



Good Samaritan Amendment General Language

(xx) Subject to section (xxx), no provider of computer software or of an interactive computer service may be held civilly liable, under this Act or any other provision of law, for actions taken to enable a customer of its products or services to prevent an act or practice that it reasonably believes violates Section 103 [or the appropriate “bad acts” section] of this Act.

(xxx) A provider of computer software or of an interactive computer service is entitled to protection under section (xx) only if it:

1. intends to identify accurately, prevent the installation or execution of, remove, or disable computer programs which are installed or operated in a manner that violates Section 103 [or the appropriate “bad acts” section] of this Act on a computer of a customer of such provider or enables a user to do so;
2. notifies the authorized user of the computer and obtains consent before undertaking such action or providing such service;
3. has established and adheres to internal practices and procedures which are reasonably designed to determine whether a computer program has or will install or operate in a manner that violates Section 103 [or the appropriate “bad acts” section] of this Act; and
4. has established and adheres to a reasonable process for managing disputes and inquiries regarding misclassification or false positive identifications of computer programs.

(xxxx) The failure of a provider to qualify for the protection provided in subsection (xx) shall have no bearing upon the consideration of any other defense by the provider that its conduct does not violate applicable law.