SIIA FILES SUPREME COURT AMICUS BRIEF IN *GONZALES V GOOGLE*

On February 11, the Supreme Court will hear arguments in *Gonzales v Google*, as to whether Section 230(c)(1) of the Communications Decency Act immunizes interactive computer services when they make targeted recommendations of information provided by another information content provider, or only limits the liability of interactive computer services when they engage in traditional editorial functions (such as deciding whether to display or withdraw) with regard to such information. Section 230 prevents businesses from being liable for republishing content created or developed by third parties.

The Software & Information Industry Association (SIIA) today filed an amicus brief emphasizing how important Section 230 is to the business of information and the ability of all users to find relevant and usable information online. "This is the most significant SCOTUS term for the business of information in at least a decade," said Chris Mohr, SIIA's President. "The Court's decision will affect the way that businesses of all sizes make the internet usable and accessible to all users," he added.

Key points from SIIA's amicus brief:

- Section 230's text (and especially its definitions) reveal that Congress anticipated the explosion of information platforms would be faced with, and the need for a legal protection that would enable websites to sort, screen, organize, and display third-party information. It specifically included a series of activities that serve as the foundation for how modern platforms publish third party content.

  In particular, Section 230 expressly foresaw the need for "access software providers" to be able to "pick, analyze, and organize" an otherwise unnavigable sea of information. These actions all fall under the publishing functions that Congress sought to protect when platforms handle third-party content.

- There is no functional or statutory difference between a search and a recommendation. Both search and recommendations are different solutions to solving a well-known problem in information retrieval: filtering massive, unstructured data sets for information that might be relevant to users.

- Congress provided protections to Internet platforms to ensure that the market for information would be both innovative and competitive. Its experiment has proven to be huge success. If the petitioners win, only the largest firms will be able to absorb the risks of content moderation.