

On Line Reputation Team



Transparency

The Internet is an excellent forum for individuals and companies in the promotion and development of their personal, professional and business reputations. The recent explosion in Social Networking has allowed sites such as Facebook to replace postal mail and probably email as the main modern methods of staying in touch with extended groups of people. Text messages sent from mobile devices are extensively used. Most mobile devices can also send and record pictures or video clips with consummate ease.

However, the internet can be an equally effective tool in destroying reputations. An internet search will return all results, good or bad. The darker side of internet use includes using it to make personal attacks on individuals or their businesses. This can vary from bullying, to harassment and threats, or the posting of derogatory and defamatory comments designed to undermine an individual or business.

Once information is posted on the internet, it can be extremely difficult to remove it. The internet does not question the truth of information that is put in the public domain. It has no regard for personal feelings. It does not discriminate between statements unwisely made in haste, and those that have been the subject of mature reflection. Such concepts are largely left to individual conscience and sense of responsibility.

Recently, a number of authors have criticised court systems globally as irrelevant and ill-suited to dealing with internet-based reputation attacks. Our experience suggests that the courts often do have relevant powers, but judges may need to be persuaded to use existing tools in an innovative way... **bto's** On Line Reputation Team has extensive experience of representing clients in the 'on line' world and obtaining appropriate protective orders.

What we do

- Copycat Websites
- Court Orders
- Defamation & Reputational Issues
- Employment
- IP Infringement & Protection
- Parents
- Professionals
- Removing Data
- Tracking Unwanted Activity



Experience includes

- **bto** has an enviable range of experience in dealing with internet and social networking issues:
- Advising a professional who was the victim of an internet campaign spread across some twenty blog sites, Facebook and elsewhere. A husband and wife team had constructed pages of abuse directed at our client including allegations of sexual professional misconduct and misuse of patient medical records. **bto** obtained interdict orders against the defending parties and shut down the blog sites. **bto** also obtained Protection from Harassment Orders, believed to be the first time a court has granted these in Scotland solely on the basis of abuse on the internet.
- **bto** has advised several Housing Associations in relation to postings on Facebook and Bebo. Some of these were by current employees, others by former employees. **bto** successfully obtained the removal of the offending material.
- **bto** acted for a coachbuilder company that repaired a luxury car. The car owner was dissatisfied and posted adverse comment on an 'owners club' forum website. Three years later, a Google search against the coachbuilder was still showing the same adverse comment as the top-ranking page 1 Google 'hit'. This required the involvement of Google's legal department and tracking down the webmaster to Germany.
- **bto** acted for a company, one of whose staff members, the Chairman's PA, had been harassed by another staff member, he having become infatuated with her. When rebuffed, the male staff member, an IT worker, created a website which consisted of images of the lady's head superimposed on other, obscene, images. An interim and then a permanent interdict was obtained in the Court of Session against the person concerned and the website was shut down. When the individual repeated his offending, a breach of interdict case was commenced, however, this was not followed through once satisfactory undertakings were obtained from the offender's solicitors.
- **bto** obtained a court order against a household name ISP, forcing them to disclose the identity of the person thought to be responsible for posting defamatory fake "reviews" about a Scottish business, on two American review websites. This was a very serious matter for the Scottish business. Defamation proceedings were then threatened and in the face of this threat the other party agreed to mediation which was successful in resolving the dispute. This case is especially pertinent in the light of the rising prominence and influence of travel review websites such as Tripadvisor. It can be time consuming to monitor and respond to adverse comment.

Key contact

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“Highly rated...a recommended
Solicitor Advocate.” (The Legal 500)