



Notice to User About Content Restriction

A Beta Release From the Manila Principles Toolkit

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Outline

Background

Our Template Notice



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How are Users Notified of Content Restriction?

	Copyright claims	Hate speech	Privacy claims
United States	Must notify	May notify	May notify
Canada	Must notify	May notify	May notify
Chile	Must notify	May notify	May notify
United Kingdom	Must notify	May notify	Must not notify
India	May notify	May notify	May notify

- There is no consistency about notification of users
- Some laws require notification of copyright removals
- Otherwise it's at the discretion of the platform or court
- European law may limit notification of RTBF removals



Practical Problems With Notices

- Further problems:
 - A notice may be required where legal process is followed (eg. DMCA complaint) but not in near-identical cases where content is removed under terms of service
 - Intermediaries may forward notices received from rightsholders that have incomplete or inaccurate information

Example: Canadian Notice and Notice Regime

Notices from rights holders to Canadians falsely claim the user may be liable to penalties that only apply in the U.S.



What the Manila Principles Says About Notices

Intermediaries who host content may be required by law to respond to content restriction requests pertaining to unlawful content by... forwarding lawful and compliant requests to the user content provider... [if] possible to do so...

When forwarding the request, the intermediary must provide a clear and accessible explanation of the user content provider's rights, including in all cases where the intermediary is compelled by law to restrict the content a description of any available counter-notice or appeal mechanisms.



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Our Template Notice



This form is to be used by Internet intermediaries (such as platforms and hosts) to construct a draft notice that can be sent to a user when a third party has requested that their content be restricted, whether or not any action has yet been taken in response to that request. The aim is to provide information that is more useful and complete for the user than if the third party request were merely forwarded as-is.

Who made the content restriction request?

When did you receive the content restriction request?

Month

Day

Year



What is or was the URL or location of the content the subject of the restriction request?



Objective

A handy notice-generator to provide consistent notices across most common use cases including:

- Different areas of law
 - Copyright
 - Defamation
 - Privacy
- Different legal regimes
 - Notice and notice
 - Notice and takedown
 - Court-ordered takedown
 - Terms of service infringement
- Different jurisdictions



Non-objectives

- We do *not* intend to:
 - Replace notices that larger intermediaries (eg. Google and Facebook) may already issue
 - Provide legal advice to anyone
 - Prevail over legal requirements about information that must (or must not) be sent
 - Generate a notice that is applicable and correct in 100% of cases
 - Generate a notice that would be sent out without human review



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 - No steps taken, notice is for user's information only



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- **User's rights and responsibilities**
 - Guides them towards a counter-notice, if available
 - Informs them of avenues of objection or appeal
 - Information about the user's possible liability



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- **Further information**
 - Points them towards sources of advice and support



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- **You can use it now, but consider it a beta release**
- *<https://www.manilaprinciples.org/template>*
- The web form generates text to copy and paste into an email
- **Please do check the text of the email before you send it**



Summary

- This work was prompted by the **lack of consistency in notification to users** of restriction of their content
- It complements the **Manila Principles on Intermediary Liability** which refer to the need for such notices
- It is meant to generate a **reasonably comprehensive draft notice in most use cases**

- Please
 - Spread the word
 - Let us know if you find it useful
 - If you don't, tell us how to improve it!