

## How to Remove a Defamatory Instagram Post

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**CLIENT ALERT** | 5.11.2015

Although visual in nature, people are not immune from defamation on the popular photo-sharing app Instagram. In fact, in 2014 – merits of the claims aside – rappers 50 Cent and The Game were each sued in unrelated matters for allegedly tarnishing others' reputations through Instagram posts.

Instagram – the [ninth-most popular app in the United States in 2014](#), according to Nielsen – may be centered on imagery, but users can include captions and hashtags when making a post. As such, an Instagram user can easily defame another (not to mention potentially place others in a false light or publish private information).

According to [Instagram's Terms of Use](#), users must not defame people or organizations, yet this does not stop many from posting potentially defamatory content. Should a party be defamed by an Instagram user, Instagram may choose to remove, edit, block, and/or monitor the content or account in question, but the company is under no obligation to take any actions.

In the event of potential defamation – or stalking, bullying, or harassment, for that matter – the victim of a post can [report the content](#) by clicking or tapping the ellipsis icon (...), depending on whether he or she is using a computer or the mobile app. The person will want to select "Report Inappropriate" and choose from a list why he or she is reporting the content.

As Instagram "doesn't mediate disputes between people who use our service," according to [Instagram's page on addressing abuse](#) – consistent with most websites – it is likely helpful to obtain a court order against the poster of defamatory content to present to Instagram if seeking removal of harmful content.

If there is a clear violation of Instagram's Terms or Guidelines, coupled with an order from the court declaring content harmful and mandating that the parties remove the offending content, Instagram will likely comply and remove the content.

Moreover, should the victim of defamation be unclear as to who actually attacked his or her reputation on Instagram, he or she can issue a subpoena to Instagram for identifying information pertaining to the account.

*According to Instagram*, the company may produce “reasonably available basic subscriber information, if any, only where the requested information is indispensable to a case and not within a party’s possession upon personal service of a valid California or federal subpoena.”

The subscriber information to request in a subpoena should likely include a name, phone number, email address, and IP address log files. In response to a valid subpoena, oftentimes the IP logs will be the most useful information, as IP addresses can typically be traced to an internet service provider who, in response to a separate subpoena, might produce actual subscriber information.

*For more information, contact Whitney Gibson at 855.542.9192 or [wcgibson@vorys.com](mailto:wcgibson@vorys.com). Read more about the practice at <http://www.defamationremovalattorneys.com> and follow @WhitneyCGibson on Twitter.*