Can you knock down the knockdowns? Policing false, disparaging, or just plain bad product and service reviews

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Summary

- A brief history of notable online reputation management efforts
- Some litigation strategies
- Non-litigation options

Notable brand protection efforts

Stratton Oakmont, Inc. v. Prodigy Services, Inc.*, 1995* WL 323710 (N.Y. Sup. Ct. 1995): Trading company and founder sued Prodigy for anonymous post on "Money Talk" bulletin board accusing them of securities fraud. Prodigy held to be "publisher" because it curated some content.

Blumenthal v. Drudge and America Online, Inc., 992 F. Supp. 44 (D.D.C. 1998): Former Clinton aide sued AOL for hosting Drudge Report. AOL held not to be "publisher" because it did not edit content, although it paid for it.

Upshot: Section 230, Communications Decency Act (1998): "No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider."





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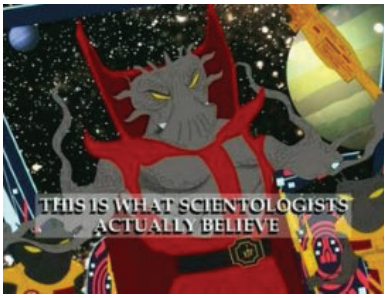
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Religious Technology Center v. Netcom*,* 907 F. Supp. 1361 (N.D. Cal. 1995): Church of Scientology sues former member and critic for copyright infringement and trade secret misappropriation for posting religious texts, including Xenu story, on Usenet bulletin board, transmitted by Netcom. Netcom not liable for direct/contributory/vicarious infringement.

Religious Technology Center v. Netcom (Erlich), 923 F. Supp. 1231 (N.D. Cal. 1995): Scientology obtains preliminary injunction against former member and critic, preventing unauthorized posting of copyrighted works.

Upshot: Digital Millennium Copyright Act (1998) notice-and-takedown procedure





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Streisand v. Adelman, No. SC077257, Cal. Sup. Ct. (2003): Streisand sued for invasion of privacy based on publication of California Coastal Records Project, which included distant helicopter photo of her Malibu coast home. Dismissed under California anti-SLAPP statute and ordered to pay $155,000 in fees.

Upshot: 420,000 visits within a month and an established internet term, "the Streisand Effect." https://en.wikipedia.org/wiki/Streisand_effect



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Online reputational environment

- Commerce sites – Amazon, eBay, craigslist
- Review sites – Google, Yahoo!
- Specialized sites – BBB, RipoffReport
- Employment sites – Indeed, Glassdoor

6

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