

Advertising + Marketing

TikTok is Banned! Or Is It? Confusion Reigns as Supreme Court Rules

The Bottom Line

- On January 17, 2025, the U.S. Supreme Court announced its decision in *TikTok v. Garland* - with the "ban" taking effect on January 19.
- While the full implications of this order are still uncertain, there are many questions about immediate next steps for marketers and those using the platform for content creation and advertising.
- Stay tuned for a more in-depth analysis of what this means for your campaigns and how to navigate the shifting landscape.

Today, the U.S. Supreme Court announced its decision in [TikTok v. Garland](#), upholding the *Protecting Americans from Foreign Adversary Controlled Applications Act*, which requires ByteDance Ltd. to divest its interest in TikTok Inc. or face a ban in the United States. It works like this: the law makes it "unlawful for an entity to distribute, maintain, or update (or enable the distribution, maintenance, or updating of) a foreign adversary controlled application." Each of the U.S. companies that support TikTok, including Apple and Google app stores and Oracle hosting services, could be subject to fines of \$5,000 for each of the U.S. TikTok users that access TikTok using their services - over 100 million users.

With a swirl of debate among outgoing and incoming administrations, Congress, and others, many remain confused as to what it means and whether TikTok will really go away. Marketers and media companies who invest millions creating content for and advertising on the platform are caught in the middle of this uncertainty.

Questions Answered

As we digest the full implications of the Supreme Court decision and monitor TikTok's and the U.S. government's next steps, here are some initial questions on the minds of marketers and other users of the platform.

As long as I can access TikTok, can I still post?

Yes, the law is aimed at the entities providing the infrastructure that allows TikTok to exist in the United States (such as app stores and hosting services), **not users**. This is true for both individual users and commercial users.

I keep hearing about executive orders to stop the ban. How would that work?

An executive order would not override the law without an act of Congress, but there are suggestions that an executive order might be issued directing the Department of Justice not to **enforce** the law.

What happens if the administration doesn't enforce the ban?

This would likely result in litigation, since the law directs the Attorney General to investigate and enforce it, and there are many who still want the ban to take effect. That litigation, though, would not be aimed at users. Also, large service providers may be hesitant to support the platform given the potential exposure to substantial fines.

Is there a chance TikTok could be sold?

Not by January 19th.

Can I switch to another social media platform?

Yes, but look before you leap. Many of the upstart platforms that users are moving to, such as RedNote and Lemon8, also have direct or indirect Chinese ownership. They could be designated as Foreign Adversary Controlled Applications under the law and would be subject to a similar ban if not sold within 270 days.

Should I cancel media buys on TikTok?

Marketers will need to evaluate their business objectives and legal rights individually, but many marketers are pausing spending on TikTok or reallocating inventory to other platforms until there is more certainty regarding TikTok's long term status.

Should I adjust behavioral marketing tools?

Marketers should take stock of where they may be utilizing tools such as TikTok-issued pixels and beacons so they can be removed quickly, if necessary.

Does this impact my activity on TikTok outside the U.S.?

No. The law only impacts TikTok's U.S. operations. Each market should be evaluated independently. Of note, India has had a similar ban in place against TikTok since 2020.

Follow Along for More Updates

The TikTok ban conversation is far from over, and while it's unclear how the ban might be enforced, businesses should be prepared to adapt their strategies. Stay tuned for a more in-depth analysis of what this means for your campaigns and how to navigate the shifting landscape.

For More Information

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