

Sent Via Electronic Mail

January 28, 2026

Dear Under Secretary Helberg and Ambassador Switzer:

I am writing to alert you of a pending major decision by Mexico's Supreme Court that will significantly affect U.S. digital service suppliers, including their ability to protect free expression, and that could put Mexico in breach of its obligations under the United States-Mexico-Canada Agreement (USMCA). Given the imminent possibility of a court ruling against a U.S. company in this case, we request that you engage with the Government of Mexico to underscore both the trade and free speech implications of such a ruling.

Mexico's highest court agreed to hear the appeal of a long-running case, *Ulrich Richter Morales and Claudia Ramírez Tavera vs. Google Inc. and Google México*, which had resulted in a fine of more than 5 billion pesos (approximately US \$280 million) against Google in June of 2022 for its failure to remove allegedly defamatory content from Blogger, an eponymous service it offers¹. Google appealed that ruling and a final decision on the case is expected as early as mid-February.

A ruling against Google in this instance will set a concerning precedent in Mexico that internet intermediaries may be held legally liable for content created or developed by third parties – undermining a core tenet of the internet, which cannot function as an economically viable place for business or a forum for free expression if intermediaries can be found broadly liable for third-party content. In addition to the economic burden and privacy implications of monitoring and filtering vast quantities of content, the legality of which intermediaries cannot be reasonably expected to determine, establishing such liability inevitably results in the adoption of restrictive content moderation policies and automated tools enforcing them, curbing legitimate speech in an effort to limit liability.

This is why the United States, in the first Trump administration, negotiated a provision in the USMCA (Article 19.17 - Interactive Computer Services)² that prevents governments from adopting such policies—enshrining a trade-rule analogy to longstanding U.S. law. Should Mexico’s Supreme Court uphold this judgment against Google, not only would a U.S. company face an extraordinary penalty but it is also likely that Mexico would be in breach of this obligation.

¹ <https://blog.google/intl/es-419/noticias-de-la-empresa/la-libertad-de-expresion-en riesgo-nuestra-perspectiva-sobre-el-caso-richter-en-mexico/>

² <https://ustr.gov/sites/default/files/files/agreements/FTA/USMCA/Text/19-Digital-Trade.pdf#page=9>

Although we recognize that Mexico's court process will proceed independently, we believe the United States government should consider engaging with its counterparts in the Mexican government as soon as possible to underscore the trade implications of a ruling against a U.S. firm, and the precedent this will set on restricting legitimate speech across the Americas.

We are available to provide any more detail on this matter you may need, or answer any questions.

Sincerely,



Matt Schruers
President and CEO
Computer & Communications Industry Association (CCIA)

cc: The Honorable Jennifer Thornton
United States Trade Representative General Counsel

cc: The Honorable Ronald D. Johnson
U.S. Ambassador to Mexico