



DEFINITIONS —TAKE IT DOWN ARTICLE

The following definitions govern the amendments to the Communications Act.

- **Consent:** The term ‘consent’ means an affirmative, conscious, and voluntary authorization made by an individual free from force, fraud, duress, misrepresentation, or coercion.
- **Digital Forgery:** The term ‘digital forgery’ means any intimate visual depiction of an identifiable individual created through the use of software, machine learning, artificial intelligence, or any other computer-generated or technological means, including by adapting, modifying, manipulating, or altering an authentic visual depiction, that, when viewed as a whole by a reasonable person, is indistinguishable from an authentic visual depiction of the individual.
- **Identifiable Individual:** The term ‘identifiable individual’ means an individual— “(i) who appears in whole or in part in an intimate visual depiction; and “(ii) whose face, likeness, or other distinguishing characteristic (including a unique birthmark or other recognizable feature) is displayed in connection with such intimate visual depiction.
- **Interactive Computer Service:** The term ‘interactive computer service’ has the meaning given the term in section 230 (any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.).
- **Intimate Visual Depiction:** The term ‘intimate visual depiction’ has the meaning given such term in section 1309 of the Consolidated Appropriations Act, 2022 (15 U.S.C. 6851) (The term "intimate visual depiction" means a visual depiction, as that term is defined in [section 2256\(5\) of title 18](#), that depicts- (i) the uncovered genitals, pubic area, anus, or post-pubescent female nipple of an identifiable individual; or
(ii) the display or transfer of bodily sexual fluids- (I) on to any part of the body of an identifiable individual; (II) from the body of an identifiable individual; or (III) an identifiable individual engaging in sexually explicit conduct and (B) includes any visual depictions described in subparagraph (A) produced while the identifiable individual was in a public place only if the individual did not- (i) voluntarily display the content depicted; or (ii) consent to the sexual conduct depicted.
- **Minor:** The term ‘minor’ means any individual under the age of 18 years.
- **Commission:** The term “Commission” means the Federal Trade Commission.
- **Covered Platform:** The term “covered platform” means a website, online service, online application, or mobile application— (i) that serves the public; and (ii)(I) that primarily provides a forum for user generated content, including messages, videos, images, games, and audio files; or (II) for which it is in the regular course of trade or business of the website, online service, online application, or mobile application to publish, curate, host, or make available content of nonconsensual intimate visual depictions.
 - **Exclusions:** The term “covered platform” shall not include the following: (i) A provider of broadband internet access service (as described in section 8.1(b) of title 47, Code of Federal Regulations, or successor regulation). (ii) Electronic mail. (iii) Except as provided in subparagraph (A)(ii)(II), an online service, application, or website— (I) that consists primarily of content that is not user generated but is preselected by the provider of such online service, application, or website; and (II) for which any chat, comment, or interactive functionality is incidental to, directly related to, or dependent on the provision of the content described in subclause (I).