US judge blocks shutdown of TikTok scheduled for November 12

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On October 30, a Pennsylvania district judge blocked the Trump administration from implementing restrictions that would have shut down the Chinese video sharing app TikTok in the US as of November 12 unless it is sold to an American company.

Judge Wendy Beetlestone of the US District Court for the Eastern District of Pennsylvania ruled in favor of a lawsuit filed by the TikTok users Douglas Marland, Cosette Rinab and Alec Chambers who said the scheduled ban would cause them to “lose the ability to engage with their millions of followers on TikTok, and the related brand sponsorships.”

The three TikTok users each have more than 1 million followers on the short-form video sharing social media platform. They argued that they would lose access to “professional opportunities afforded by TikTok” if the White House ban were to take effect on Thursday and the judge agreed that they would face “significant and unrecoverable economic loss caused by the shutdown of the TikTok platform.”

In August, the White House issued an emergency executive order stating that Beijing-based ByteDance’s ownership of TikTok—as well as the ownership of WeChat by Tencent Holdings—was a threat to national security threat and the company must divest itself of the platform or be shut down.

The White House campaign—which has bipartisan backing in both houses of Congress—to force the TikTok divestiture has been aimed at whipping up anti-Chinese sentiments. It is based on the completely unproven assertions that the firm has been sharing the personal data of 100 million US users of the platform with Chinese state intelligence.

An initial deadline for TikTok to be sold by September 27 was set by the US Commerce Department after which the app would no longer be available for download on Apple and Android devices. This measure was also blocked in court by a Washington D.C. federal judge, who ruled in favor of TikTok itself. Judge Carl Nichols said that President Trump’s executive order was an unconstitutional violation of First (free speech) and Fifth (due process) Amendment rights.

The measures scheduled to be taken against TikTok on November 12 would have completely shut down the platform. They included the halting of the following transactions: (1) any provision of “any internet hosting service” enabling the functioning of the mobile TikTok application; (2) any provision of “any content delivery network service” enabling the functioning of the mobile TikTok application; (3) any provision of “directly contracted or arranged internet transit or peering services” enabling the functioning of the mobile TikTok application; and (4) any utilization of the TikTok mobile application within “the land and maritime borders of the United States.”

Judge Beetlestone noted in her ruling that TikTok user Rinab has 2.3 million followers and creates videos for fashion brands and other companies and earns between $5,000 and $10,000 per video from sponsoring companies. TikTok user Chambers has 1.8 million followers and has earned $12,000 making videos for Extra gum brands. User Marland makes comedy videos and posts about his life, and partners with record labels to promote music and has 2.7 million followers.

“For so many people, me included, their entire job and livelihood is TikTok and to have that taken away based on random speculation really does not make sense,” Marland told the *Washington Post* .

Hilary McQuaide, a TikTok spokeswoman, said the company was “deeply moved” by the support from creators. “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," McQuaide said.

TikTok has 700 to 800 million monthly active users worldwide and it is published in 39 languages. It is one of the most popular and fastest growing social media apps in the history of similar technology. A major feature of the software and a key to its popularity is the proprietary recommendation engine that is able to learn quickly what kind of videos each individual user is attracted to and then serve them up such that the amount of time spent on the platform is extended.

In addition to the ramping up of anti-Chinese propaganda, another aim of the Trump administration has been to pry a lucrative social media property—ByteDance has recently been valued at $180 billion—from the hands of its Chinese owners and give it to his supporters from among the American business elite.

There was an initial frenzy of secret corporate meetings following the Trump administration's emergency executive order, first involving Microsoft and then Oracle and Walmart. Microsoft's offer was ultimately rejected and then a deal was announced on September 19 involving a "technology partnership" with Oracle and Walmart which left a majority ownership of TikTok in the hands of the current ByteDance executives.

President Trump was also attempting to force any acquisition deal to funnel a $5 billion "contribution" into what the White House called an "education fund" for American young people, the details of which have never been published or talked about since. When ByteDance executives were asked about Trump's education plan the day after he made the idea public, they told reporters that it was the first time they had heard anything about it.

Going back to the end of 2019 and the beginning of 2020, the Democrats in Congress have pushed for a ban of the use of TikTok among US military and law enforcement personnel. On July 20, the House of Representatives voted 336 to 71 to bar federal employees from downloading TikTok as part of the $741 billion defense spending bill. On August 6, the TikTok ban was adopted unanimously by the US Senate.

It was this bipartisan support for the anti-Chinese xenophobia that was picked up on by the White House at the end of the summer and into the fall as part of the effort to boost the Trump reelection campaign.

On this question, it is clear that Democratic Party President-elect Joe Biden will continue to pursue the same or more aggressive anti-Chinese stance. In a review of tech policy of the presumptive incoming president on Monday, National Public Radio (NPR) said, "the scrutiny of the popular video-sharing app reflects a growing wariness in Washington about China's involvement in the tech industry—a sentiment shared by members of both political parties."

NPR quoted Darrell West, a senior fellow at the Brookings Institution, who said, "The era of permissionless innovation is over. There's going to be more public engagement, more public oversight and public regulation of the technology sector." West went on to say, "Biden will take a tough stance on China and Biden will actually have a strategy. Trump had neither a process nor a strategy."