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Current Content Issues

Adult Content

- Section 2257
 - Proposed regulation expands recordkeeping requirements to “secondary producers”
 - Exception for “mere distribution,” hosting and providers of electronic communications services.

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Current Content Issues

Gambling

- WTO Decision
 - DOJ view that Wire Act applies to assisting gambling activities
 - Plaintiff claims that WTO decision is wide ranging
 - DOJ claims it applies only to pari-mutual betting

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Privacy

Federal Legislation

- 7 to 8 bills introduced each year
- Common elements
 - Choice
 - Sharing information
 - Security
 - Public v. private right of action

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Privacy

Getting ready now

- Privacy policy should reflect reality
- Privacy policy should be unique to your business
- Review contracts with vendors
- Include internal processes as well
- Follow Federal legislation

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Privacy

Subpoenas / Requests for Information

- Federal and state legislation expands information gathering laws
- Civil litigants view ISPs / Hosts as information repositories
- Two cases holding ISPs liable for erroneous disclosure of information
- Rackspace delivery of indymedia server gained international press

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Privacy

Subpoenas / Requests for Information

- Develop policy
 - Distinguish between criminal / civil requests
 - Incorporate policy into contract
 - Publish policy on website
 - Train employees to identify key elements
 - Meet with law enforcement officials
