

Australia court paves way for Google 'underworld' defamation case

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Entertainment promoter Milorad Trkulja claims Google has continued to disseminate content unfairly linking him to the Melbourne criminal underworld

A court cleared the way for a rare defamation action against Google on Wednesday after a man claimed the global internet giant published material linking him to Australia's criminal underworld.

Entertainment promoter Milorad Trkulja was shot in the back at a Melbourne restaurant in a 2004 crime that was never solved.

In 2012, Google was ordered to pay Aus\$200,000 (US\$150,000) in damages to Trkulja, who claimed he was defamed by material that implied he was a major crime figure and had been the target of a professional hit.

Trkulja then launched further proceedings against the online behemoth relating to images and text that he said continued to link him to underworld figures, according to the Australian Broadcasting Corporation.

A Victorian state [court](#) ruled in favour of Google, but Australia's High Court has now upheld an appeal by Trkulja, paving the way for his defamation action.

At least some search results for Trkulja "had the capacity to convey... that the appellant was somehow associated with the Melbourne criminal underworld", the court said.

Google has denied the claims, saying it had innocently disseminated material published by others.

In the 2012 decision, a jury ruled Google had failed to act when Trkulja's lawyers wrote to them demanding action over the "grossly defamatory" content.

The judge at the time likened the internet giant to a library or newsagent which has at times been considered a publisher in defamation cases.

Trkulja argued his reputation was critical to his work as a promoter and had been seriously damaged by the defamatory material.

There has been legal debate in Australia about whether search engines like Google can be considered "publishers" under Australian defamation law, even if they did not create the content.

Previous court rulings have given conflicting views.

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