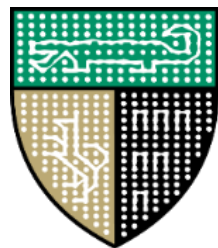


[Ispnews] ISP Newsletter: October 21 - Oct 27, 2024

From ISPNews <ispnews-bounces@mailman.yale.edu>  
on behalf of  
Arun, Chinmayi <chinmayi.arun@yale.edu>  
Date Mon 10/21/2024 9:00 AM  
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# Information Society Project Yale Law School

## Events This Week

Yale Information Society Project  
**Law & Technology Speaker Series**  
TAKING DOWN NON-CONSENSUAL CONTENT ON THE INTERNET  
**Sarita Schoenebeck**  
Professor in the School of Information, University of Michigan  
October 22, 2024 | SLB 128 | 12:10PM ET Tuesday  
Sponsored by Yale Journal of Law & Technology  
<https://law.yale.edu/isp>

Tuesday, October 22, 2024 - 12:10PM-1:30PM - SLB 128

## Taking down non-consensual content on the Internet

## Sarita Schoenebeck

### Professor in the School of Information at the University of Michigan

Non-consensual intimate media (NCIM) refers to intimate content that is shared online without the depicted person's consent. NCIM is a severe violation of a person's privacy and dignity. One of the few tools available to request takedown is the Digital Millennium Copyright Act (DMCA). However, the DMCA was designed to protect the rights of copyright holders rather than to protect NCIM victims. I will present our studies of the efficacy of takedown requests. In one study, we posted sexual images to Twitter and then requested their takedown, half via a copyright infringement claim and half via a non-consensual nudity violation claim. In a second study, we evaluated the speed and efficacy of takedown requests using data from the Lumen project. I will discuss results and make the case that the DMCA has been a vital tool for NCIM victims, but it is insufficient for non-commercial NCIM and for the emerging proliferation of deepfake sexual content. However, any new proposals must consider privacy, sexual harms, speech rights, platform accountability, enforcement challenges, and AI-generated content. I will also discuss the ethical considerations in conducting these studies.

[Sarita Schoenebeck](#) is a Professor in the School of Information at the University of Michigan. Her research examines computational, social, and policy approaches to creating safer and more equitable experiences online. She is the recipient of the NSF CAREER award and Best Paper and Honorable Mention awards. Her research has been covered in The New York Times, The Washington Post, NPR, and elsewhere. Sarita received her PhD in Human-Centered Computing from Georgia Tech. She has taught at Michigan and Yale Law Schools and is a Fellow at the Center for Democracy and Technology.

This event is cosponsored by the [Yale Journal of Law & Technology \(YJoLT\)](#).

[Click here to view the webinar.](#)



**CREATE. INNOVATE. EXPLORE.**

# Ideas Lunch

## Speech Infrastructure as a Consumer Commodity

### Mateusz Grochowski

Associate Professor of Law at the Tulane University School of Law

October 24, 2024 | 12:00PM ET | Thursday

**Thursday, October 24, 2024 - 12:00PM-1:30PM - Baker Hall 405**

# Speech Infrastructure as a Consumer Commodity

**Mateusz Grochowski**

**Associate Professor of Law at the Tulane University School of Law**

The relationship between social media platforms and their users is often viewed as a playground for freedom of speech and privacy while its economic dimension remains frequently overlooked. However, the market nature of platforms plays an indispensable role in understanding a comprehensive picture of power dynamics in the social media sector. Understanding the platforms' market nature also elucidates the processes that transform freedom of speech from a fundamental right into a market commodity.

Within this economic framework, social media platforms provide users with distinct types of 'speech infrastructure', including the digital architecture of communication channels, user interfaces, and the array of rules established by platforms to govern users' communities. By such infrastructure platform users can pursue various primarily non-economic needs involved in building social connections, sharing information, and gaining visibility for their creative endeavors. At the same time, users have a legitimate interest in obtaining a certain quality of services provided by the platforms. Viewed from this perspective, some of the perennial questions surrounding social media regulation—such as the boundaries of content moderation, shielding users from disinformation, and the permissible extent of personalization—can be reconsidered as inquiries about the quality of a specific type of consumer service.

Building on this premise, this paper first delves deeper into the nature of the platform-user (consumer) relationship within an economic context and dissects its intricacies. Specifically, the paper articulates a clearer understanding of the market exchange underlying social media platforms where consumers gain access to the platforms' speech infrastructure in return for their data and engagement (attention). Second, the paper reevaluates how consumer interest and harm have been conceptualized in prior existing scholarship and provides more than just a strictly economic interpretation to assert that, under certain circumstances, consumers may warrant legitimate protection of their non-economic desires and expectations. In the social media domain, this type of consumer involvement is particularly salient, as users engage with platforms largely to fulfill their non-economic aspirations. Third, by claiming that speech infrastructure can be regarded as a consumer commodity, this paper critically evaluates the traditional notions of consumer welfare and harm that underlie the existing U.S. consumer and antitrust policy. It advocates for a more comprehensive understanding of consumer welfare and harm, moving beyond the traditional economic framework towards a more heterogenous approach.

[Mateusz Grochowski](#) is an Associate Professor of Law at the Tulane University School of Law. Previously he was a Senior Research Fellow at the Max Planck Institute for Comparative and International Private Law, an Emile Noël Fellow at New York University School of Law, a Fellow at the

Edmond J. Safra Center for Ethics and at Blavatnik Interdisciplinary Cyber Research Center at the Buchmann Faculty of Law, Tel Aviv University and a Max Weber Fellow at the European University Institute in Florence.

His work focuses on private and consumer law in conjunction with digital technologies. He has been writing, amongst other topics, on the concept of vulnerability in the digital economy, algorithmic price personalization, and private regulation by online platforms. He is also interested in comparing EU and US policies and regulations in the digital market. In his spare time, he also explores the connections between classical music, jazz, and law.

He received scholarships and research grants from a number of institutions, including the Yale University (Fox International Fellowship), the European Commission and the German-Italian Center for European Dialogue (Villa Vigoni).

He is the Member of the Council of the Louisiana State Law Institute, as well as a member of the European Law Institute and of the Society of European Contract Law. He sits on the editorial board for the Rabel Journal of Comparative and International Private Law and the Journal of European Consumer and Market Law. Earlier he was an editor of the "Yale Journal on Regulation" and the "Yale Journal of Law & Technology".

For ISP fellows interested in joining the Ideas Lunch via Zoom, please email [anat.leshnick@yale.edu](mailto:anat.leshnick@yale.edu) for the updated link.

**ISP is Hiring!**

## **ISP Resident Fellowships 2025-26**

The ISP Resident Fellowship is designed for recent graduates of law or Ph.D. programs interested in an academic career and whose research is related to any of the ISP research areas. We specifically encourage applicants interested in working on projects related to the digital public sphere, including projects concerning freedom of speech, content moderation, privacy, antitrust, and algorithmic governance.

**Applications for ISP-funded Resident Fellowships must be received no later than December 18, 2024. ISP-funded Resident Fellowships normally begin on July 1 and last for one year.**

[Click here for more information on this fellowship opportunity.](#)

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## The Majority World Initiative is accepting applications for an MWI Fellow

The MWI Fellowship is an opportunity for a research scholar to build and engage with a community of majority world scholars, nurturing their ideas and finding ways to publish and amplify them. The ideal candidate will be familiar with social media governance scholarship and with the challenges majority world researchers face while thinking and writing about global online platforms. We encourage candidates from the majority world to apply.

**Applications for ISP-funded MWI Fellowships will be accepted and reviewed on a rolling basis. The deadline for applications is December 18, 2024.**

[Click here for more information on this fellowship opportunity.](#)

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## The Wikimedia Initiative on Intermediaries and Information is accepting applications for a WII Fellow

The WII Fellowship is an opportunity for a postdoctoral candidate to work to improve global access to information, to draft legal scholarship and engage in policy advocacy, and to participate in the intellectual life of the ISP. A J.D., Ph.D., or equivalent degree is required. The ideal candidate should have a strong interest in intermediary liability, platform governance, access to information, and online content issues; familiarity with relevant case law and legal systems; and excellent persuasive writing and interpersonal skills.

**Applications for ISP-funded WII Fellowships will be accepted and reviewed on a rolling basis. The deadline for applications is December 18, 2024.**

[Click here for more information on this fellowship opportunity.](#)

# Call For Abstracts!

## Workshop on Private Law & Emerging Technology

**Abstracts due: November 1, 2024**

We are excited to invite legal scholars to participate in the second virtual Workshop on Private Law and Emerging Technology. This workshop is a forum for in-depth engagement with works-in-progress at the intersection of private law, public policy, and emerging/disruptive technologies. Rather than focusing on specific policy proposals, we are interested in determining how our systems of private law and private ordering are affected by, provide solutions for, and influence technological change.

This remote Workshop is scheduled for **four consecutive Fridays in April 2025: Apr. 4, 11, 18, & 25 from 1:30 to 3:30PM (Eastern)**. Submit your abstract for consideration by **November 1<sup>st</sup>** at <https://privatelawtech.org>.

*The workshop is co-sponsored by the ISP, the Harvard Law School Project on the Foundations of Private Law, and the Yale Law School Center for Private Law.*

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## Call for Abstracts: Freedom of Expression Scholars Conference 2025

**Conference date: April 25 – 26, 2025**

**Abstracts due: January 24, 2025**

The Floyd Abrams Institute for Freedom of Expression invites applications to participate in the thirteenth annual Freedom of Expression Scholars Conference (FESC). The conference will be held at Yale Law School in New Haven, Connecticut on **April 25 & 26, 2025**. We ask all those interested in presenting a paper to submit an abstract by **January 24, 2025**. Those interested in serving as a discussant should also respond by this date.

At FESC, scholars and practitioners discuss works-in-progress on the freedoms of speech, expression, press, association, petition, and assembly, as well as on related issues of knowledge and information policy. FESC has become a fixture on the calendar of leading First Amendment thinkers and scholars nationwide. The paper titles and attendees from prior conferences are available here.

Each accepted paper is assigned to a discussant who will summarize the paper, provide feedback, and lead a discussion. Workshop sessions are lively discussions among authors, discussants, and participants. Sessions run from Friday morning through Saturday afternoon. There is a casual dinner Thursday evening before the conference begins and a conference dinner Friday evening. Conference participants are expected to read the papers in advance and to attend the entire conference.

We accept papers on a wide array of freedom of expression and information policy topics. Although participation at the conference is by invitation only, we welcome paper proposals from scholars and practitioners all over the world. Please feel free to share this call for submissions widely.

### Submission Details

- Titles and abstracts of papers should be submitted electronically to [cfp.isp@yale.edu](mailto:cfp.isp@yale.edu) no later than **January 24, 2025**. Abstracts should be no longer than one page, and should be submitted as a PDF file saved under the file name “[last name, first name] – [paper title].” Please use the subject line “FESC Paper Submission” in your email.
- Those interested in attending the conference or acting as a discussant should contact [Heather Branch](#) no later than **January 24, 2025** to indicate their interest. Please use the subject line “FESC Discussant” in your email.
- Authors will be informed whether their paper has been accepted no later than **March 3, 2025**.
- Workshop versions of accepted papers will be due on **April 7, 2025** so that they can be circulated to discussants and other conference participants.

*Please feel free to contact [Heather Branch](#) with any questions.*

## What We're Writing

**Claudia E. Haupt & Mason Marks**

- [FTC Regulation of AI-Generated Medical Disinformation](#)

**Jennifer Henrichsen**

- [National Security, Journalism, and Law in an Age of Information Warfare](#)

**Michael Kwet**

- [Digital Degrowth: Technology in the Age of Survival](#)

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*If you are a current Affiliated Fellow with the ISP and have an article, blog post, or op-ed you would like to promote, please send it to [Anat Leshnick](#) for inclusion in our next newsletter & to share on social media!*

[Share Your Articles, Blog Posts & Op-Ed's HERE!](#)



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The Information Society Project at Yale Law School is an intellectual center addressing the implications of the Internet and new information technologies for law and society, guided by the values of democracy, development, and civil liberties. For more information, visit <https://www.isp.yale.edu>.

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