

August 20, 2020

The Honorable Mike Lee
Chairman, Subcommittee on
Antitrust, Competition Policy and Consumer Rights
United States Senate
361A Russell Senate Office Building
Washington, DC 20510

Dear Senator Lee:

Squarespace, Inc. writes in response to your letter dated July 30, 2020. Squarespace is a content management system (CMS) platform, an all-in-one solution for consumers and businesses to easily create professional-grade websites to showcase their brands, market to their customers, and run their online stores, among other things. We operate in a highly competitive market segment in which customers have a wide variety of choices. Our share of the market has been estimated by third parties to be less than 3% among CMS platforms.¹ Given that your letter suggests that some of the other recipients may exercise monopoly power, we want to be clear that Squarespace has neither monopoly power nor market power. We are also not in the same market as the other recipients of your letter.

Moreover, we do not provide a free service, we are not an advertising platform, we do not provide advertising on the websites we host, and we do not promote or feed content to users. Rather, we operate a paid service for publishing websites and sell subscriptions to our customers.

We understand your inclusion of Squarespace in the letter to be based on the removal of the website americasfrontlinedoctors.com which was hosted on our platform.² In that case, we received multiple complaints about the website and a video accessible through the website. In reviewing those complaints, we found that the video claimed that there was a cure for COVID-19. The FDA has said that such content could lead to serious and life-threatening harm.³ In addition, Dr. Fauci, Director of

¹ W3Techs, Market share trends for content management systems (2020), https://w3techs.com/technologies/history_overview/content_management (last accessed August 3, 2020). In this context, market share is defined as the percentage of all websites on the internet that are known to use a particular CMS.

² The website in question appears to have been quickly reposted at americasfrontlinedoctorsummit.com, showing the availability of consumer choice and competition in our market.

³ “Coronavirus Update: FDA and FTC Warn Seven Companies Selling Fraudulent Products that Claim to Treat or Prevent COVID-19” (<https://www.fda.gov/news-events/press-announcements/coronavirus-update-fda-and-ftc-warn-seven-companies-selling-fraudulent-products-claim-treat-or>, last visited August 18, 2020) (The FDA “is particularly concerned that products that claim to cure, treat or prevent serious diseases like COVID-19 may cause consumers to delay or stop appropriate medical treatment, leading to serious and life-threatening harm. . . . There are currently no vaccines or drugs approved to treat or prevent COVID-19. . . . Products that claim to

the National Institute of Allergy and Infectious Diseases at the National Institute of Health, subsequently stated that the statements in the video were untrue and misleading.⁴ We believed the statements in the video were purported facts, not opinions or political statements, and the FDA had indicated that they were a public danger. We accordingly took down the website under our Terms of Service and Acceptable Use Policy, to which all of our customers expressly consent when signing up for an account. Section 3.1 of the Acceptable Use Policy states that users must not “do anything that’s false, fraudulent, inaccurate or deceiving” or “engage in misleading or unethical marketing or advertising.” Our action here was not unique; it was consistent with how we handled other sites brought to our attention as posing public harms for reasons such as claiming there’s a cure for COVID-19 or failing to fulfill orders for purported COVID-19 safety equipment.

We believe that our Terms of Service and Acceptable Use Policy appropriately disclose when and how we may remove content for violations of the customer obligations therein, and we endeavor to be consistent and limited in any such removals.

Many of the other questions posed in your letter do not relate to us because we do not have market power, we do not have a comments section, and we do not engage in content removal coordination with other online platforms or competitors. These questions also do not appear to be tailored to paid CMS platforms like Squarespace.

We hope this response addresses the relevant questions you had for us. Thank you for your inquiry.

Sincerely,



Anthony Casalena

cure, mitigate, treat, diagnose or prevent disease, but are not proven safe and effective for those purposes, defraud consumers of money and can place consumers at risk for serious harm. Using these products may lead to delays in getting proper diagnosis and treatment of COVID-19 and other potentially serious diseases and conditions.”).

⁴ “Fauci Disputes Viral Video: ‘Hydroxychloroquine Is Not Effective’ | Andrea Mitchell | MSNBC,” (<https://youtu.be/o4fwoNvNHbY>, July 29, 2020; last visited August 17, 2020). (Dr. Fauci states that “All of those trials show consistently that hydroxychloroquine is not effective in the treatment of coronavirus disease or COVID-19. ... Right now, today, the cumulative scientific data that has been put together and done over a number of different studies has shown no efficacy. So, when there is a video out there for a bunch of people spouting something that isn’t true, the only recourse that you have is to be very, very clear in presenting the scientific data that essentially contradicts that.”).