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What To Do About Defamatory Online Reviews, *Law360*

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Peer reviews and ratings are a common feature of sharing economy commerce. For example, drivers and riders input reviews on Uber and hosts and guests post reviews on Airbnb. User reviews are also the underpinning data for companies such as Yelp. Yelp is typically the first and only place consumers look for goods and services ratings and reviews. Yelp reviews have also expanded to include professionals (such as accountants, real estate professionals, lawyers and doctors) and other nontraditional professional service providers. However, what are the options when someone posts a libelous or fake review?

Recent case law from the Ninth Circuit — involving Yelp, yelpers (Yelp online community members who rate and review goods and service providers) and disgruntled business owners who have received unfavorable reviews — is instructive and has held websites (such as Yelp) that share and spread user-generated reviews are shielded from liability by the Communications Decency Act.

Comparing these cases against others in this area presents some key points moving forward for consumers, companies and advocates.

Kimzey v. Yelp! Inc.

On Sept. 12, 2016, in Kimzey v. Yelp! Inc., the Ninth Circuit dismissed a libel lawsuit brought by a business owner who received negative reviews on Yelp. The Ninth Circuit unanimously held Yelp not liable for content created by its users, finding its star-rating system does not transform user reviews into company content.

The lawsuit in Kimzey was brought by Douglas Kimzey, a locksmith in Bellevue, Washington. In September 2012, a Yelp user identified as "Sarah K" posted a negative review and a one star rating on Kimzey's Yelp business page. According to the review, Kimzey arrived late and then charged significantly more than he had originally quoted.

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