

TikTok ban once again blocked by judge, this time thanks to three influencers

TikTok got another reprieve from the Trump administration's attempted ban today, as a federal judge in Pennsylvania blocked the government from moving ahead with restrictions that would have effectively shut down the app next month.

The judge granted a preliminary injunction against a series of bans by the US Commerce Department that were set to go into effect on November 12th. The bans seemingly would have made the app unusable by restricting web hosting, content delivery, and more.

TikTok is suing the Trump administration and Commerce Department to block its app from being banned, but this ruling actually came from another lawsuit: three TikTok creators who were concerned that the ban would prevent them from earning a living. The judge sided with their argument that TikTok videos constitute "informational materials," which are protected under the relevant law.

The Commerce Department likely overstepped its authority, the judge found

"The short videos created and exchanged on TikTok are expressive and informative, and are analogous to the 'films,' 'artworks,' 'photographs,' and 'news wire feeds' expressly protected under" the International Emergency Economic Powers Act, the judge wrote.

It's not the first time this order has been blocked in court. Another portion of the Commerce Department's restrictions, set

to block downloads on September 27th, was halted as part of a separate lawsuit.

“We are pleased that the judge has halted this ban, which exceeds the President’s authority under the International Emergency Economic Powers Act, namely portions of the Act that reflect our nation’s deep commitment to free speech,” Ambika Kumar Doran, lead attorney for the influencers who brought the lawsuit, said in a statement emailed to *The Verge*.

“We are deeply moved by the outpouring of support from our community, who have worked to protect their rights to expression, to their careers, and to support small businesses, particularly during the pandemic,” a TikTok spokesperson said in a statement. “We support our creative community in continuing to share their voices, both through the platform and the legal options available to them, and we are committed to continuing to provide a home for them to do so.”

This reprieve suggests that TikTok is in the clear for the moment since the impending ban is now on hold. That doesn’t necessarily stop the Trump administration from coming back with another tack, but whether the administration pushes ahead with a different attempt at a ban – which have all been backed up by vague national security concerns – may depend on how Tuesday’s election goes and if they have reason to keep stoking a fight with a company in China.

<https://www.theverge.com/2020/10/30/21542641/tiktok-ban-commerce-department-blocked-november-12-influencers>