

INTERMEDIARY LIABILITY

Grace Githaiga
IGF 2012

Introduction



- Internet intermediaries can be looked at as go-betweens, they act between two parties on the Internet enabling the transmission and sharing of information.
- They allow communication, and provide knowledge and content of all types, from email to entertainment.
- Do not make decisions on what content passes through them.

Internet intermediaries



- ISPs, data processing and web hosting providers, search engines, participative networking platforms, which include internet publishing and broadcasting platforms that do not themselves create or own the content being published or broadcast.
- From an African perspective, it is also important to consider mobile service providers as intermediaries since mobile telephony continues to set the stage for adoption of Internet access in Africa, even though they are regulated under telecom laws.

Their Role...

- Through their infrastructure and platforms provide access, host, transmit and index content originated by third parties, or provide internet based services to 3rd parties.
- Facilitate social communication and information exchange.
- Protect personal information in the online environment.
- Provide trust.
- They enable individuality and self expression and therefore offer potential improvements to the quality of societies in terms of fundamental values such as freedom and democracy ((OECD, 2010, 8).
- Internet intermediaries help in the transmission/dissemination process but do not initiate decisions to disseminate the content, products or services that transverse their networks or servers

Liability



- **Intermediary liability arises where governments or private litigants can hold ISPs liable for unlawful or harmful content created by users of those services.**