

# **Abstract**

Keywords: Digital Platform, Platform Accountability, Digital Intermediary Services Act

## **I. Origin of this Study**

As technological innovation drives the diversified development of communication and media industries, the Internet has become an indispensable medium in contemporary social life. However, the cross-border nature of the Internet has given rise to complex issues such as the handling of illegal content and disinformation, the regulation of the responsibility of digital platform service providers, and the protection of users' rights and interests, which have brought impacts on the social order.

In view of this, whether and how digital platforms should be managed has recently become an important issue around the world. Also, issues of how the regulation balance with the fundamental rights of constitutional law, such as freedom of speech and freedom of communication, and whether a mechanism of industry self-regulation and public-private collaboration should be introduced to involve multiple parties are necessary to discuss in depth.

As the EU's Digital Services Act and the UK's Online Safety Act have strengthened the regulation of platform accountability, the National Communications Commission (NCC) is also trying to seek a regulatory counterpart of Digital Intermediary Services Act. The study will attempt to provide the legislative recommendation by conducting the research of the actual regulatory measures and legislative amendments of the international regulation of online intermediary services to keep up with the times.

## **II. Research Methodology and Process**

Based on the commissioned projects, this study adopts literature analysis, case studies, and comparative analysis to examine the current status and development trends of the mode and application of online intermediary services, as well as their impact and possible risks on the communication industry and the whole society. We also collected and analyzed the regulatory trends of countries, including EU, UK, Germany, France, US, Australia, Korea. In addition, we held several consultation meetings to collect opinions from experts and scholars, and also from industry, academia, and research institutes, with the aim of proposing specific regulatory proposals in response to the international trend of digital convergence.

### **III. Preliminary Findings**

#### **(1) The need to control the risks of emerging technologies in the field of communications**

In the early days of the Internet, many countries adopted a safe harbor system to protect neutral Internet intermediaries from being held responsible as publishers or publishers of users' speech under certain conditions, thus encouraging the flourishing of the digital communication industry. However, in the modern digital environment, cross-border digital platforms with huge capital are backed by an endless supply of data. When platforms provide information and services through the assistance of algorithmic design and artificial intelligence, malicious manipulation, information security, personal surveillance, and the abuse of deep fake are also popped up. Users' rights have being violated in an imperceptible way. The illegal and harmful contents may even be spread rapidly through online intermediary services, creating social risks.

Accordingly, while granting exemptions to online intermediary services,

the international community has begun to call for the optimal position of online intermediary service providers to end infringing or illegal activities in online ecosystem. Therefore, this study suggests that the digital intermediary services providers should be seen as an important control point to restrict illegal or harmful contents on the Internet to enhance public trust in cyberspace.

## **(2) Current status of the rule of law in the world in response to online intermediary services**

As mentioned above, with the gradual popularization of online intermediary services, countries around the world have begun to pay attention to the various systemic risks generated in the contemporary era. In particular, as for curbing the dissemination of illegal content online, although the legislation of each country differs the definition of illegal content and the adoption of judicial reservation for information restriction orders, the corresponding regulation on platform responsibility can be observed.

In addition, there are also legislative attempts to promote the transparency of online intermediary service providers and to protect the rights of users and vulnerable groups. Through the Digital Services Act of the European Union, the Online Safety Bill of the United Kingdom, the Online Safety Act of Australia, and even the recent emerging legislative initiatives of the United States, we can see that strengthening platform accountability has been the recent legal trend in major countries around the world.

## **IV. Preliminary Recommendations**

The preliminary recommendation of this study is that our digital legal system should directly focus on the basic regulation of Internet affairs, including the regulatory subject and object, the regulatory objectives, the

constituent elements and effects of prohibition, such as penalties and handling procedures, etc., and serve as a bridge to other laws, and then construct a complementary legal regulation of the affairs of digital communication intermediary service providers, and promote public-private cooperation in order to improve In addition, it will promote public-private partnership to improve the environment for digital innovation and development, and respond to the current concept of platform accountability in the world.

The provisions in the draft Digital Intermediary Services Act should clarify the types of service providers and the safe harbor regulations, and take the European Union's Digital Services Act as reference, such as the cumulative obligations of digital intermediary services, transparency obligations, the establishment of user relief mechanism, trader traceability, the establishment of notice and action mechanism, risk control and evaluation, information recommendation system, etc. On the other hand, the Digital Intermediary Services Act must base its mechanism to deal with illegal contents on the rule of law, and design a system of information restriction orders and temporary flagging that protect the freedom of expression.