

July 14-15, 2021

International Academy of Commercial and  
Consumer Law – *Virtual meeting*

Fighting disinformation and misinformation in times  
of pandemic: social networks' policies, platform  
liability, and legal response

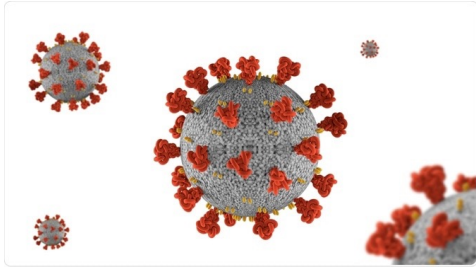
International Academy of Commercial and Consumer Law

**Teresa Rodríguez de las Heras Ballell**

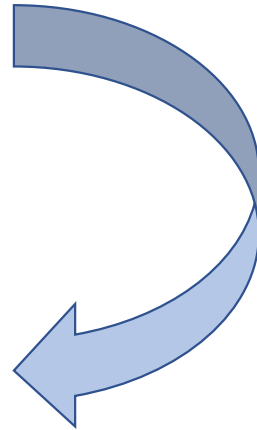
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# I.- Combating the Covid-19 Pandemic, Managing the Covid-19 Infodemic



Pandemic outbreaks



Infodemic

- 1). Reduce their **effectiveness** and endanger countries' ability to stop the pandemic
- 2). Lead to poor **observance** of public health measures and discourage compliance
- 3). **Mislead** users and distort decision-making
- 4). **Polarize** speech
- 5). Cause physical and mental **health** harm
- 6). Undermine **confidence**

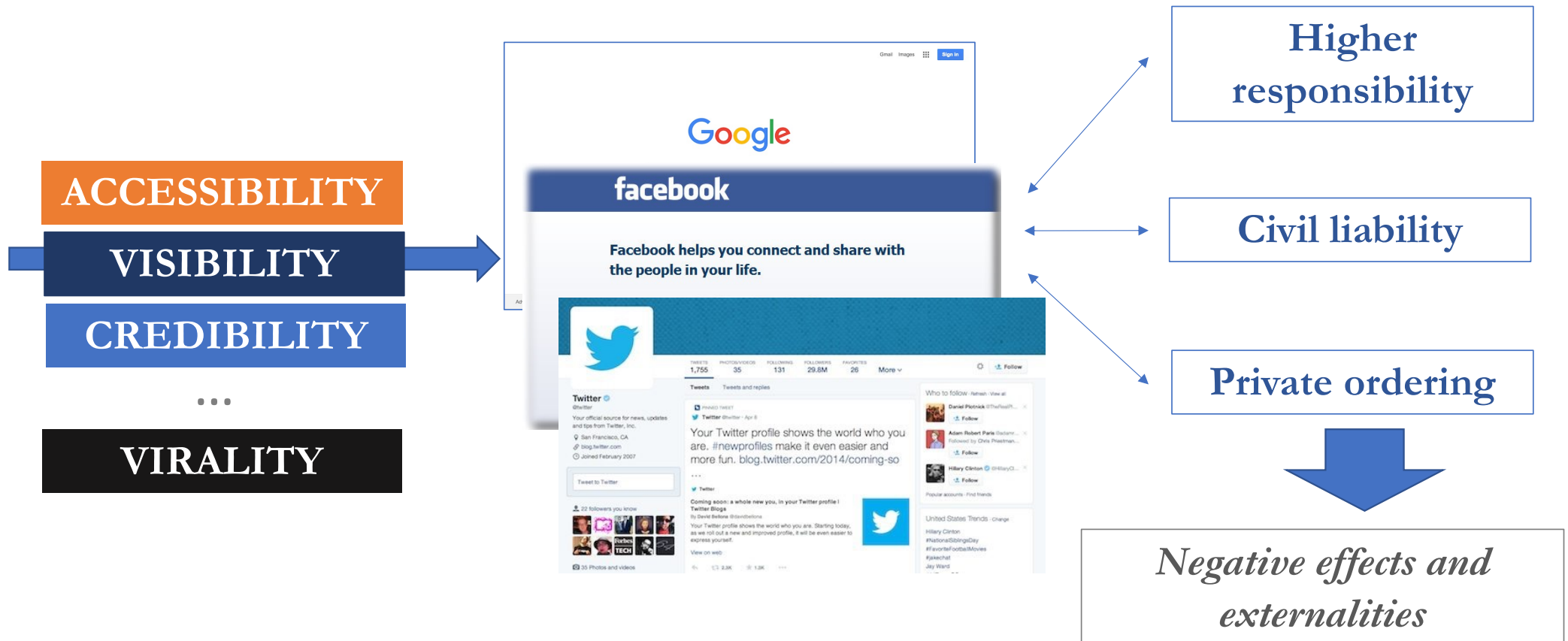
Joint statement by WHO, UN, UNICEF, UNDP, UNESCO, UNAIDS, ITU, UN Global Pulse, and IFRC

States

Stakeholders

Social Media

## II.- Legal strategies to counter infodemic: fighting dis-/mis-information The central role of social media and platforms



### III.- Conceptualizing Mis-/dis-information: the Biface Concept of 'Fake News'

Illegal content

False content

Harmful content

A. Factual factor:  
veracity

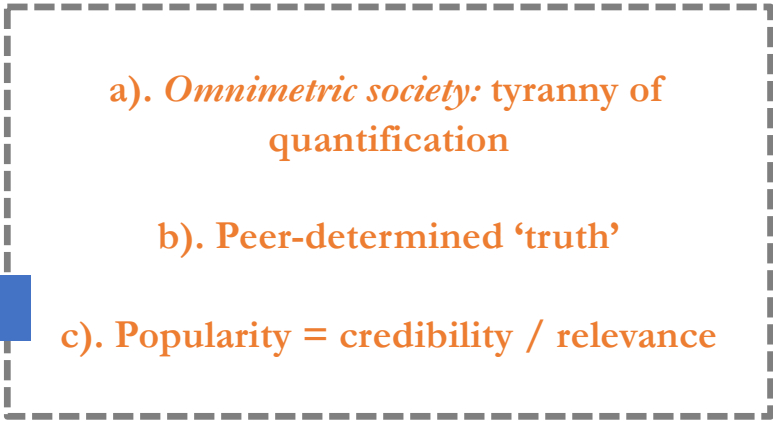
B. Social factor:  
credibility

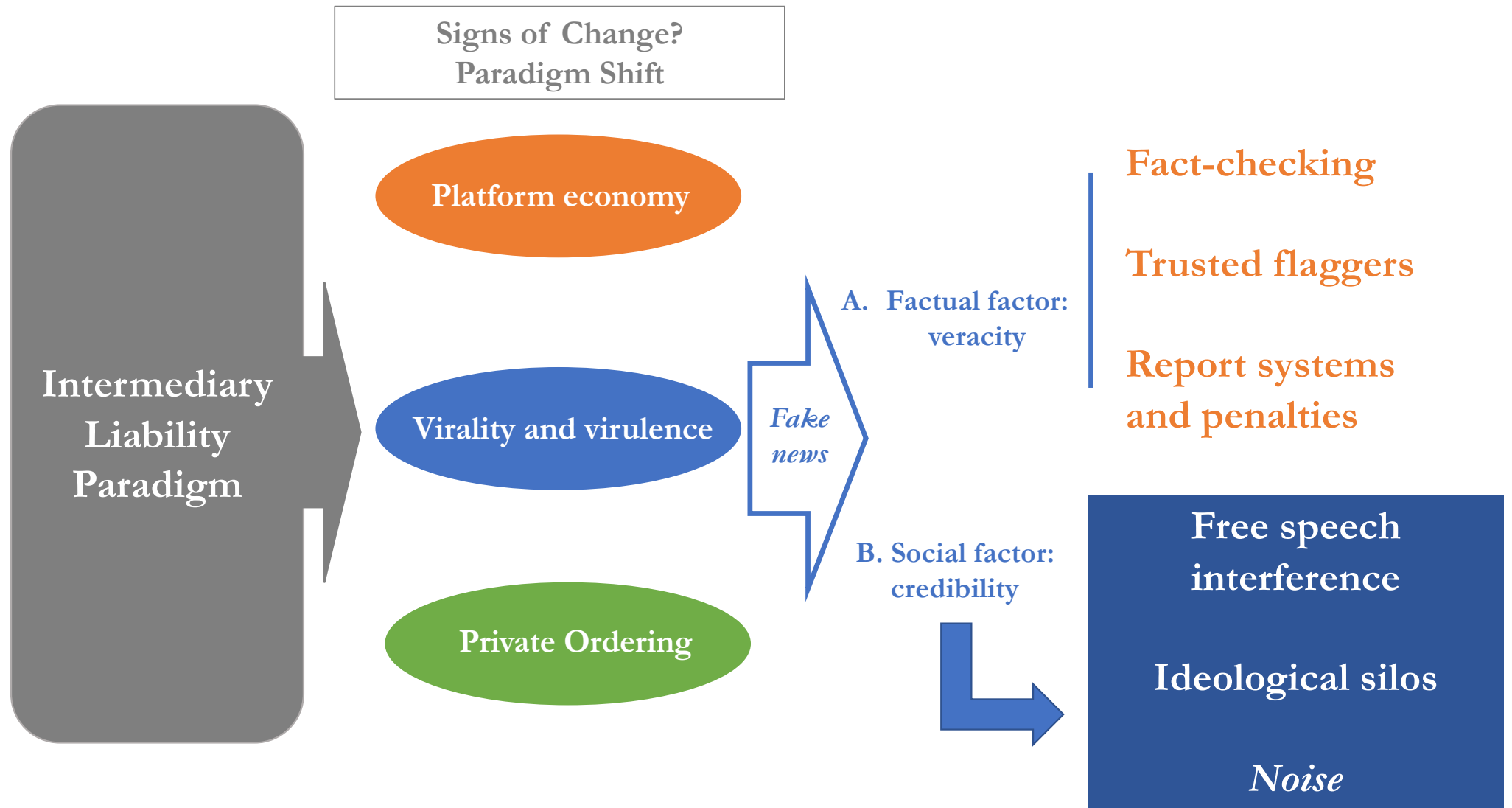
ACCESSIBILITY

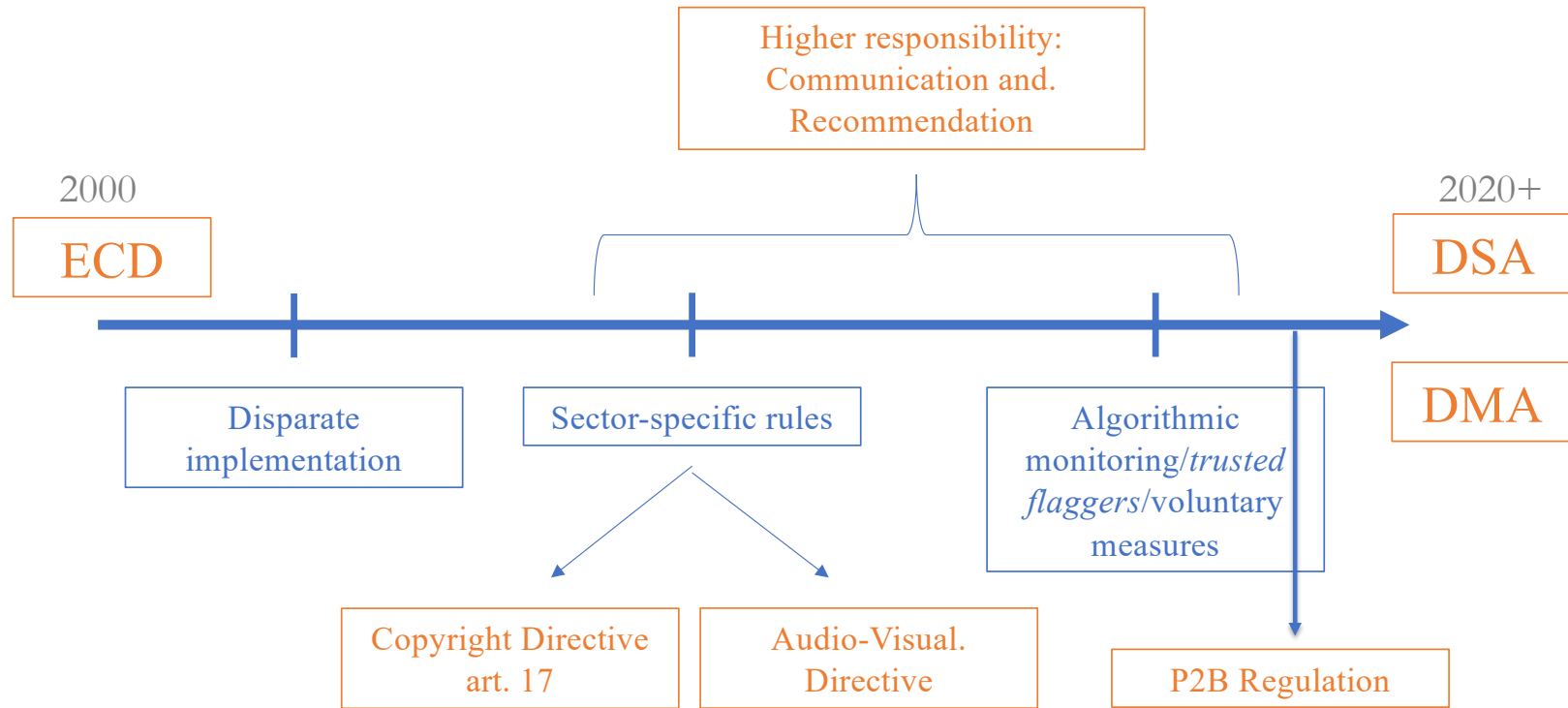
VISIBILITY

CREDIBILITY

VIRALITY







Liability model  
for countering  
mis-/dis-  
information

### 1). PRESERVATION OF LIABILITY EXEMPTION

*(safe harbour)*

*Alternative models are not clearly defined and their consequences are unpredictable or non-assessed yet*

### 2). BALANCE: trust, neutrality, freedoms and rights

*Promoting voluntary measures, algorithmic monitoring, and content moderation without compromising liability exemption*

### 3). DEFINITION Distinction is necessary: illegal, harmful, and false content

### 4). A CASE FOR COORDINATED GLOBAL RESPONSE AND INTERNATIONAL HARMONIZATION

*Diversity in policy and rules will encourage regulatory arbitrage and **platform shopping***

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