[IT] Court of Rome tackles the first case of online disinformation related to the COVID-19 emergency

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Ernesto Apa& Marco Bassini
Portolano Cavallo

By way of an order issued on 27 November 2020 in the context of proceedings brought as a matter of urgency, the Court of Rome had the chance to tackle the first leading case in Italy concerning online disinformation, a very well-debated subject, most notably in the age of the pandemic.

The decision of the court arose out of the claim made by the founder of a web channel named InfOrmalTV, allegedly created to disseminate independent information, who complained that YouTube had removed from his portal some COVID-19-related videos because of multiple violations of the terms and conditions of the service.

According to the Court of Rome, in its capacity as a hosting provider, YouTube is subject to a contractual (and legal) obligation to remove unlawful content. In the view of the plaintiff, however, the pieces of content specifically removed by YouTube from his channel did not amount to unlawful information and therefore did not constitute violations of the relevant terms of service.

The content of the videos in question was in fact related to the COVID-19 emergency; in particular, the videos supported the use of ozone for treating the COVID-19-related disease, as opposed to what was established by the Ministry of Health in the guidelines against misinformation published on its website. The Ministry of Health's website marked as false the following statement: "Ozone sterilizes air and environments and prevents infection by Covid 19"; on the contrary, the video published on the YouTube channel managed by InfOrmalTV aimed at challenging this point of the guidelines.

In the view of the Court of Rome, there is no scientific evidence that ozone has such properties and can be used as a therapy in case of COVID-19 infection. Based on this, the Court of Rome acknowledged the lack of the requirement known as *fumus boni iuris* (that is, the likelihood of success on the merits), and therefore rejected the claim made by the plaintiff.

Tribunale di Roma, sezione diritti della persona e immigrazione civile, ord. 41450, 27 novembre 2020

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Court of Rome, section on human rights and civil immigration, ord. 41450, November 27, 2020

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