

# Landmark ruling on web publishing sets international precedent

Australia's highest court has ruled that articles on the Internet are published where they are read and not where the Web servers are located. A defamation case sparked by a story on a leading U.S. web site can now be heard in Australia because that is where some readers saw the story.

The High Court of Australia ruling cleared the way for Victorian businessman, Joseph Gutnick, to sue U.S. based Dow Jones, publisher of the Wall Street Journal, in a Victorian court.

Debate centred on whether an alleged defamation was published in the US state of New Jersey, where Dow Jones's Web servers are located, or in Victoria, where some readers saw the story.

The court allowed 18 organisations to make submissions to the hearing, including AOL Time Warner, Amazon.com, the Associated Press, Bloomberg LP, News Corporation, Reuters Group and Yahoo.

"The court was asked to determine where that article was published. It has made no findings on the merits of the defamation action itself," the court said in a statement.

Dow Jones had argued that exposing Internet publishers to defamation suits in jurisdictions where material is downloaded could lead to claims all over the world.

The court said a defamation claim could be brought in a court in which area the person had a reputation.