

Web Site Content's Brief Duration is Enough to be "Publication"

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Penn Warranty Corporation sells warranties for used cars. Ronald Giovanni, a disgruntled customer of Penn Warranty, started a 'gripe' website about the company. In posting about a dispute he was having with Penn Warranty, Giovanni described the company as "blatantly dishonest", "running scams" and "committing fraud". Penn Warranty filed a defamation action against Giovanni in New York state court. Giovanni argued that the statements only appeared on the site for a few weeks and, therefore, did not meet the publication requirement needed for a defamation claim. While ultimately deciding that the disputed statements were Giovanni's opinions and, therefore, not defamatory, the court held that availability of content for a few weeks on a generally accessible web site satisfies the publication element of a defamation claim. To review the court's decision, go to: http://www.courts.state.ny.us/reporter/3dseries/2005/2005_25449.htm

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