

Research, analysis and opinion on international media law

Australia approves social media ban for under-16s



The ban gives Australia the strictest rules of any democracy worldwide on children's use of social media apps

Australian lawmakers have approved the world's first law banning under-16s from social media. The landmark law was passed on 27 November and is among the world's strictest measures intended to protect young people from social media harm.

The bill passed the Senate by 34 votes to 19. Addressing reporters following the vote, Prime Minister Anthony Albanese said: "We want our kids to have a childhood and parents to know we have their backs."

The ban will not take effect for at least 12 months, giving social media platforms a period during which they must establish a

way to implement the age limit. Platforms could be fined up to AUD50 million (GBP25.7 million) if they do not comply.

The ban is expected to address the effect of excessive social media use on children's physical and mental health, a concern many parents have echoed.

The bill's approval comes after a series of Australian teenagers died by suicide over what their families said was online bullying.

Rob Nicholls, Senior Research Associate at the Department of Media and Communication, University of Sydney, explained: "The basis for this is that there →

Elon Musk's X sues California to block AI law on deepfakes

Social media platform X, owned by Elon Musk, has sued California in a landmark lawsuit challenging the state's AI law, claiming that it violates First Amendment free speech protections.

The California law requires addresses deceptive, AI-generated election content and requires platforms to remove or label 'materially deceptive' election deepfakes during specific periods before and after voting. The law is intended to protect against harmful videos, images and audio that have been altered or created with AI.

The lawsuit, filed by X in federal court in November, alleges that the new law would result in censorship, prompting social media platforms to label or remove legitimate election content out of caution.

The lawsuit states: 'This system will inevitably result in the censorship of wide swaths of valuable political speech and commentary.'

In a statement, the Office of California Governor Gavin Newsom explained: 'Deepfakes threaten the integrity of our elections, and these new laws protect our democracy while preserving free speech — in a manner no more stringent than those in other states, including deep-red Alabama and Mississippi.'

Although Mr Musk has declared himself a "free speech absolutist", X Corp. has been criticised, along with other social media platforms, for not doing enough to enforce its own rules on restricting the reach of potentially offensive posts. ■

What's inside

- 1-2 MEDIA MARKET NEWS COVERAGE
- 3-5 FEATURED FIRM:
GALICIA LAW FIRM, MEXICO

Contact

Zineb Serroukh-Ouarda
Managing Editor
zserroukh@medialawinternational.com
+44 7446 525 299

Contributors

Galicia

M L I



UK to modernise media merger laws for digital age

The UK's Culture Secretary, Lisa Nandy, has announced plans to update the country's media merger laws for the digital age.

The new rules, announced on 06 November, are intended to reflect modern news consumption habits and better protect media freedom and plurality.

According to the Department for Culture, Media & Sport (DCMS), the proposed changes will also allow for greater scrutiny of deals to purchase UK online news publications that could adversely affect accurate reporting, freedom of expression and media plurality.

The DCMS commented that 'proposed amendments ... balance the need to protect the public interest in a digital age with our responsibility to support a competitive and sustainable media environment.'

The government also intends to broaden merger control rules beyond television, radio and print newspapers to include online news sites and news magazines.

Commenting on the new law, Ms Nandy said: "Since the media mergers regime came into force more than twenty years ago, our laws haven't kept pace with technology and evolving news consumption habits."

She added: "As people increasingly get their news online, we need a regime that is future-proof."

The DCMS stated in a press release that the new measures will ensure public interest can be safeguarded across popular sources of news content for people across the UK, and do not involve any regulation of the editorial content of a news outlet. ■

Australia approves social media ban for under-16s

is a feeling amongst the majority of Australians that social media does more harm than good."

The ban has not escaped heavy scrutiny, however, despite best intentions.

Parents and scholars have raised concerns about potential consequences of the ban, stating that social media can be a crucial source of support for young people, particularly those who feel marginalised.

Christopher Stone, Executive Director at Suicide Prevention Australia said: "Social media provides vital connections for many young Australians, allowing them to access mental health resources, peer support networks, and a sense of community."

Mr Stone added: "Complex issues like this require careful consultation and consideration, not shortcuts. We urge the government to slow down and engage with

continued from page 1

stakeholders to ensure we get this right for young people."

Decisions about which platforms will be banned are yet to be made by Australia's Communications Minister, who will be guided by the eSafety Commissioner, the country's internet regulator that will enforce rules.

Minister Michelle Rowland has said, however, that the ban will include Snapchat, TikTok, Facebook, Instagram and X.

French firm Ipsos in acquisition talks with Kantar Media

French market research firm Ipsos has confirmed talks with London-based Kantar Media over a potential acquisition.

According to market speculation, any deal involving Kantar would be worth more than EUR1 billion.

Ipsos provides consumer market research services and has become a household name globally, with a market value of around EUR1.9 billion.

In a press release published on 02 December, Ipsos stated: 'Following information published in the press, Ipsos, one of the world's leading market research companies, confirms that discussions are currently underway regarding a potential acquisition of Kantar Media, in line with the company's strategy to regularly evaluate investment opportunities that may strengthen its market position.'

The statement continued: 'There can be no certainty that any offer will be made, nor as to the terms on which any such offer might be made.'

Shares in Ipsos, listed and headquartered in Paris, decreased by more than 2% in trading on 02 December, reaching its lowest price point in more than a year.

Kantar Media carries out analyses of media across multiple channels and manages the UK's TV audience measurement system, providing ratings data. Its largest shareholders are Bain Capital, a US private equity firm, and WPP, an advertising firm, with respective shares of 60% and 40%. ■

Legal Implications of Technological Advance for Mexican Law

Media and digital rights among priority areas of legal change

Shutterstock/2164090919



Mexico focusses on five key areas of law amid global tech challenges and opportunities

The rapid development of technology, such as the emergence of generative AI tools, blockchain for media distribution, and cybersecurity advancements, has created new opportunities and challenges in media law across the globe. In Mexico, the landscape is marked by distinct efforts in key areas:

1. Intermediary Liability: Mexico has started to align its intermediary liability framework with international standards like the EU's DSA and DMA or the U.S.'s Section 230. However, clear rules on platform accountability and user protections are still evolving. Recently, the Supreme Court ruled on a critical case on Google, clarifying intermediary liability safe harbors.

2. Artificial Intelligence: While there are initiatives to regulate AI usage, including ethical frameworks and discussions on

algorithm transparency, much remains to be clarified. Existing laws, such as the Federal Industrial Property Law and Federal Copyright Law, offer some guidance on AI-generated outputs and inputs, but critical issues like ownership of AI-generated works and the legality of data used for training AI models remain in a gray area.

Significantly, liability for AI unlawful content is unclear. A recent criminal case related to AI sexual deepfake ended in an acquittal ruling claiming there was no evidence input generated output, who was the author, nor who was liable.

3. Cybersecurity: Legislative efforts are underway to enhance Mexico's cybersecurity framework, addressing growing threats in an increasingly digital economy. These include initiatives to mandate stronger digital

infrastructure protections and incident reporting requirements, mainly on strategic areas, sectors and infrastructure.

4. Virtual Assets: The use of virtual assets remains restricted for financial institutions under Mexican law, but individuals and businesses are increasingly leveraging blockchain technology for innovative solutions. Remittance services and money transfer systems using virtual assets are prime examples of how these technologies are being adapted despite regulatory limitations.

5. E-commerce: Mexico is currently discussing a new set of e-commerce rules, taking in consideration decades of evolution.

Since Mexico is a prime market for e-commerce platforms, due to its strategic geographical position and closeness to the US, Latam, Asia and European markets, the large population, and the affinity with online sales, regulators and industry alike welcome the discussion of a fresh set of new rules.

While legislative processes have been slow, Mexico's existing legal framework provides a foundation to adapt to these evolving business models.

It is anticipated that clearer regulations for emerging technologies will soon bridge current gaps, enabling Mexico to address both innovation and legal certainty effectively.

1. Digital Platforms and Media Regulation

Building on the broader challenges of adapting Mexico's legal framework to emerging technologies, digital platforms have become a critical focus. Historically, Mexican law has centered on traditional media outlets, such as television and radio.

However, the rise of digital platforms, including social media and streaming services, underscores the need for a comprehensive reevaluation of regulatory frameworks.

The Federal Telecommunications and Broadcasting Law (Ley Federal de Telecomunicaciones y Radiodifusión) plays a critical role, and while safe harbor provisions

Legal Implications of Technological Advance for Mexican Law

under the USMCA and notice-and-takedown mechanisms under the Federal Copyright Law are already in place, further efforts are required. These efforts aim to clarify and establish a more integrated regulatory approach for digital platforms operating as intermediaries.

The goal is to implement a flexible framework that accommodates dynamic business models without stifling industry growth. Efforts in this area resonate with international initiatives. For example, models like the European Union's Digital Services Act highlight potential pathways for Mexican policymakers to ensure transparency, promote fair competition, and safeguard freedom of speech. These global standards provide a benchmark as Mexico works toward a regulatory framework that balances innovation with accountability.

2. Cybersecurity and Legislative Proposals

In recent years, Mexico has recognized the critical importance of addressing cybersecurity challenges, prompting various legislative initiatives aimed at strengthening digital security and resilience, both in the public and private sectors.

These efforts commonly propose the creation of specialized agencies to oversee national cybersecurity strategies, establish federal and state-level incident registers, and enforce mandatory reporting of cybersecurity breaches.

A shared goal among these proposals is to encourage collaboration between public and private sectors, ensuring a coordinated response to growing cyber threats. They also emphasize the importance of international cooperation to align with global standards and foster knowledge sharing. Despite these initiatives, achieving a cohesive and practical regulatory framework remains a work in progress.

2. Data Privacy and Protection

Mexico's Data Protection regulations reflect principles similar to global standards like the GDPR. However, these regulations do not address advancements in artificial intelligence (AI) and big

data analytics, which present novel privacy challenges. Regulators must ensure that companies comply with data protection laws, particularly in media contexts where personal data is often used for targeted advertising and content customization.

Strengthening enforcement mechanisms through regular audits, increased penalties for non-compliance, and fostering cross-sector collaboration could enhance adherence and accountability.

3. Digital Intellectual Property

The digitalization of content has revolutionized intellectual property (IP) rights, particularly in Mexico, where the widespread availability of streaming platforms and digital marketplaces has heightened issues like copyright infringement and unauthorized content distribution.

For instance, the surge in online piracy of Mexican films and TV series demonstrates the challenges of enforcing IP rights in the digital age. The rise of digital piracy, unauthorized content sharing, and the difficulty of enforcing IP laws online require a modernized approach.

Mexico's adherence to international treaties such as the USMCA, reinforces the need to adapt domestic IP frameworks to protect creators while fostering innovation, and the anti piracy enforcement has been one of the core values of this new administration, the recently appointed Mexican Patent and Trademark Office Director (Santiago Nieto) has publicly mentioned this as a main target.

4. Freedom of Expression and Content Moderation

With the ever-increasing popularity of social media, as well as new jobs surging alongside that (such as influencers), every day, content moderation becomes more and more of a challenge.

More specifically the balancing of freedom of expression with the constant combat of disinformation and harmful content online and the possible responsibility of the intermediary platform.

Mexico: A Focus on Media and Digital Rights

Fortunately, throughout the years, Mexico has been pushing to implement progressive regulation to limit this responsibility, such as discussion on amendments to the Federal Telecommunications and Broadcasting Law, Chapter 19 (relating to e-commerce) of the USMCA, as well as various judicial rulings limiting the liability of these intermediary platforms.

5. Virtual Assets Regulation

The regulation of virtual assets in Mexico is governed by the Law to Regulate Financial Technology Institutions, which introduced a specific chapter addressing these assets.

This legal framework restricts the use of virtual assets by financial institutions, such as electronic payment institutions and credit institutions, to internal operations, segregating risks from customer resources. However, blockchain technology itself remains unregulated and unrestricted, allowing for diverse applications across sectors.

In practice, blockchain has been used innovatively in trust structures (fideicomisos) to ensure transparency and efficiency in managing assets and agreements.

For virtual assets, the Bank of Mexico has clarified that while financial institutions face specific limitations, the general public and commercial entities are free to engage in transactions using virtual assets, provided the associated risks are disclosed. This dual environment—regulated virtual assets within institutions and unrestricted blockchain use—creates opportunities for broader adoption and innovation.

Areas of opportunity include developing cohesive regulations to expand institutional applications of virtual assets and fostering consumer protection measures. Additionally, promoting education and infrastructure around blockchain technology could unlock further potential for dynamic business models in Mexico.

Conclusion

The rapid evolution of technology in Mexico's legal landscape presents both challenges and opportunities. Key areas like intermediary liability, artificial intelligence, cybersecurity, and virtual assets regulation highlight the need for progressive frameworks that balance innovation with accountability. As Mexico aligns with global standards and adapts its laws to the digital age, comprehensive efforts in data protection, intellectual property, content moderation, and blockchain applications will be essential.

By fostering collaboration, transparency, and legal certainty, Mexico can pave the way for a robust, forward-thinking regulatory environment that embraces technological advancements while safeguarding fundamental rights.



Article by
Xavier Careaga
Galicia Law Firm
Mexico

Galicia

T. +52 (55) 5540 9280
@ xcareaga@galicia.com.mx

Galicia

MEDIA LAW
INTERNATIONAL ®
2024

Specialist Guide to the
Global Leaders in Media Law Practice

In 60 Jurisdictions Worldwide



ELEVENTH EDITION

ORDER NOW

To order a copy e-mail
orders@medialawinternational.com