Press Release

Section 230 in the Era of Generative AI

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Since the rise of generative artificial intelligence (Gen AI), there has been uncertainty among courts, policymakers, and AI developers about whether Section 230 of the Communications Decency Act (CDA), which shields online platforms from liability for third-party content, extends to these technologies. In a new insight, Technology and Innovation Policy Analyst Angela Luna explains the challenges of balancing protections and accountability for online platforms.

Key points:

- *Generative artificial intelligence (Gen AI), which creates new content such as text and images from user prompts, raises questions about whether Section 230 of the CDA's liability protections for online platforms extend to these tools.*
- *Section 230 protects platforms from liability for the content users generate, but if the model itself "creates" that content, the law is unclear as to whether an AI developer or platform that offers generative AI tools can benefit from the protection.*
- *As the legal status of Section 230 immunity for generative AI outputs remains ambiguous, policymakers face the challenge of balancing protection for online platforms with accountability for harmful outputs.*

Read the analysis.