

TRAINING & DEVELOPMENT PROGRAMME

Knowledge Network

Webinar Series

Digital Content – A New Frontier in Risk Management

Wednesday, 4 November | 8.30 am to 9.30 am



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Digital Content – A New Frontier in Risk Management

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Karyn Harty, Partner, and Lesley Caplin, Senior Associate



Online Defamation

chrome

SAMSUNG

Online Defamation

- Defamation and your industry
- Is online defamation any different to traditional defamation?
- What is “publication” online?
- Ireland as a jurisdiction of choice
 - *Gilchrist v Sunday Newspapers Ltd* ([2017] IECA 190, [2017] 2 I.R. 701)
 - *eDate Advertising GmbH v X; Martinez v MGN Ltd*, Joined Cases C-509/09 and C-161/10
- Who is the appropriate defendant?

Defences

- Defences under the Defamation Act 2009
- Innocent publication under section 27 of the Defamation Act 2009
- European Communities (Directive 2000/31/EEC) Regulations 2003
 - Regulation 18 and hosting
 - *Mulvaney v The Sporting Exchange Ltd t/a Betfair* [2011] 1 IR 85
 - *Muwema -v- Facebook Ireland Ltd* [2016] IEHC 519

Hate Speech



Hate Speech

- Article 40.6.1(i) of the Constitution
- Article 10 of the European Convention on Human Rights
- Section 2 of the Prohibition of Incitement to Hatred Act 1989
- Prosecutions
- The road to reform

Fake News



Fake News

- Definition
- Harm caused
- Tackling the issue
 - Journalists, individuals, platform providers and the State
 - EU Commission's Action Plan against Disinformation
 - International Grand Committee on Disinformation and 'Fake News' - Cigionline.org
- Section 230 of the US Communications Decency Act, 1996
- Deepfakes

Questions?



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