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The Law of Online Defamation in United Kingdom and United States: Contrasting Thought Process of Respect for Reputation versus Freedom of Expression

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Contrasting Thought Process of Respect for Reputation versus Freedom of Expression

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Abstract

Today, the Internet is the preferred medium for humans to express their emotions for fellow human beings. The display of feelings like anger, anguish, happiness, pleasure and so on largely takes place through Internet which is provided by Internet Service Providers (ISPs). Many a time, the display of feeling crosses the fine line of mere feeling to that of slander attracting provisions of civil and the criminal law. In such cases the liability of ISPs also arise in courts of law. While there are laws in almost all countries to deal with the offence of defamation in the physical world, such law in cyberspace is wanting in most of the countries. In this paper the contrasting approaches to the law of defamation like UK and USA have been examined. While United States defamation law reflects a society preferring freedom of speech, United Kingdom law demonstrates Britons' more respect for reputation than freedom of speech. These two approaches could be the starting point of drafting an appropriate defamation law in countries lacking defamation law.

Keywords: Law of Defamation, ISPs, Internet Law, Private International Law, Law of Cyberspace, Online Defamation

Introduction

Internet has emerged as a preferred medium of expression of free speech. 'World internet users' have increased by 826%, from 16 million in 1995 to 3,270 million in the last 15 years, making about 46% of the world population.[1] Internet users access internet through 'Internet Service Provider' (ISP) who provides infrastructure allowing users to access internet and user generated content. Online publication like traditional publication media is also liable for defamation. This articles discusses the law of defamation which gives immunity from defamation-liability to the ISPs in the USA and UK statutory and case laws, including applicable EU Law, on ISP's liability for online defamation.

Tracing the US approach to handle defamation, which is mainly based on the pillar of fundamental right to freedom of expression, it goes on to demonstrate how the section 230 of Communications decency Act has grown into a 'judicial oak' allowing the freedom of expression to jeopardise individual reputation. The article further discusses how the evolution of common law, supported by special laws of online defamation in UK has maintained a fine balance between the freedom of expression and the individual reputation. A case is made out to explore the possibility of transposition of UK law of online defamation to other common law countries.

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[1]Miniwatts Marketing Group, 'World Internet Users Statistics and 2015 World Population Stats' (*Internet World Statistics,* 2015) <http://www.internetworldstats.com/stats.htm> accessed 24.11.2015

The US Approach

Earlier in the US, the liability of an ISP was decided at common law framework for publisher liability, depending upon the degree of control it exercised over the defamatory material.[2,3] At one end of the 'liability spectrum' is a 'common carrier' exercising no editorial control over the contents of a publication and therefore, being only a passive conduit, is not liable for defamation.[4] While on the other end is the publisher who retains reasonable editorial control over the information and, therefore, being in a position to notice potential defamatory material, is liable under common law to standards compared to that of author for defamation.[5]In the middle of the 'liability-spectrum' is the distributor who can be held liable if the plaintiff demonstrates that the content was defamatory and that the distributor was well aware of it or should have reasonably known about the defamatory content.[6]In *Cubby v CompuServe,*[7] the court held that, to be liable, a distributor must know about defamatory contents of a publication and ruled out strict liability for the distributors.[8]

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[2]Zitter M. Jay, 'Liability of Internet Service Provider for Internet and E-mail Defamation' (2000) 84 ALR

[3]Matthew G Jeweler, 'The Communications Decency Act of 1996: Why [s] 230 is Outdated and Publisher Liability for Defamation Should be Reinstated Against Internet Service Providers' (2007) 8 PGH J Tech L & Pol'y 3

[4], *Restatement of the Law Second, Torts 2d* (American Law Institute Publishers 1977)

[5]Ibid [S] 578(1)(1977)

[6]Ibid [S] 577(2)(1977)

[7]*Cubby v CompuServe* 776 F Supp 135 (S D N Y 1991)

[8]Ibid, Part II (A) para 3

In *Smith v California*,[9] the court struck down an ordinance holding a bookseller liable for possessing an obscene book, regardless of the bookseller having knowledge of the contents of the book[10]. The principle in *Cubby* was later reviewed in *Stratton Oakmont v Prodigy.*[11] It identified two important distinctions between the ISPs of two cases, first, Prodigy projected itself exercising editorial control. Second, it controlled the contents through automatic 'screening-software' and editorial staff. Prodigy was, therefore, held to be a publisher rather than a distributor.

Thus, an enigmatic situation arose where an ISP exercising editorial control over the defamatory material would be liable as a publisher under *Stratton* but would have no liability if it follows a hands-off approach to appear as a distributor under *Cubby*. Thus, the seeds for the enactment of Communications Decency Act[12] by the Congress to protect the ISPs were sown.

Communications Decency Act (CDA) 1996: Section 230

The Congress recorded its findings[13] recognising the 'emerging internet and the ISPs'[14] providing users a greater control over

[9]*Smith v. California* 361 US 147 (1959)
[10]*Cubby v CompuServe*, Part (A), Para 8
[11]*Stratton Oakmont v Prodigy* 1995 WL 323710, slip op (N Y Sup Ct May 24, 1995
[12]Communications Decency Act 1996
[13]Ibid , s230(a)
[14]Ibid,s230(a)(1)

information,[15] a forum for political diversity, 'unique cultural development and myriad avenues of intellectual activity'[16], with minimum government regulation[17]and 'increasing reliance of Americans'[18] on interactive media.

The congress emphatically stated its policy of 'promoting internet, interactive computer services and interactive media'[19]; preserving the existing internet market, 'unfettered by Federal or State regulation'[20]; encouraging development of 'technologies maximizing user control over information'[21]; 'removing disincentives for development and use of content blocking and filtering technologies'[22] and ensuring 'vigorous implementation of federal criminal law'[23].

The CDA enshrines immunity to ISPs under section 230(c) which states:

"Protection for 'Good Samaritan' Blocking and Screening of Offensive Material:

> (1) Treatment of publisher or speaker
> 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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[15]Ibid, s230(a)(2)
[16]Ibid, s230(a)(3)
[17]Ibid, s230(a)(4)
[18]Ibid, s230(a)(5)
[19]Ibid, s230(b)(1)
[20]Ibid, s230(b)(2)
[21]Ibid, s230(b)(3)
[22]Ibid, s230(b)(4)
[23]Ibid, s230(b)(5)

> (2) No provider or user of an interactive computer service shall be held liable on account of : (A) any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected; or (B) any action taken to enable or make available to information content providers or others the technical means to restrict access to material described in paragraph (1)".[24]

Section 230(c) reveals that the Congress, while removing the fetters tied to the ISPs by the *Stratton Oakmont* judgement, not only incentivized them by providing blanket immunity from 'publisher- liability' but also assigned them the task of exercising self-regulation. This blanket immunity was further amplified in *Zeran v America Online*[25] wherein the Court held that Section 230 eliminated both publisher and distributor liability, thus, creating a wall around the already formidable Section 230 by broadening the scope of Congress' intent. On the contrary, in *Barrett v Rosenthel*, the ISP was made liable as a distributor if it was aware or had reasons to know the defamatory content of the publication.[26]

Section 230 CDA, Post- Zeran

Even when the ISP had a contractual relationship with the author of the defamatory content, and promoted the defamatory content through online advertisements and retained the right to remove the

[24]Ibid, , s230(c)
[25]*Zeran v America Online* 129 F 3d 327 (4th Cir 1997), 524 U S 937 (1998)
[26]*Barrett v Rosenthal* 146 P 3d 510 (Cal 2006)

content; the courts held the ISP to be immune.[27] Complete immunity was given in situations even where an ISP assisted the content provider creating the information;[28] where the ISP provided questions and framework for users to create profile on a website even using fake name[29,30]and where an ISP chose to make minor alterations to the content and selected the content for publication.[31] Even guaranteeing the truthfulness of third party statements[32] or failing to verify accuracy of listing by third party[33]would not make a website operator liable. Significantly in *Barnes v Yahoo!,* the ISP was held immune to any claim and not just defamation claims for the content created by others except for promissory estoppel claims.[34] The courts applied a simple 'three-prong-test' to decide the ISPs' immunity under Section 230.[35,36,37,38,39] *Zeran* became the *de facto* defamation law in the

[27]*Blumenthal v Drudge* 992 F Supp 44 (D D C 1998)

[28]*Ben Ezra Weinstein & Co v America Online* 206 F 3d 980 (10th Circuit 2000) 531 U S 824 (2000)

[29]*Carafano v Metrosplash.com* 339 F 3d 1119 (9th Circuit 2003)

[30]*Fair Housing Council of San Fernando Valley v Roommates.com.* 521 F 3d 1157 (9th Cir 2008)

[31]*Batzel v Smith* 333 F 3d 1018 (9th Circuit 2003) 541 US 1085 (2004)

[32]*Milo v Martin* 311 S W3d 210 (Tex Ct App 2010)

[33]*Pricket v InfoUSA* 561 FSupp2d 646 (ED Tex 2006)

[34]*Barnes v Yahoo!* 570 F3d 1096 (9th Circ 2009)

[35]*Schneider v Amazon.com* 31 P3d 37, 39 (Wash Ct App 2001)

[36]*DiMeo v Max* No06-3171-cv-01544, 2007, (3rd Cir LAR 341(a)

[37]*Price v Gannet* 2:11-cv-00628, 2012 WL 1570972, 2 (SDWVa, 2012)

[38]*DiMeo v Max*

[39]Communications Decency Act 1996

US and the ISPs were given blanket immunity by courts in general except in rare cases[40].

Thus, under the CDA, the ISPs have blanket immunity from defamation liability as publishers and distributors, even if they retain editorial control over the contents and have knowledge of defamatory material.

Criticism of Section 230 (CDA)

Section 230 has been widely criticized by scholars of law and social sciences comparing it with a '*judicial oak'*.[41] Freedom of speech should not jeopardize individual reputations by defamatory speeches online and should not be allowed to go unpunished.[42]It can be said that the Congress failed to imagine the exponential growth of the internet and new technologies and consequently underestimated the breadth and depth of the immunity granted to the ISPs by themselves.[43] Also, Section 230 has failed in its intended purpose of self-

[40]*Ascend Health Corp. v Wells* No 4: 12 - CV-00083-BR, 2013 WL 1010589 (E D N C Mar 14, 2013)

[41]David Lukmire, 'Can the Courts Tame the Communications Decency Act: The Reverberations of Zeran v. American Online' (2010) 66 NYU Ann Surv Am L 371

[42]G. Jeweler Matthew, 'The Communications Decency Act of 1996: Why § 230 is Outdated and Publisher Liability for Defamation Should be Reinstated Against Internet Service Providers' 8 Pittsburgh Journal of Technology Law and Policy, 2008, Vol8(0)

[43]Caitlin Hall, 'A Regulatory Proposal for Digital Defamation: Conditioning § 230 Safe Harbor on the Provision of a Site" Rating"' (2008) 2008 Stan Tech L Rev 1N

regulation of the content by the ISPs simply because it makes self-regulation optional rather than mandatory.[44] Consequently, cyber-bullying has increased as Section 230 has failed to incentivize use of filtering technology as an ISP is aware of the privilege of the blanket immunity.[45] The ISPs worry the least about the vulnerable victims who are rendered helpless due to the arrogance of the ISPs.[46] There is a strong undercurrent indicating that Section 230 is no longer necessary[47,48] and that it should be re-evaluated as the harm from defamatory material then was much less than the harm existing today due to the pervasive nature of exponentially growing internet resulting in the spread of information in real time[49]. Similarly, common law

[44]Jennifer Benedict, 'Deafening Silence: The Quest for a Remedy in Internet Defamation' (2008) 39 Cumb L Rev 475

[45]Stacy M Chaffin, 'New Playground Bullies of Cyberspace: Online Peer Sexual Harassment, The' (2007) 51 Howard LJ 773

[46]Patricia Sánchez Abril, 'Repu-Taint Sites and the Limits of Section 230 Immunity' (2009) 12 Journal of Internet Law 3

[47]Jeweler, 'The Communications Decency Act of 1996: Why [s] 230 is Outdated and Publisher Liability for Defamation Should be Reinstated Against Internet Service Providers'

[48]Michael Burke, 'Cracks in the Armor: The Future of the Communications Decency Act and Potential Challenges to the Protections of Section 230 to Gossip Web Sites' (2011) 17 BUJ Sci & Tech L 232

[49]Ryan W King, 'Online defamation: Bringing the Communications Decency Act of 1996 in line with sound public policy' (2003) 2003 Duke L & Tech Rev 24

standards of liability should be restored as it would revive distributor-liability as seen in *Cubby*.[50,51,52] It has also been

contended that DMCA[53] already has a 'notice and take down' provision for copyright infringement which would better achieve the objective of Section 230, i.e. 'incentivizing the monitoring and filtering of defamatory content'[54] on one hand and 'balancing the rights of victims of defamation' on the other hand[55,56,57,58,59].

To sum-up, s230 has been criticized for its broad interpretation and blanket immunity that it has given to the ISPs, without an

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[50]Stephanie Blumstein, 'New Immunity in Cyberspace: The Expanded Reach of the Communications Decency Act to the Libelous Re-Poster, The' (2003) 9 BUJ Sci & Tech L 407

[51]Gregory M Dickinson, 'Interpretive Framework for Narrower Immunity under Section 230 of the Communications Decency Act, An' (2010) 33 Harv JL & Pub Pol'y 863

[52]Emily K Fritts, 'Internet Libel and the Communications Decency Act: How the Courts Erroneously Interpreted Congressional Intent with Regard to Liability of Internet Service Providers' (2004) 93 Ky LJ 765

[53]Digital Millenium Copyright Act 1998

[54]Benedict, 'Deafening Silence: The Quest for a Remedy in Internet Defamation'

[55]Blumstein, 'New Immunity in Cyberspace: The Expanded Reach of the Communications Decency Act to the Libelous Re-Poster, The'

[56]Colby Ferris, 'Communication Indecency: Why the Communications Decency Act and the Judicial Interpretation of It, has Led to a Lawless Internet in the Area of Defamation' (2010) 14 Barry L Rev 123

[57]Sarah Duran, 'Hear No Evil, See No Evil, Spread No Evil: Creating a Unified Legislative Approach to Internet Service Provider Immunity' (2003) 12 U Balt Intell Prop LJ 115

[58]Cyrus Sarosh Jan Manekshaw, 'Liability of ISPS: immunity from liability under the Digital Millennium Copyright Act and the Communications Decency Act' (2005) 10 Computer L Rev & Tech J 101

[59]Jonathan Band and Matthew Schruers, 'Safe Harbors Against the Liability Hurricane: The Communications Decency Act and the Digital Millennium Copyright Act' (2002) 20 Cardozo Arts & Ent LJ 295

iota of consideration for the rights of the victims of defamation. Hence, the need for the restoration of distributor liability at common law and inclusion of 'notice and take down' provision of DMCA into Section 230.

Defamation and ISP Liability in the United Kingdom

Historically, the claims of defamation in the UK were decided at common law[60,61] of 'innocent disseminator' and 'publication'. The context of liability of ISP were replaced by Section 1 of the Defamation Act, 1996,[62] which states that, in defamation proceedings, a person has a defence if he shows that he was not the author, editor or publisher of the statement complained of, that he took reasonable care and that he did not know and had no reason to believe that he caused or contributed to a defamatory statement.[63]

The first requirement of Section 1(1) can be determined by application of Section 1(3)[64] while the second and third requirement can be determined by considering factors mentioned in section 1(5)[65] such as the extent of dependent responsibility for the content or decision to publish it, nature and circumstance of publication and the

[60]*Duke of Brunswick v Harmer* 1849 14 QB 185
[61]*Byrne v Deane* [1937] 1 KB 818
[62]Defamation Act 1996
[63]Ibid, s1(1)
[64]Ibid, s1(3)
[65]Ibid, s1(5)

previous conduct or character of the author, editor or publisher. Thus, it can be seen that Section 1(1) is a statutory equivalent of the 'innocent disseminator defence' which can be determined by application of Sections 1(3) and 1(5).[66] However, specific mention of an ISP is not found in the Defamation Act, 1996. Section 1 was tested for the first time for ISP liability in *Godfrey v. Demon Internet*[67] wherein it was held that once an ISP has been notified of the harmful content and did not take action to remove it, it cannot avail 'section 1 defence' and would be liable. *Godfrey* remains an authority on the common law of 'innocent dissemination'. The intent of the legislators played an important role in deciding *Godfrey*.[68]

The EC Regulations[69] were issued to harmonize the EU EC Directive[70] into the law of the United Kingdom. These regulations provided safe harbour provisions for the ISPs who act as a 'mere conduit',[71] 'caching intermediary'[72] and a 'host'[73].Thus, after *Godfrey*, the EC Regulations provided better protection for the ISPs, except

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[66]Michael Deturbide, 'Liability of Internet Service Providers for Defamation in the US and Britain: same competing interests, different responses' (2000) Journal of Information, Law and Technology (JILT) 231

[67]*Godfrey v Demon Internet Ltd* [1999] EWHC 244 (QB)

[68], *Reforming Defamation Law and Procedure: Consultation on Draft Defamation Bill* (Ministry of Justice, United Kingdom 1995)

[69], *The Electronic Commerce (EC Directive) Regulations 2002* (2002)

[70]Directive 2000/31/EC of the European Parliament and of the Council (Directive on Electronic Commerce)

[71], *The Electronic Commerce (EC Directive) Regulations 2002*, Reg 17

[72]Ibid, Reg 18

[73]Ibid, Reg 19

Section 19 where if the ISP is notified of the harmful information, the defence under Section 1 would be lost.

In *Bunt v Tilley,*[74] an ISP, who facilitated online publication like postal services, without participating in the process of publication, was not held responsible as a publisher but rather viewed as acting as a 'mere conduit' requiring no defence. Even if the ISP is considered as a

publisher it would be protected under Section 1 and EC Regulations. In *Metropolitan International v Designtechnia,*[75] the court held that since 'Google' as a 'search engine' has no role in selecting the search terms, it could not prevent defamatory snippets appearing with search results and therefore, Google ,being a non-publisher at common law, need not rely on defence under Section 1. An interpretation echoed in *Budu v BBC.*[76]In *Karim v Newsquest Media Group,*[77] the ISP, as a website operator was protected under Regulation 19 as it had no actual knowledge of the defamatory material and on notification promptly removed the defamatory content. However, in *Kaschke v Gray,*[78] an ISP as blog operator was held liable as it exercised editorial control.

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[74]*Bunt v Tilley* [2006] EWHC 407 (QB)

[75]*Metropolitan International Schools Ltd v Designtechnica Corp* [2009] EWHC 1765 (QB)

[76]*Budu v BBC* [2010] EWHC 616 (QB)

[77]*Karim v Newsquest Media Group* [2009] EWHC 3205 (QB)

[78]*Kaschke v Gray* [2010] EWHC 690 (QB)

An ISP's role as blog operator was discussed in two important cases. First in *Davison v Habeeb*[79]Google was not to take reasonable care under Section 1 as it failed to remove the publication after being notified and resultantly consented and participated in continued publication and was therefore liable. In *Tamiz v Google,*[80] the High Court likened Google with the owner of a graffiti wall, who cannot be held responsible for the graffiti-contents and was protected under Section 1 and Regulation 19. However, this decision was reversed by Court of Appeal[81]who held that Google was neither a primary nor a secondary publisher, but having received the notice, it knew the publication of the defamatory statement, thus, making Section 1 defence unavailable to Google.

Further Evolution of Defamation Law: Defamation Act 2013

The studies by the Law Commission concluded that ". . . the defence available to secondary publishers under Section 1 of the Defamation Act 1996 ought to be re-examined"[82] and "…reviewed to

[79]*Davison v Habeeb* [2011] EWHC 3031 (QB)
[80]*Tamiz v Google* [2012] EWHC 449 (QB)
[81]*Tamiz v Google* [2013] EWCA Civ 68
[82], *Aspects of Defamation Procedure: A Scoping Study* (Law Commission, United Kingdom 2002), P40

strike a balance between freedom of expression as emphasized by ECHR and the legitimate goal of law to protect the reputation of others"[83]. The Joint Committee[84] recommended that the reputation of online defamation victims, irrespective of the knowledge of identity of authors, should be protected and ISPs be encouraged to moderate the user generated content to strike a balance between freedom of speech with due regard to the protection of reputation.[85,86,87]

Finally, an additional defence for the ISPs was created under Defamation Act 2013[88] and accompanying regulations.[89] Section 5 would apply when a website operator is issued notification for an online defamatory statement.[90] If the operator shows that it did not post the statements, the defence under Section 5(2) would be available.[91]However, this defence would be defeated[92] if the claimant shows that the poster of the defamatory statement is not identifiable, in terms of Section 5(4),[93] by the claimant; the claimant notified the

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[83], *Defamation and the Internet: A Preliminary Investigation* (Law Commission, United Kingdom 2002), p 2.65

[84], *Joint Committee on the Draft Defamation Bill - First Report* (Parliament, United Kingdom 2011)

[85]Ibid, p100

[86], *The Government's Response to the Report of Joint Committee on the Draft Defamation Bill* (Ministry of Justice, United Kingdom 2012), p77

[87], *Joint Committee on the Draft Defamation Bill - First Report*, 106

[88]Defamation Act 2013

[89], *The Defamation (Operators of Websites) Regulations 2013 No. 3028* (2013)

[90]Defamation Act 2013, s5(1)

[91]Ibid, s5(2)

[92]Ibid, s5(3)

[93]Ibid, s5(4)

operator regarding defamatory post and if the operator failed to respond to the complaint notice. Also, the defence would be defeated if claimant shows malice on the part of operator with regard to the post[94] but the defence would not be defeated due to the fact that the operator moderates the posts of others.[95] If the original poster, on notification agrees to removal of the post, the operator has to remove the post within 48 hours,[96] but the operator must also remove the contents within 48 hours 'if the operator has no means to contact the poster'.[97]

Though certain terms in the 2013 Act, e.g. 'operator', 'moderates', etc., are vague and would be open to interpretation by the courts; Section 5 read with regulations, has created a broad 'umbrella of protection' for ISPs from 'tactical targeting'. Section 10[98] bars the jurisdiction of courts to "entertain claims for action against a person who is not the author, editor or publisher of statement unless it is not reasonably practicable to take action against an author, editor or publisher". However, it is not known how the victims of online defamation get protected if the poster of statement does not agree to removal of the post. Probably, the 'Section 5 Umbrella' has tilted the balance more in favour of freedom of expression over the due regard

[94]Ibid, s5(11)
[95]Ibid, s5(12)
[96], *The Defamation (Operators of Websites) Regulations 2013 No. 3028*, cl.2 of Sch
[97]Ibid, cl.3 of Sch.
[98]Defamation Act 2013, s10

to right of protection against defamation. But it provides a 'safety valve mechanism' and an 'information collection tool' for the victims, which would be useful if they decide to go to court for protection of their reputation. The acceptance of recommendation of the Joint Committee, with regard to publication by identifiable authors,[99] that "operator must publish a notice of complaint alongside the defamatory material", would have done well to control the damage to the reputation of victims of defamation, which was, unfortunately not accepted by the government.[100]

Conclusion

The internet has exponentially grown in space and time with emerging technological advances in new facets of internet, e.g. the 'Deep Web' and the 'Dark Web'. In the US, Section 230 (CDA) was a knee-jerk reaction of the Congress to counter *Stratton Oakmont* to provide "Protection for 'Good Samaritan' blocking and screening of offensive material to ISPs". This blanket immunity was disproportionately expanded in *Zeran,* making Section 230 a '*judicial oak*' leading to the emergence of an arrogant ISP, oblivious to the dignity of the victims of on-line defamation under the aegis of over-zealous judiciary, overawed by the tenets of freedom of expression and with complete disregard to the rights of the victims of online defamation. The judiciary was, thus, rendered non-judicious. On one hand, the

[99], *Joint Committee on the Draft Defamation Bill - First Report*

[100], *The Government's Response to the Report of Joint Committee on the Draft Defamation Bill*

existing defamation law in United Kingdom provides a larger 'umbrella of protection' for the ISPs, while on the other hand due regard to the rights of the victims of online defamation is also meted out. However, this 'umbrella of protection' is subject to judicial review and principles of common law. It provides not only a 'safety-valve' for the victims to vent out their grievances but also equips them with a tool to collect information from the ISPs to build their arguments in case they have to knock the door of the courts for justice. The defamation law in UK seems to reflect the 'societal thinking' as summarized by Schauer (1980) that "while United States defamation law reflects a society preferring freedom of speech, United Kingdom law demonstrates Britons' more respect for reputation than freedom of speech".[101] In the light of the discussions carried out in this article, it can be concluded that the Defamation Law in accordance with the Common Law of United Kingdom is quite robust and has scope of judicial scrutiny to ensure redressal of grievances. The challenges of transposing UK Law of Defamation to other Common Law Countries need to be explored in future studies.

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