

4-9-2016

# Media Issues: Newsworthy Exception to Right of Publicity, and Libel Tourism in New Media Age

Follow this and additional works at: [https://ecommons.udayton.edu/stander\\_posters](https://ecommons.udayton.edu/stander_posters)

---

## Recommended Citation

"Media Issues: Newsworthy Exception to Right of Publicity, and Libel Tourism in New Media Age" (2016). *Stander Symposium Posters*. 815.

[https://ecommons.udayton.edu/stander\\_posters/815](https://ecommons.udayton.edu/stander_posters/815)

This Book is brought to you for free and open access by the Stander Symposium at eCommons. It has been accepted for inclusion in Stander Symposium Posters by an authorized administrator of eCommons. For more information, please contact [frice1@udayton.edu](mailto:frice1@udayton.edu), [mschlangen1@udayton.edu](mailto:mschlangen1@udayton.edu).



# Media Issues Newsworthy Exception to Right of Publicity, and Libel Tourism in New Media Age

## Jacqueline Berardi & Caroline McCormack

Advisor: Dr. Annette Taylor

**Research Question:** Where jurisdictional boundaries lie in Internet libel defamation cases?

### ***Young v. New Haven Advocate*** **F3d 256 (4th Cir. 2002)**

- Connecticut newspapers, the *New Haven Advocate* and *Hartford Courant* published (print and online) articles about the transfer of Connecticut inmates to Virginia state prison, Wallens Ridge.
- Virginia's personal jurisdiction allowed Young to sue Connecticut newspapers due to tortious injury.
- Charges were dismissed because the articles were not targeted toward the audience of Virginia.

### ***Kauffman Racing Equip., L.L.C. v. Roberts, Slip Opinion No. 2010-Ohio-2551***

- Roberts, a resident of Virginia, posted criticisms of Kauffman Racing Equipment, L.L.C. on various websites, criticizing the business's practice and products.
- Ohio's long-arm statute allows for jurisdiction over an out-of-state defendant when defendant publishes defamatory statements on the Internet.
- Roberts' comments were made outside of Ohio but with the intent of injuring an Ohio resident.

### **Conclusion:**

The audience-targeting test is flawed in today's day and age and should not be applied to libel tourism cases concerning the Internet. Furthermore, defamatory statements made with the intent of causing injury to the person of that state should allow for jurisdiction of the nonresident.

**Research Question:** What can journalist's record and report before they encroach upon the commercial aspect of a person's performance or name? When does the newsworthy exception prevail against the right of publicity and how has it's definition changed due to advances in technology such as the Internet and social media?

### ***Zacchini v. Scripps Howard Broadcasting Co., 433 U.S. 562 (1977)***

- Performers have control over the commercial exploitation of their personality and the exercise of their talents. This applies to athletes, performers, and online personalities.

### ***Fraley v. Facebook, Inc., No. 11-CV-01726-LHK, (2011)***

- Social media has redefined what newsworthy means based on online popularity rather than just the public's right to know. Popularity within certain circles on Facebook for example can constitute newsworthiness.

### **Conclusion:**

Almost anyone now can publish via the Internet and social media outlets. The right of publicity must adapt to the changing definition of news. No longer applying to just celebrities, anyone's commercial advantage can be exploited based on the newsworthy exception's adaptation to the digital age.