Enter the Fediverse:

Legal Issues for Decentralized Social Media

Hello!

Copyright and Emerging Technology Committee

End of Year Updates

2

IPLSPRING

2023 ABA-IPL Section Annual Conference - IPLSPRING

April 12, 2023 – April 14, 2023

Omni Shoreham Hotel Washington DC

Register Now

Already registered?

◇ Creator Economy Law
◇ Web3 and Interoperability
◇ and more!

1

What is the fediverse?

It's all connected!

A **decentralized** (federated) web publishing tech that:

- operates across **independently run servers** (instances) that
- maintain an underlying **interoperable framework**
- where users create "open" identities
- to allow the formation of **one global social network, blog, or website.**

What is Mastodon?

- A free, open-source decentralized social media platform
- Anyone can launch a server and operate an instance

Who "owns" Mastodon?

- No one... kinda.
- Code base is OSS (APGL v3)
- Code is IP owned by Eugen Rochko & other Mastodon contributors

Mastodon Links to Know:

- Mastodon Project Home: https://joinmastodon.org/
- OG Server run by Mastodon:

  https://mastodon.social/explore

- EFF's Mastodon 101 Guide – https://www.eff.org/deeplinks/2022/12/how-make-mastodon-account-and-join-fediverse

What is ActivityPub?

- An <u>open source protocol standard</u> developed by the World Wide Web Consortium (W3C)
- Allows servers running Mastodon, or other federated tech, to communicate and exchange data with other platforms (such as diaspora*, <u>Tumblr</u>) using an agreed-upon protocol

2

Legal Checklist

How to run a compliant platform

What's involved?

Domain Name

A traditional domain name from a domain name registrar.

Therefore, ICANN rules, processes, and procedures apply.

Hosting Provider

Typically a virtual private server, or VPS, can be used.

There are many companies now offering "one-click" type hosting solutions, similar to launching a WordPress or similar website.

Email Server

Mastodon requires an email server for sending communications to users.

Storage Server

Optional, but most instances will need a separate storage server for user files (think AWS)

Any additional elements?

Business Entity

It could be potentially helpful from an operational standpoint, and to mitigate personal liability and risk.

Registered Agent

Registering a <u>designated agent</u> with the U.S. Copyright Office to take full advantage of the DMCA safe harbor of copyright infringement claims start coming in.

User Policies and Guidelines

Can include a copyright policy (and repeat infringer policy), a trademark policy, a content moderation policy, and other basic operational concerns larger platforms manage.

Regulatory, Security & Privacy

Establishing a baseline (ideally comprehensive) set of standards for dealing with COPPA, child secual abuse material (CSAM), security, and privacy (GDPR, CPPA, etc.) will be important.

Additional Resources:

- [A guide to potential liability pitfalls for people running a Mastodon instance](#)
- [EFF overview of fediverse tech](#)
- [EFF examines privacy and security of Mastodon](#)
- [Guide for English Law](#)

Let's Discuss!

Any questions?