

# Court to Google: Tell NYer who posted about her

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In this undated photo released by Carla Franklin, New York business consultant Carla Franklin is shown. Franklin has successfully petitioned a New York court on Wednesday, Oct. 20, 2010, to order Google, Inc. to reveal the identity of the person who posted disparaging online comments and unauthorized videos of her that she sees as defamatory. (AP Photo/Carla Franklin)

(AP) -- A business consultant who wants to know who's been anonymously disparaging and fixating on her online has gotten a court to force Google to tell her.

As she joined a growing number of people who have persuaded courts to unmask troublesome cyber ciphers, Carla Franklin said Wednesday she hoped her case would help others combat similar problems.

"The Internet cannot become a safe haven for harassers and stalkers," she said in an e-mail.

[Google](#) Inc. declined to comment. The Mountain View, Calif.-based online giant says it doesn't discuss individual cases to protect users' privacy, but it follows applicable laws.

A Manhattan [court](#) ruling issued Tuesday gives the company a couple of weeks to provide Franklin with identity and contact information for the person or people who posted denigrating comments and unauthorized videos of her, beginning last year.

The videos, posted on Google-owned YouTube, were clips from an innocuous student film in which she had appeared years before, coupled with personal information about her to create an unsettling online shrine, she said. Franklin did some modeling and acting before becoming a consultant to nonprofit organizations.

The comments, made through another [YouTube](#) channel, featured a sexual slur and were posted alongside videos she made for Columbia Business School while earning a master's degree there, she said.

The postings were humiliating, creepy and potentially hurtful to Franklin's professional prospects, she and her lawyer have said.

Franklin said in a blog post of her own this month that she believes she knows who's responsible, but she went to court last summer to get proof so she could potentially pursue further legal action. Her court case didn't involve Columbia.

While anonymous commentary became an instant tradition and valued aspect of the Internet, it's also become a scourge for people and businesses who have found themselves bullied and besmirched by

shadowy critics. And it's become an issue for courts trying to weigh self-expression rights against defamation and other legal claims.

"There's a tension there - there's a First Amendment right to be able to speak anonymously, but there's no First Amendment right to violate the law," said Bennet G. Kelley, a Santa Monica, Calif., attorney who specializes in Internet law.

"People think: 'It's the Internet. I can do whatever I want,'" he said, but "the law applies, online and offline."

Still, enforcing it can be a challenge. While a number of states have laws against cyberharassment or cyberstalking, it can be difficult for authorities to go after suspects who can easily change aliases and may be in another jurisdiction.

Prosecutions do happen, including the recent trial of a New York man accused of using phony online identities to harass and discredit his scholar father's adversaries in a heated academic debate over the origins of the Dead Sea Scrolls.

The son, Raphael Golb, was convicted last month of identity theft and other charges. He said his pseudonymous e-mails and blog posts amounted to academic whistle-blowing and satire, not crime; he plans to appeal.

Some people end up going to court themselves to stop being trashed online. In one high-profile case, Vogue cover model Liskula Cohen successfully sued Google in a New York court last year to get the name of a blogger who had made derogatory remarks about Cohen's hygiene and sexual habits.

Cohen said the comments on the site were defamatory. The blogger,

ultimately identified by court order as Rosemary Port, said her privacy was violated, and she had a right to her opinions.

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