



LAW COMMISSION OF ONTARIO  
COMMISSION DU DROIT DE L'ONTARIO

# Defamation Law in the Internet Age

Consultation Paper

Executive Summary

November 2017



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LAW COMMISSION OF ONTARIO  
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## ABOUT THE LAW COMMISSION OF ONTARIO

The Law Commission of Ontario (LCO) was created by an Agreement among the Law Foundation of Ontario, the Ontario Ministry of the Attorney General, Osgoode Hall Law School and the Law Society of Upper Canada, all of whom provide funding for the LCO, and the Law Deans of Ontario's law schools. York University also provides funding and in-kind support. The LCO is situated in the Ignat Kaneff Building, the home of Osgoode Hall Law School at York University.

The mandate of the LCO is to recommend law reform measures to enhance the legal system's relevance, effectiveness and accessibility; improve the administration of justice through the clarification and simplification of the law; consider the use of technology to enhance access to justice; stimulate critical legal debate; and support scholarly research. The LCO is independent of government and selects projects that are of interest to and reflective of the diverse communities in Ontario. It has committed to engage in multi-disciplinary research and analysis and make holistic recommendations as well as to collaborate with other bodies and consult with affected groups and the public more generally.

### Law Commission of Ontario Final Reports

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**Disclaimer**

The opinions or points of view expressed in our research, findings and recommendations do not necessarily represent the views of our funders, the Law Foundation of Ontario, the Ministry of the Attorney General, Osgoode Hall Law School, and the Law Society of Upper Canada, or of our supporters, the Law Deans of Ontario, or of York University.

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## EXECUTIVE SUMMARY

### A. The Law Commission of Ontario

The Law Commission of Ontario (LCO) is Ontario's leading law reform agency. Our role is to conduct research, undertake public consultations, and develop reports and recommendations to improve the effectiveness, relevance and accessibility of the law. Our work promotes access to justice and contributes to public debate. Over the last 10 years, LCO projects have studied and recommended law reform in areas as diverse as disability rights, consumer protection, and vulnerable workers. More information about the LCO can be found at [www.lco-cdo.org](http://www.lco-cdo.org).

### B. Introduction to the LCO's *Defamation in the Internet Age Project*

The LCO's Defamation in the Internet Age project considers whether or how defamation law should be reformed in light of fast-moving and far-reaching developments in law, technology and social values. This Executive Summary accompanies the LCO's formal Consultation Paper on this project. The Consultation Paper sets out the LCO's preliminary analysis and questions in this important area of law.

Defamation law protects reputation from harm caused by false words. The law tries to balance two fundamental yet potentially conflicting values: protection of reputation and freedom of expression. Both values are important to individuals and the functioning of a modern democracy. Both values are informed by community norms and influenced by the society in which they operate.

Defamation law has deep roots. Defamation law originated in the 17<sup>th</sup> century and the values and norms from that period continue to influence the law today. Ontario's current defamation law developed primarily through common law supplemented by the *Libel and Slander Act* (LSA).<sup>1</sup>

Matthew Collins has argued that "[a]lmost every concept and rule in the field of defamation law ... has to be reconsidered in the light of the Internet."<sup>2</sup> On one level, the internet has revolutionized how we communicate. It instantly puts us in touch with a potentially global audience and we can, if we choose, speak to that audience anonymously. Publications are also increasingly electronic, whether they are in the form of a traditional media news story, digital media news story, blog or social media post. These developments have understandably had a huge impact on a law designed to regulate expression. Finally, the power of the internet to connect individuals and groups has transformed us into a networked society where communities of shared interests exist regardless of geography.

Defamation law in Ontario has not remained static in face of these developments. In recent years, both courts and legislatures have responded to important issues and concerns in order to bring defamation law into the internet age. This approach, while obviously an effective means of addressing specific defamation issues, is not a comprehensive response to the far-reaching challenges posed by "internet speech."

This project is designed to meet that challenge. The LCO's project is the most comprehensive analysis of Ontario's defamation law framework to date. It is designed to analyze the underlying purpose and function of defamation law and to update the law to reflect the social and technological developments that will continue well into the future. The issues addressed in the project and the Consultation Paper include:

- The law of defamation in Ontario today and its limitations;
- How the legal, technological, and social landscape of the early 21<sup>st</sup> century influences and challenges "traditional" defamation law;
- A consideration of the legal elements of defamation in light of "internet speech";
- Access to justice in defamation matters;

- Privacy and its relationship to defamation;
- Internet intermediary liability; and,
- Alternative dispute resolution.

The answers to these issues are neither obvious nor easy. Nor is there a consensus among lawyers, governments, the media, civil society organizations, or others about how they should be addressed.

The LCO's Consultation Paper asks important questions about these issues and seeks comments and advice from a broad range of individuals and organizations, including complainants and defendants in defamation actions, traditional and new media organizations, defamation lawyers and academics, government, members of the judiciary, advocacy organizations, internet intermediaries, online review businesses and other web platforms and others.

The Consultation Paper is part of a comprehensive research and consultation process that involves public consultations, qualitative studies, commissioned research papers, forums, an international conference and other events. More information about the project can be found at the end of the Executive Summary, in the Consultation Paper, and on our project webpage at <http://www.lco-cdo.org/en/defamation-law>.

## C. How to Get Involved

The LCO wants to hear from all Ontarians interested in the issues in this project. Some of the questions raised in this Consultation Paper involve technical legal rules and will be of most interest to lawyers and academics. However, this project is also about some important issues that affect any Ontarian living in the internet age. There is no need for legal training to respond to the Consultation Paper.

The LCO encourages all Ontarians to consider these issues and provide us with your input. The Questions for Consideration listed in this paper are a guide to the issues identified by the LCO at this point in the project. We welcome everyone's input on these or any other issue Ontarians believe is important. **Please send us your input by March 30, 2018.**

There are many ways to contribute. Please contact the LCO through any of the following methods:

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The release of this Consultation Paper launches an intensive five-month period of public consultations, during which we encourage input from all members of the public interested in these issues. During this period, we expect to hold several focus groups in concert with our community partners. We will also conduct interviews and meetings with a broad group of individuals and organizations. The LCO will host a defamation conference in 2018, culminating the consultation process.

**The consultation deadline is March 30, 2018.**

## D. Consultation Issues and Questions

The Consultation Paper synthesizes the LCO's considerable research and background consultations to date. The issues and questions identified in the Paper are neither final nor exhaustive. Ontarians are welcome to make submissions on any additional topic they believe is important to this project.

### Chapter Two – Defamation Law Today

Chapter Two of the Consultation Paper briefly reviews the existing state of defamation law in Ontario and Canada. This review reveals notable limitations and complexities in Canadian law that suggest the need for law reform. The chapter also summarizes developments in other jurisdictions and identifies at least four general policy options for modern defamation law.

#### Questions for Consideration

1. What lessons are to be learned from the law and law reform efforts of other jurisdictions on the issues in this project? How applicable are these lessons to the Ontario context?

### Chapter Three – Defamation Law in Context

The LCO's goal is to recommend defamation law reforms that reflect contemporary values and legal principles in their social context. Chapter Three of the Consultation Paper considers how the legal, technological, and social landscape of 21<sup>st</sup> century society differs from the conditions at the time defamation law was developed. This chapter begins with an examination of three important legal principles and social values: free expression, reputation and privacy.

Chapter Three also considers how defamation law has evolved over the centuries to adapt to new communications technologies. This Chapter considers several features of internet speech that, taken together, are unique and have a significant impact on how defamation law principles are applied. The Chapter further considers how the technological change represented by the internet has affected how Ontarians participate in democratic communities and how Ontarians currently understand and define media.

#### Questions for Consideration

2. Can or should defamation law reform in Ontario differentiate between the following and, if so, how:
  - a. Traditional communications and internet communications,
  - b. Reputational harm on the internet and reputational harm offline,
  - c. Different forms of internet communications,
  - d. Traditional media publishers, bloggers/citizen journalists and other internet publishers
3. Are there new or emerging technologies or issues that the LCO should consider when analyzing the impact of the internet on defamation? What considerations should the LCO take into account to ensure that our recommendations are likely to remain relevant as technology changes?

Technological innovation in communications necessarily influences freedom of expression. This influence has never been more apparent than in the emergence of the internet era. Chapter Three, therefore, considers the nature of online expression and its implications for the kinds of claims that engage defamation law principles today.

### Questions for Consideration

4. How is our understanding of freedom of expression interests, issues or expectations different in the internet era? What, if any, significance does this have for defamation law reform in Ontario?
5. Has our understanding of truth and falsity changed in the internet era and how should this affect defamation law reform in Ontario?

The internet has caused a shift in how society understands reputation. Social norms about privacy have also fundamentally shifted with the rise of social media sites such as Facebook and Twitter as well as ever-present smartphone cameras. In this section, the LCO considers the overlap between reputation and privacy interests in the internet age.

### Questions for Consideration

6. Are reputational or privacy interests, issues or expectations different in the internet age? If so, what significance does this have for defamation law reform in Ontario?

## **Chapter Four – The Legal Elements of the Test for Defamation**

The elements of the legal test for defamation were, for the most part, established long ago. They are subject to an extensive body of case law interpreting and applying them to countless cases over a period of centuries. The LCO does not delve into the nuances of specific elements of the tort. Rather, for the purpose of this project, we have two main concerns: the overall balance struck by these elements between protection of reputation and freedom of expression, and how successfully these elements operate in the context of internet communications.

The LCO's other focus in this chapter is on the operation of the elements of the tort as applied to the new forms of defamatory communications made possible by the internet. In this chapter, the LCO reviews the various elements that make up the legal test for defamation and considers how the development of the *Charter* and the internet should affect any potential reforms to the law.

### ***Defamatory Meaning***

In this section we consider if the legal test for defamatory meaning should be reformed in light of the distinctions between traditional communications and internet communications. The LCO also considers whether this may be an area for legislative reform or whether the common law should continue to evolve incrementally.

### Questions for Consideration

7. Would legislative reform of the test for defamatory meaning be appropriate or should this area of defamation law continue to evolve incrementally through case law? If a new test were adopted, what elements should be part of this test?



#### **Publication**

In this section, we review the traditional law of publication as it relates to both primary and secondary publishers, and then examine the application of these principles to internet publications by *primary* publishers. In chapter VII below, we look at *secondary* liability for online publications as part of a broader discussion of internet intermediaries and content regulation on the internet.

### Questions for Consideration

8. Should Ontario adopt a statutory definition of “publisher” that would require an intentional act of communicating specific words? (Also see chapter VII below.)
9. Should the statutory presumption of publication in newspapers and broadcasts be extended to some forms of internet publication?
10. Should the multiple publication rule be replaced with a statutory single publication rule, as in the UK? If so, what limitation period should be applicable to defamation claims?



#### **Strict Liability**

In the next few sections, the LCO considers whether the legal elements of the tort of defamation combine to strike an appropriate balance between protection of reputation and freedom of expression. In this section, we begin by asking stakeholders to consider whether strict liability for defamation remains appropriate in the *Charter* era. This discussion must be considered in conjunction with the following sections and, particularly, the section on defamation defences.

### Questions for Consideration

11. Should a fault requirement be introduced into the tort of defamation in Ontario? If so, at what stage of the analysis should fault be considered?



***Presumption of Falsity***

The presumption of falsity is a signal that defamation law strikes the balance between protection of reputation and free expression closer to the protection of reputation end of the spectrum. The question is whether the presumption of falsity is outdated in the *Charter* era and the internet era.

**Questions for Consideration**

12. Is the presumption of falsity in defamation law still appropriate? Should the law require plaintiffs to prove falsity?
13. Is defamation law's emphasis on the distinction between true and false communications still appropriate in the internet age?

***Presumption of Harm***

The presumption of harm also provides very strong legal protection for reputational interests. The UK *Defamation Act, 2013* has introduced a serious harm threshold which has the effect of raising the bar for a plaintiff to bring a defamation lawsuit. The LCO is considering whether Ontario should reconsider the presumption of harm and/or introduce a serious harm threshold in order to raise the bar for bringing defamation actions in this province.

**Questions for Consideration**

14. Is the presumption of harm in defamation law still appropriate?
15. Should Ontario adopt a serious harm threshold similar to that adopted in the UK *Defamation Act, 2013*?

***Defences to Defamation***

In this section, we briefly review defamation defences as elements in the broader balancing act between protection of reputation and free expression. We ask stakeholders to consider whether the defences require further reform or codification.

**Questions for Consideration**

16. Should the common law defences for defamation be reformed or codified as has occurred in the UK *Defamation Act, 2013*?



***Court Remedies for Defamation***

The goal of a defamation lawsuit is to vindicate the plaintiff's reputation. Traditionally, this has been achieved with a damages award. However, defamation claims are often not about money, and remedies such as a retraction or a correction and apology may be more suitable in the context of internet defamation. In this section, the LCO considers traditional and emerging remedies that may be awarded in a lawsuit between a complainant and the publisher of the defamation.

**Questions for Consideration**

17. What principles should be applied in adapting damages awards and injunctions to internet defamation?
18. Should Ontario adopt legislation creating new remedies for defamation that more directly vindicate the reputation of a successful plaintiff and are responsive to the nature of internet defamation?

***Distinction between Libel and Slander***

Most provinces and territories in Canada have abolished the distinction between libel and slander. The LCO is asking for input on whether the distinction should be similarly abolished in Ontario.

**Questions for Consideration**

19. Should Ontario continue to maintain the distinction between libel and slander? If so, should internet communications be considered to be libel or slander?

**Chapter Five – Access to Justice and the Court Process**

As a law reform agency with a mandate to promote access to justice, the LCO is particularly concerned about the access to justice concerns underlying many of the issues in this project. The LCO's goal is to re-examine key procedural issues from first principles, that is, by considering how the nature of defamation claims have changed in the internet age and identifying procedures that best achieve access to justice in this new environment. As part of this exercise, we reconsider the provisions of the LSA and recommend reforms, either to specific provisions or more far-reaching reform to the legislation as a whole.

***Standing of Corporations to Bring a Defamation Action***

Although the entitlement of corporations to sue in defamation is longstanding, there is a significant body of opinion arguing that protecting corporate reputation unduly impinges freedom of expression. In this section, we review the arguments for and against corporate standing to sue and ask stakeholders to consider whether there should be a change to the law in this area.

### Questions for Consideration

20. Should corporations retain standing to sue for defamation in the internet age? Should they continue to be entitled to rely on the presumption of harm and presumption of falsity?



#### *Jurisdiction and Choice of Law Over Internet Defamation Claims*

In this section, the LCO considers the current test applied when courts assume jurisdiction over internet defamation actions and we review the approach taken by other jurisdictions. We also consider whether it would be appropriate for Ontario to reform the LSA to provide statutory guidance on defamation jurisdictional issues.

### Questions for Consideration

21. What evidence is there of libel tourism or inappropriate forum-shopping occurring in Ontario?
22. Does the current common law test for assuming jurisdiction strike an appropriate balance between protection of reputation and freedom of expression? Should Ontario adopt a statutory provision similar to s.9 of the (UK) *Defamation Act, 2013* for multi-jurisdictional defamation actions?



#### *Notice and Limitation Periods*

In this section the LCO reconsiders the six week notice period and the three month limitation period in the LSA, applicable to claims involving libels in newspapers and broadcasts.

### Questions for Consideration

23. Should the notice period in ss. 5(1) of the LSA be eliminated from Ontario law? If not, how long should the notice period be and how long should the publisher have to respond to the notice? Should notice/retraction be made available in relation to a broader range of publications?
24. Should the special limitation period in s. 6 of the LSA be eliminated so that all defamation claims are subject to the two year general limitation period in Ontario's *Limitations Act*?



### *Potential Procedural Reforms*

The LCO invites proposals from stakeholders on potential procedural reforms for containing the costs and reducing the complexity of defamation proceedings while maintaining fairness and just outcomes.

#### Questions for Consideration

25. What are the best options for reducing cost and complexity and promoting access to justice in defamation proceedings?



### *Preliminary Motions and Hearings in Defamation Actions*

In this section, the LCO considers preliminary hearings available in English defamation actions. We ask whether Ontario's existing summary judgment mechanism is sufficient for the fair and just resolution of issues in defamation claims or whether the LCO should consider recommending preliminary hearing powers as exist in England.

#### Questions for Consideration

26. Is Rule 20 of the *Rules of Civil Procedure* an appropriate and sufficient mechanism for the preliminary hearing of issues in defamation proceedings? Should Ontario adopt UK-style preliminary issues hearings or summary disposal measures?



### *Strategic Litigation and the PPPA*

In 2015, the Ontario government enacted the *Protection of Public Participation Act, 2015* (PPPA) which put into place a fast-track motion procedure to identify and dismiss "strategic lawsuits against public participation", otherwise known as SLAPP lawsuits. The PPPA is an important development in defamation law in Ontario. In this section, we review the fledgling case law interpreting the new procedure and ask stakeholders to consider whether the procedure strikes an appropriate balance between freedom of expression and protection of reputation.

#### Questions for Consideration

27. What impact has the PPPA had on the process and outcome of defamation lawsuits in Ontario? Does the PPPA achieve an appropriate balance between the interests of parties to defamation proceedings?



***Role of the Jury***

In this section, we ask stakeholders to reconsider the role of juries in Ontario defamation proceedings.

**Questions for Consideration**

28. What is current practice on the use of juries on Ontario defamation trials? Should the right to a jury trial for defamation actions be limited in Ontario?

***Identifying Anonymous Defendants***

Currently, a plaintiff seeking to identify an anonymous defamer may bring a *Norwich* motion. In this section, we review the benefits and limitations of *Norwich* motions. We seek input on how to balance the value of anonymous speech with the need to prevent defamers from hiding behind the “electronic curtain” to avoid being legally held to account for their actions.

**Questions for Consideration**

29. Does the current test for obtaining a *Norwich* order appropriately balance anonymous free speech, privacy interests, the value of a broad discovery process and the administration of justice? Would legislation addressing the identification of anonymous defendants be appropriate?

***Anonymizing Plaintiffs***

In this section, we discuss the tension that exists between the open court principle and the role of anonymization orders where complainants may be dissuaded from defamation litigation for fear of suffering additional reputational harm.

**Questions for Consideration**

30. What principles should be applied in deciding whether to grant anonymization orders to plaintiffs in defamation proceedings in the internet age?

**Chapter VI: Privacy and its Relationship to Defamation**

This chapter discusses the relationship between defamation and privacy and asks questions about how the law in Ontario can or should address the overlapping and evolving issues of reputational harm, free speech, privacy and technological change.

### Questions for Consideration

31. What impact does the evolution of privacy law have on defamation?  
Should the LCO consider statutory reform similar to New Zealand's *Harmful Digital Communications Act*?



## **Chapter VII: Internet Intermediary Liability for Defamatory Content**

This chapter considers to what extent intermediaries should be legally responsible for content that they did not author. For the purpose of applying our existing body of defamation law to intermediaries, the crucial question is whether or not the intermediary should be considered to be a “publisher” of the defamatory content.

The questions in this section ask stakeholders to consider possible substantive reforms to the common law of intermediary liability.

### Questions for Consideration

32. What principles or factors should guide the analysis of intermediary liability and how should intermediaries be categorized for this purpose?
33. In what circumstances, if any, should internet intermediaries bear legal responsibility for defamatory content created by someone else?
34. Do recommendations 1 to 3 in the Laidlaw & Young commissioned paper represent desirable reform in this area? Why or why not?



The LCO also asks whether the principles of intermediary liability in Ontario should be left to incremental development in common law or whether the law should be codified through statutory reform. We examine several statutory regimes in other jurisdictions and ask stakeholders to comment on whether some form of analogous statutory regime might be appropriate in the Ontario context.

### Questions for Consideration

35. Should Ontario adopt legislative provisions regulating the role of internet intermediaries in relation to third party content?
36. If so, what kind of regulatory regime is recommended:
  - a. Liability-based regulation such as
    - i. broad immunity from liability (as in s.230 of the US *Communications Decency Act*) or
    - ii. a notice and takedown regime (as in the UK *Defamation Act, 2013* or the EU *Directive*);
  - b. Regulation based on statutory penalty such as
    - i. a notice and notice regime (as in Canada's *Copyright Act*) or
    - ii. a notice and notice plus regime (as in the Laidlaw & Young proposal).



## **Chapter VIII: Alternative Dispute Resolution in the Internet Era**

The goal in this chapter is to look beyond the court system and consider whether there might be an alternative resolution mechanism that better promotes access to justice as well as fair outcomes for online defamation. We ask stakeholders to consider what relationship, if any, should exist between defamation law and online complaints processes. We also examine the possibility that some online defamation claims may be diverted to a statutory alternative dispute resolution mechanism.

### Questions for Consideration

37. In your experience how successful are online complaint processes at resolving disputes over offensive online content? What role, if any, should online complaint processes play as an extra-judicial tool for resolving online defamation disputes?
38. Should a statutory dispute resolution mechanism be made available for some defamation claims as an alternative to the court process? If so, what considerations are important to its design? Should specialized rules or procedures be developed for offensive content involving children?



## **A. The Limits and Scope of the LCO's Project**

This project was inspired by two law reform proposals received by the LCO. The first suggested a review of defamation law principles generally. The second suggested a project focused on internet defamation. The project, as approved by the LCO Board of Governors, blends the two proposals.

The LCO has necessarily drawn some limits on the scope of the project. Importantly, the LCO will not be addressing issues of criminal defamation. The LCO is a provincial organization and criminal defamation is a matter of federal jurisdiction and therefore outside the scope of this project.

Nor will the LCO address in detail claims other than defamation that might apply in the case of harm caused by internet speech. Such related claims include injurious falsehood, misappropriation of personality, cyberbullying, online harassment, hate speech, the new European right to be forgotten and a quickly developing assortment of breach of privacy claims such as intrusion upon seclusion and public disclosure of private facts. These are each worthy of a law reform project all to itself and we cannot hope to do justice to them in this project without losing sight of our main goal to bring defamation law into the 21<sup>st</sup> century. Generally speaking, the LCO will limit its recommendations to the reform of defamation law as currently defined.

## **B. The LCO's Project So Far and Next Steps**

The LCO began preliminary work on this project in 2015 and 2016. During this period, the LCO undertook research and conducted roughly 35 preliminary interviews of people from a broad range of stakeholder groups, including complainants in defamation actions, traditional and new media organizations, defamation lawyers and academics, government representatives, members of the judiciary, advocacy organizations, internet intermediaries and online review businesses.

In 2016, the LCO organized an expert Advisory Group representative of key stakeholder groups to provide ongoing input and support for the project. Advisory Group members include:

Ian Binnie, C.C., Q.C., Lenczner Slaght Royce Smith Griffin

Dan Burnett, Owen Bird Law Corporation

Jamie Cameron, Osgoode Hall Law School

Peter Downard, Fasken Martineau DuMoulin

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John D. Gregory, Retired General Counsel, Ministry of the Attorney General

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Paul Schabas, Blake, Cassels & Graydon LLP

Andrew Scott, London School of Economics

Joanne St. Lewis, University of Ottawa, Faculty of Law

Hilary Young, University of New Brunswick, Faculty of Law

The LCO issued a Call for Research Papers in August 2016 and subsequently commissioned five research papers addressing specific issues and bringing important insights to the project. These papers are:

- Dr. Emily B. Laidlaw, *Are We Asking Too Much From Defamation Law? Reputation Systems, ADR, Industry Regulation and other Extra-Judicial Possibilities for Protecting Reputation in the Internet Age.*
- Dr. David Mangan, *The Relationship between Defamation, Breach of Privacy and Other Legal Claims Involving Offensive Internet Content.*
- Professor Karen Eltis of the Faculty of Law, University of Ottawa, *Is “Truth-telling” Decontextualized Online Still Reasonable? Restoring Context to Defamation Analysis in the Digital Age.*
- Dr. Emily B. Laidlaw and Dr. Hilary Young, *Internet Intermediary Liability in Defamation: Proposals for Statutory Reform.*
- Jane Bailey and Valerie Steeves, Co-Leaders of the eQuality Project, University of Ottawa, *Defamation Law in the Age of the Internet: Young People’s Perspectives.*

The commissioned papers are available at the LCO’s website: [www.lco-cdo.org/en/defamation-law](http://www.lco-cdo.org/en/defamation-law)

The LCO has also engaged law students at the University of New Brunswick, Faculty of Law and the University of Calgary, Faculty of Law to conduct a series of interviews of youth on the issues in this project.

The release of this Consultation Paper launches an intensive five-month period of public consultations, during which we encourage input from all members of the public interested in these issues. During this period, we expect to hold several focus groups in concert with our community partners. We will also conduct interviews and meetings with a broad group of individuals and organizations. The LCO will host a defamation conference in 2018, culminating the consultation process.

We expect to receive formal submissions from organizations and individuals but we also encourage informal input from the public by any form of communication: email or phone, blog, Facebook post, Twitter post and so on. **The deadline for submissions is March 30, 2018.**

Any questions or comments can be directed to Sue Gratton, Project Head, at [sgratton@lco-cdo.org](mailto:sgratton@lco-cdo.org) or to:

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<sup>1</sup> LSA.

<sup>2</sup> Matthew Collins, *The Law of Defamation and the Internet*, 3d ed (Oxford: OUP, 2010), 35 [Collins, *Defamation & Internet*].