

Gibson quoted in *Bloomberg Businessweek* Story on Internet Defamation and Harassment

Related Professionals

Whitney C. Gibson

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Whitney Gibson, the chair of the firm's technology and intellectual property group, was quoted in a *Bloomberg Businessweek* story about a website, theblot.com, and posts included on the website.

The story states:

"Wey is also battling lawsuits stemming from TheBlot. A Georgetown law professor named Chris Brummer sued him in April 2015. Brummer had the poor luck to be an arbitrator in a Financial Industry Regulatory Authority (Finra) disciplinary action against two brokers who sold shares of Deer Consumer Products without disclosing to customers that they were paid consultants for the company. Deer was a client of Wey's. Finra barred the two brokers from working in the securities industry, and Brummer was on a panel that upheld the decision in 2014. Stories on TheBlot appeared promptly, pillorying Brummer as a fraud, calling him an Uncle Tom (Brummer is black), and accusing him of being involved in pump-and-dump stock schemes.

Wey responded to Brummer's lawsuit with a motion to dismiss. It contends that Wey didn't write the posts and that the suit is a 'transparent attempt' to chill free speech, because no reasonable reader would interpret the articles as fact, rather than opinion."

The story also states:

"One of his [Brummer's] lawyers, Whitney Gibson, agreed to discuss defamation in the online era in general terms. Internet companies, he told me, are protected under a clause in the Communications Decency Act that says no provider or user of an 'interactive computer service,' such as a website, a hosting company, or a search engine provider, can be held liable for third-party content. That allows companies to ignore the headache of arbitrating right from wrong and fact from fiction online, for the most part. It also leaves Brummer, and all of us, vulnerable to the likes of Wey, who disguised many of his attacks as stories

submitted by anonymous readers. Decades into the Internet Age, there's no surefire method to get defamatory material taken down if the person responsible for it is ready to put up a fight.

Earlier this month, Brummer's lawsuit cleared a major hurdle: The judge ruled against Wey's motion to dismiss and specified that Wey hadn't shown the Blot articles should be protected under the Communications Decency Act. It's a victory, though Brummer still has to prevail in the overall case—and in the meantime, the Blot articles stay up."

To read the entire article, visit the *Bloomberg Businessweek* [website](#).