Exploited Children. The bill also requires convicted sex offenders to register all email addresses, instant messaging names and chat room names so that they could be identified online. McCain proposed a 10 year jail sentence for those who fail to do so.

Link to the full text of the bill: [Stop The Online Exploitation Of Our Children Act](#)

Court Upholds Immunity From Defamation Claims for ISPs and Internet Users

The California Supreme Court recently ruled that not only are ISPs immune from defamation claims for content posted on sites they host, but that the users who post such content are also protected, so long as they were not the authors. In [Barrett v. Rosenthal](#) the defendant posted an e-mail written by a third person that contained defamatory claims about the plaintiffs, on an Internet bulletin board. The court decided that immunity from liability for defamation conferred on ISPs by Section 230 of the Communications Decency Act, 47 U.S.C. 230, also extends to "users" of the ISPs' services. Since the defendants did not write the offending content or make the defamatory assertions, but merely posted the defamation on the Internet, they too are afforded immunity. The court concluded that Congress intended to grant immunity even to "those who intentionally republish defamatory statements on the Internet."

FCC Acts to Simplify Telecom Entry into Cable TV

On December 20, 2006 the FCC [issued an order](#) to limit to 90 days the period of time local jurisdictions can spend negotiating contracts with phone companies that want to provide television services. The FCC also decided to limit the scope of those licensing negotiations significantly. The phone industry has long complained that the video franchising process put them at a competitive disadvantage with cable companies, who could enter the voice market by providing VoIP services over their cable systems without having to go through a similar local franchising process. The FCC noted the propensity for local governments to use their franchising authority to require phone companies to make "in kind" contributions such as building community swimming pools before the video franchise would be awarded. In issuing the order, the FCC also took pleasure in once again noting how cable prices have continued to climb every year, while prices for all other forms of digital technology and communication have dropped steadily over

the same period. This newsletter expresses no opinion about the intellectual connection between community swimming pools and television services, but is in favor of swimming generally.

Coming in 2007

Re-introduction of laws mandating Internet neutrality – we will report.

This newsletter is available for viewing at any time on the CBA website. We are seeking contributions from CBA members for articles, news updates, practice tips, legal analyses and other comments. If you have something that you believe may be valuable or interesting to the section members, please call Brad Hamilton at (303) 573-1600 or send an e-mail message to bhamilton@joneskeller.com.