

Publications

Serving Subpoenas to Unmask the Identities of Website Owners, Domain Registrants

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When unidentified individuals defame businesses or professionals online, the harmed parties can potentially serve subpoenas on relevant entities for documents containing identifying information about the authors of the online defamation.

The way this process often plays out is as follows (noting this is extremely generalized):

- Party A publishes false and defamatory statements about Party B in a review on a third-party website;
- Party B, which/who has adequate legal grounds for doing so, files a lawsuit against the unknown Party A for defamation and related causes of action;
- Party B serves a subpoena—seeking documents containing identifying information pertaining to Party A—on the parent company of the website on which Party A published his or her defamatory statements
- The subpoenaed entity produces the requested documents, from which Party B will either learn Party A's identity, or Party B will need to consider issuing additional subpoenas based on new information produced in response to the first subpoena (such as IP addresses and/or email addresses owned by other entities).

While we most often see internet defamation take place on third-party websites—and we have published several blog posts about using subpoenas to **identify anonymous defamers** on various websites—some people actually register new domains and publish false and defamatory content on their own websites.

In this latter scenario, the website owner/author of the damaging statements is unlikely to leave identifying information on his or her website. Further, he or she might even use a privacy service to hide his or her contact information, which is legitimate so long as he or she has not provided **fake or inaccurate contact information**.

Nonetheless, parties who are victims of anonymous defamation on specially-created websites are not out of luck.

If they can meet the necessary standards and comply with the relevant statutes, defamed businesses and professionals can potentially subpoena domain registrars, privacy services used to mask domain contact information (if relevant) or even the web hosts. You can determine domain registrars and contact information from a [WHOIS search](#), while there are various host lookup websites on which people can enter domains to determine their hosts.

One of the most popular registrar and web hosting companies in the United States is GoDaddy.com, LLC, better known simply as GoDaddy. In fact, the company has “more than 14 million customers worldwide and more than 63 million domain names under [its] management,” according to its website.

Thus, say that a harmed business determines that the website on which someone published defamatory content about it is registered with GoDaddy, the business can prepare a subpoena to the Scottsdale, Arizona-based GoDaddy. See GoDaddy’s [subpoena compliance policy](#).

A subpoena to GoDaddy might include, among other things, requests for the GoDaddy customer’s billing records or other documents containing the customer’s contact information. Of course, subpoenaing GoDaddy in Arizona requires that the requesting party be familiar with relevant laws and procedures, especially if the party is not from/the case is not based in Arizona.

Many people who register their domains with GoDaddy also use GoDaddy’s privacy service, Domains by Proxy, LLC, to mask the registrant, administrative, and technical contact information. Thus, it can be beneficial to separately subpoena Domains by Proxy, LLC for identifying information pertaining to a Domains by Proxy customer’s domain. See Domains by Proxy’s [subpoena compliance policy](#), noting GoDaddy’s compliance department also manages Domains by Proxy subpoenas.

GoDaddy and Domains by Proxy take about 30 days to respond to subpoenas. If, upon notification to the relevant customers, there are no objections to valid subpoenas, GoDaddy and Domains by Proxy will produce the requested documents/information.

As an alternative to subpoenaing registrars (including, but certainly not limited to, GoDaddy) or privacy services like Domains by Proxy, defamed businesses and professionals might also consider serving subpoenas on the hosts of the websites on which they have been disparaged. Hosts essentially provide space on their servers to make customers’ websites accessible online.

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