

Publications

How to Identify Anonymous Posters on Yelp

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Whitney C. Gibson

Colleen M. Devanney

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In today's internet landscape, it is easy to anonymously post content or comments. However, using a fake screen name or email address does not mean an internet user completely shields his or her identity, particularly when that person violates a website's terms or potentially the law.

On the popular business review website Yelp, it is no secret that many individuals post fake reviews and sometimes defamatory content. Under Section 230 of the Communications Decency Act, Yelp cannot be held liable for false or defamatory statements made by its users. Thus, when a user anonymously authors false or defamatory statements on Yelp, it may be necessary to identify them in order to protect the harmed business or individuals associated with it.

The typical process involved in identifying anonymous posters goes as follows:

1. File a lawsuit where the plaintiff is located;
2. Issue a subpoena to Yelp in California requesting information sufficient to identify the author of the review;
3. Yelp will notify the poster and give them approximately 14 days to respond;
4. If the poster does not object, Yelp's counsel will contact the requesting attorney and require him or her to demonstrate that the post is false and defamatory; and
5. If the attorney can demonstrate the post is false and defamatory, Yelp will produce the poster's account information (which typically consists of an email address and the Internet Protocol address from which the post originated).

Once an IP address is secured, you can identify and issue a subpoena to the service provider that assigned the IP address, in order to reveal the identity of the subscriber.

We have been able to identify anonymous Yelp posters, name them as defendants in lawsuits, and obtain court orders by agreement or default judgment. Similar to the approaches discussed in the [Rip Off Report](#) and [Wikipedia](#) posts, these court orders can be submitted to Yelp or the various search engines to facilitate the removal or delisting of false reviews.

In January 2014, a Virginia Court of Appeals judge handed down a landmark decision relating to anonymous Yelp posters. The Court required Yelp to comply with a subpoena seeking the names of several anonymous posters that criticized a Washington D.C. area business on the website. Yelp's attorneys argued the posters' opinions deserved First Amendment protection. However, the Court ruled the individuals were not actual customers and, therefore, the reviews were simply false statements.

Note, however, that this is just one ruling. For the foreseeable future, judges will continue to wrestle with how to decide cases such as this one.

For more information, contact Whitney Gibson at 855.542.9192 or wcgibson@vorys.com. Read more about the practice at <http://www.internetcrisesattorneys.com/>.