

## **ARTICLE 1. PURPOSE**

The purpose of this law is to regulate the liabilities of Internet Service Providers in order to guarantee freedom of expression and the right to information, preserving individuals' rights to honor, privacy and image, and any other right which may be affected.

## **ARTICLE 2. SCOPE**

This law applies to Internet Service Providers rendering services in the Argentine Republic.

## **ARTICLE 3. DEFINITIONS**

For the purposes of this law, the terms defined hereinafter shall have the following meanings:

1. Internet Service Providers: Natural persons or legal entities that provide third parties with services, applications or technological resources in order to leverage the networks composing the Internet and the contents, services and applications available thereto.

The following are considered Internet Service Providers, among others:

1.1 Access, Interconnection, Content Transmission and/or Content Routing Providers: Providers operating their own or a third-party network, or providing services for access or interconnection to their network or third-party networks, as well as the transmission and/or routing of contents created or provided by third-parties and the operation and resolution of IP addresses and domain names.

1.2 Automatic Storage Services or Temporal Memory (Cache) Providers: Providers that store in their systems the contents provided or requested by third parties automatically and temporarily with the sole purpose of making the subsequent transmission of such contents to other service recipients more effective.

1.3 Content Hosting and Publication Services Providers: Providers that, on its own or by means of third parties, store contents at the request of third parties or provide technological platforms that allow for the publication and/or storage of third-party contents for their subsequent access or transmission through the networks.

1.4 E-commerce Services Providers: Providers that, by means of different technological resources, provide, act as intermediaries of or operate an environment or platform in which third parties can carry out commercial activities and transactions.

1.5 Content Search and Linking Services Providers: Providers that provide indexation, routing, linking and search services for content created by third parties and available on the Internet by means of different technological resources.

2. Content: Any digitalized information available through the Internet.

## **ARTICLE 4. LIABILITY**

Internet Service Providers shall not be liable for content created by third parties, except when, having been duly notified of a court order to remove or block content issued in accordance with the provisions of Article 6 herein, they do not comply with such order in the corresponding term.

## **ARTICLE 5. NO DUTY TO CONTROL**

Internet Service Providers shall in no case have the obligation to monitor or oversee contents created by third parties generically in order to identify alleged current infringements to the law or prevent future infringements.

## **ARTICLE 6. LEGAL PROTECTION**

All persons may bring an action to guarantee constitutional rights (*acción de amparo*) before a federal judge with competent jurisdiction in their territory in order to request the removal, blocking, suspension and/or disabling of access to the specific contents to which Internet Service Providers provide access or that they interconnect, transmit and/or route, store, host, intervene, link and/or search that damage legally recognized rights. For such purpose, claimant shall identify the link in which the content in question is hosted or the procedures to access such content.

In such cases, the judge may order the precautionary measures required in accordance with applicable procedural provisions.

## **ARTICLE 7. SELF-REGULATION**

Nothing in the Articles herein shall be interpreted as a restriction to Internet Service Providers' ability to freely agree on self-regulatory systems that:

- a. Provide alternative mechanisms for the notification, removal, blocking, suspension and/or disabling of access to any content in breach of their Terms of Use, provided that the users have been informed of any such mechanisms.
- b. Enable the suspension or cancellation of the services provided in the event of breach of the Terms of Use, provided that any conditions to that end have been properly reported to users.

For the purposes of this law, Internet Service Providers may create an e-mail account, an electronic form or an equivalent method to implement (a) and (b).

The self-regulatory system shall in no case be considered as implying effective knowledge in the terms of Article 5 and shall not replace the provisions therein.

**ARTICLE 8.** This Act shall be notified to the Executive Branch.