[PRINT ON SOLICITOR FIRM LETTERHEAD]

[INSERT ADDRESS]

[INSERT DATE]

**By Post [and by Email] [and by Fax]**

Dear [Sirs] [INSERT NAME]

**[INSERT NAME OF COMPANY] (“Company”)**

**Your defamatory internet posts and publications**

We are [NAME OF SOLICITORS], a firm of solicitors based in [LOCATION] that acts for [INSERT NAME OF CLIENT] (“**Client**”) in connection with the identification and pursuit of identified instances of libelous statements across the internet.

We have been made aware of various posts you, on behalf of yourself and your Company, have made and are making on forums around the internet, [including Twitter] which makes reference to our Client.

**Our claim**

We have evidence to prove that the [forums] hosted by your website [INSERT SITE] (“**Website**”) contain serious, untrue and highly defamatory comments towards our Client, some of which contain malicious falsehood. In doing so, defamatory comments are being communicated to [thousands] of people throughout the world, posing a serious threat to the reputation of our Client [and various individuals who work at the Client].

These comments seem designed to damage the reputation of our Client in the market place and divert business away from our Client rather than have any fair comment basis.

The defamatory threads are as follows:

[INSERT LINK]

[INSERT LINK]

The allegations which will be the subject of a possible action are in summary as follows:

[INSERT DETAIL]

We have included a small sample of the posts within the aforementioned threads to illustrate the defamatory and actionable nature of the content contained (“**Schedule A**”). Please note that this is not an exhaustive list, but merely a token sample to illustrate the nature of the discussion.

Under the law of England and Wales, a defamatory statement is one which tends to lower the claimant in the estimation of right thinking members of society generally (***Sim v Stretch*** *[1936] 2 All ER 1237*). The words are defamatory, identify or refer to the claimant and are published by yourselves to third parties.

**Legal proceedings**

In order to protect our Client’s interests we are considering proceedings against you in the High Court. These proceedings would seek remedies including but not limited to the following:

* substantial damages;
* an injunction to restrain you from publishing the same or similar statements in the future; and
* costs.

**Jurisdiction**

A defamatory statement is published at the place where it is read, heard or seen, and is not where the material was first placed on the internet. In internet cases, therefore, provided a small number of people have access to the material on the internet in England, the English courts will have jurisdiction to hear the claim against a foreign defendant (***Spiliada Maritime Corp v Cansulex Ltd*** *[1987] A.C. 460*).

**Next steps**

We are not against freedom of speech and recognise the value of fair comment. At this stage neither we nor our Client have any desire to issue legal proceedings against the operators and the Website and we are keen to do all we can to avoid litigation where possible.

However, in accordance with the pre-action protocol for defamation, we will desist from issuing legal proceedings provided within 14 days of the date of this letter you agree to do the following:

* remove from publication in their entirety the defamatory threads to prevent harm to our Client’s business;
* produce an apology and a declaration that the allegations referred to are false and defamatory and cause such apology and declaration to be published in each of the forums which have given or could give reason for our complaint (such apology to be approved by us prior to publication);
* provide details of recipients of advice or comments made of this nature, together with contact details for each recipient;
* provide details of the number of posts made, together with website addresses;
* make proposals for the payment to us of damages for the harm caused to our reputation; and
* undertake to actively monitor and delete any newly published defamatory content relating to our Client.

If the defamatory threads are not permanently removed and the above undertakings are not complied with by [4.00pm GMT] on [INSERT DATE] we shall revert to our Client with a view to recommending that they commence taking steps towards the swift issue of proceedings without further notice.

We draw to your attention the terms of Section 2 of the Defamation Act 1996, under which you have the right to offer to make amends.

We await your response by return. In the meantime we reserve our Client’s rights, in particular the right to produce this letter to the Court when it comes to consider costs under CPR 44.3.

Yours faithfully

[INSERT NAME OF SOLICITORS]