[NL] Author of false Google reviews ordered to pay damages

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On 25 October 2017, Amsterdam District Court ordered an author who posted false reviews concerning a day-care centre on the Google platform Google Maps to pay EUR 2 702 in damages to the owners of the day-care centre. On Google Maps, internet users can post reviews of locations they have visited. Between April 2015 and February 2016, the author wrote several negative reviews of the day-care centre using different accounts. In the reviews, he claimed that the day-care centre was unstructured, and described the situation as “hysterical”. He also claimed that the day-care centre was unhygienic, that crying children were ignored, and he accused the organisation of the day-care centre of being solely money-oriented.

The owners of the day-care centre requested Google to remove the reviews, but Google refused to do so. In a subsequent judgment on preliminary relief proceedings in February 2016, Amsterdam District Court ordered Google to provide the owners with the IP addresses of the computers that were used to create the accounts under which the reviews had been posted, as well as all information (telephone numbers, names and email addresses) these users had provided when creating the account. It followed from this data that all user accounts belonged to a person with whom the owners of the day-care centre had had a disagreement in late 2014, early 2015. The author suffered from psychological distress and was under treatment by a therapist.

In the present judgment of 25 October 2017, Amsterdam District Court declared the Google reviews unlawful, since the author did not refute the owners’ claim in a reasoned way. The court ordered the author to pay damages to the owners of the day-care centre. The author was ordered to pay EUR 2 702 in material damages, the amount the owners claimed for the wage costs of the directors of the day-care centre for the time that they were unable to spend on their actual work, and EUR 11 000 for legal costs incurred to find out who had posted the false reviews. The court rejected the claim for damages for reputation loss, considering this claim as insufficiently substantiated.

Rechtbank Amsterdam, 25 oktober 2017, ECLI:NL:RBAMS:2017:8063

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District Court of Amsterdam, 25 October 2017, ECLI:NL:RBAMS:2017:8063

Rechtbank Amsterdam, 29 februari 2016, ECLI:NL:RBAMS:2016:987

http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2016:987

District Court of Amsterdam, 29 February 2016, ECLI:NL:RBAMS:2016:987

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