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To ban or not to ban: TikTok

For the past two months, we have been hearing the banning of TikTok, a social media app that allow users to share their films, photographs, art, and news.¹ On August 6, 2020, Mr. Donald J. Trump, current president of the United States issued an executive order on addressing the threat posed by TikTok. In this document, the app automatically “captures vast information from its users, including Internet and other network activity information such as location data and browsing and searching histories. This data collection threatens to allow the Chinese Communist Party access to American’s personal and proprietary information – potentially allowing China to track the locations of Federal employees and contractors, build dossiers of personal information for blackmail, and conduct corporate espionage.”²

The majority of TikTok users are 18 to 24.³ There are approximately 100 million TikTok users⁴ living in the US, and approximately 331 million people living in the United States. This means that there are many people using TikTok living in the United States about a ratio: 1:3.31. TikTok is an impactful platform for many artists especially for new animators using it to showcase their animation. Animators claimed that the banning of TikTok “makes them one of many communities at risk of being torn apart if President Trump’s TikTok ban ever goes through.”⁵

¹ <https://gadgets.ndtv.com/apps/news/tiktok-ban-trump-likely-exceeded-law-with-attempted-move-judge-says-2302593>

² <https://www.whitehouse.gov/presidential-actions/executive-order-addressing-threat-posed-tiktok/>

³ <https://www.bloomberg.com/news/articles/2020-09-30/tiktok-users-in-uk-germany-france-italy-norway-ages-screentime-open-rates>

⁴ <https://seekingalpha.com/article/4377159-tiktok-walmarts-7-5b-ticket-to-unshackle-from-google>

⁵ <https://www.theverge.com/21436768/tiktok-cartoons-animators-creators-king-science-tootymcnooty-maddi-winter-alex-rabbit>

TikTok can work out a sale or an alliance to appease US concerns. Microsoft was in talks to purchase TikTok in the US so that it would be US owned and not operate under ByteDance, parent company of TikTok based in Beijing, China. The proposal stated that the new structure would build on the experience TikTok users currently love, while adding world-class security, and digital safety protections. The operating model of the service would be built to ensure transparency to users as well as appropriate security oversight by governments.⁶ Walmart wants to buy TikTok to leapfrog ahead of Amazon and be the first to conquer social commerce in America.⁴ In addition, Oracle is in talks to buy TikTok, but it must focus on national security. Any deal will fully satisfy all of our national issues,” US Treasury Secretary Steven Mnuchin said.⁷

September 28, 2020, Judge Carl Nichols wrote in a decision unsealed Monday morning that the law President Trump cited while issuing an executive order banning TikTok does not allow certain personal communications or the exporting or importing of informational material to be prohibited — and the ban would prevent people from sending messages and information through the app.⁸ He also said the US government likely overstepped its authority by invoking the International Emergency Economic Powers Act, or IEEPA, and violated the First Amendment that protects the freedom of speech.

⁶ <https://blogs.microsoft.com/blog/2020/08/02/microsoft-to-continue-discussions-on-potential-tiktok-purchase-in-the-united-states/>

⁷ <https://www.scmp.com/news/china/article/3103752/tiktok-will-be-shut-down-if-oracle-deal-does-not-meet-us-security>

⁸ <https://www.washingtonpost.com/technology/2020/09/28/tiktok-injunction-court-decision/>