

SERVICE OF DOCUMENTS – HAVE YOU TRIED TWITTER?



JOELSON WILSON LLP
Solicitors
30 Portland Place
London W1B 1LZ

T: (+44) (0)20 7580 5721
F: (+44) (0)20 7580 2251
E: info@joelsonwilson.com
W: www.joelsonwilson.com
DX: 9001 West End

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A recent case in the High Court has resulted in the Claimant being permitted to serve on order on the Defendant via the social networking website, Twitter.

This case follows a similar case heard in Australia in 2008, where the court permitted service of documents via a private message on Facebook, as an alternative method for service.

Both cases highlight the fact that the courts are responding to new technologies. In the UK case, the Claimant, Donal Blaney, had a blog on Twitter and discovered that he was being impersonated by another anonymous user of the service. Mr Blaney sought an order against the impersonator requiring him to stop posting on Twitter and to identify himself. However, as a result of the impersonator being anonymous Mr Blaney had no simple way in which to bring the order to his attention and to serve it upon him.

Before this recent decision, another approach which has been used in previous cases of a similar nature is to serve an order upon the website in question, for example Twitter, to obtain registration data. The new approach of serving directly on the defendant provides a much quicker and cheaper route.

An application for the service of documents via Twitter or other social networking websites is only likely to be successful where the claimant can show a good reason for the alternative method of service. Any such application would need to state why the claimant believes that the document will reach the defendant using the proposed method.

This is an exciting example of the courts moving forward with technology and assisting claimants with the service of documents, which can often be an expensive and time-consuming exercise with extensive investigations.

Need to know more? Ask us. For information/advice on litigation issues, please contact:

Jo Gregory, Niall McCann or Elizabeth Hood
Joelson Wilson LLP
30 Portland Place, London W1B 1LZ
Telephone: + 44 (0) 20 7580 5721
Fax: + 44 (0) 20 7580 2251
E-mail: jeg@joelsonwilson.com or nmm@joelsonwilson.com or eh@joelsonwilson.com
Web: www.joelsonwilson.com

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