

# Professional Studies for Screen-Based Media

## Media Law – Exercise 1

### The Situation

An Internet company have designed a website featuring a bulletin board. Somebody posts a libelous comment about a local celebrity on the bulletin board, which provokes a huge response from members of the public, who then begin to post messages in response. The local celebrity finds out about the comments and demands that the company remove them from the website, but they refuse saying that you are not responsible for the bulletin board since it is open to members of the public. The celebrity then declares that they will take this as a libel case to the courts.

### The Exercise

Split the group into two halves – one each side of the room behind desks forming the Defence and the Prosecution. The Prosecution represents the celebrity, and the Defence represents the Internet company.

Using the guidelines below, set up a discussion between each side to find answers to the following questions:

- Would the Internet company be prosecuted if this case went to court?
- If the Internet company were prosecuted, what would they be asked to do?
- What would be the Internet company's defence?
- Who do you think would win the case?

### Areas to consider for the Prosecution (the celebrity)

- If the statements were defamatory they would damage the celebrity's reputation and the Internet company are responsible because it is their site
- The E-commerce directive can be found at the European On-Line website at [http://europa.eu.int/eur-lex/en/lif/dat/2000/en\\_300L0031.html](http://europa.eu.int/eur-lex/en/lif/dat/2000/en_300L0031.html)
- Under Article 14 of the E-commerce directive the Internet company will have to remove 'unlawful material', ie. defamatory statements, from their websites.
- If the celebrity asked the Internet company to remove the postings, they should do this according to the above, but if they refuse what would happen?
- The Internet company cannot claim 'innocent dissemination' because the celebrity told them about the statements – a necessary element of the defence (so they were aware of them)

## Areas to consider for the defence (the Internet company)

- The Internet company claim that they were not responsible for material posted by its users
- The Internet company's defence could be 'innocent dissemination' under Section 1 of the Defamation Act 1996
- The E-commerce directive can be found at the European On-Line website at [http://europa.eu.int/eur-lex/en/lif/dat/2000/en\\_300L0031.html](http://europa.eu.int/eur-lex/en/lif/dat/2000/en_300L0031.html)
- The E-commerce directive means that under Article 12, Internet service providers will not be liable for information transmitted on their sites as long as they don't initiate the transmission, select who receives it or change the information within it.
- Under Article 15 of the E-commerce Directive, the Internet company won't have to monitor content and information that they store or transmit.