

CASE NOTE: ENGLAND & WALES

CASE CITATION:

Donald Blaney v Person(s) unknown, (not reported), Thursday, 1 October 2009, Lewison J ChD

NAME AND LEVEL OF COURT:

High Court, Chancery Division

DATE OF DECISION: **Thursday 1 October 2009**

MEMBER OF THE COURT:

Lewison J

LAWYER FOR THE PROPOSED CLAIMANT:

Matthew Richardson, Barrister (instructed by Griffin Law, Kent)

Intellectual property; passing off; copyright; moral rights; injunction; service by alternative means; CPR 6.27; internet; anonymous

The proposed claimant Donald Blaney was a well known political blogger who blogs under the name Blaney's Blarney. On 17 September 2009, the proposed defendant, (person or persons unknown) set up an account on the website Twitter.com with the name @BlaneysBlarney and a picture of the proposed claimant. The proposed claimant applied, ex-parte, for an injunction restraining the proposed defendant from publishing any further tweets on Twitter.com via the account, and requiring them to preserve all data and passwords, and further requiring them to disclose to the proposed claimant's solicitors within 48 hours their name and address for service.

As no address was available for service of the Order, the proposed claimant applied for the Order to be served via the Twitter site itself using a short private message and a hypertext link to the full order.

Lewison J held that as there was a prima facie case in passing off, copyright and moral right infringement, an injunction was suitable in this case. As the proposed defendant could not be identified, it was suitable to issue an Order compelling them to identify themselves. Service via Twitter as an alternative method of service under Civil Procedure Rule 6.27 was well within the meaning of the Civil Procedure Rules.

Reported by Matthew Richardson, Barrister