

Ninth Circuit Holds Yelp Is Not Responsible for Bad Reviews

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November 3, 2016

The Ninth Circuit recently reaffirmed the protection afforded to website providers and users under Section 230 of the Communications Decency Act. In that case, a locksmith sued Yelp over a bad review and one-star rating that had been posted by a consumer. The locksmith accused Yelp of being responsible both for creating the review and for “transforming” it into an ad by republishing it on Google. The Court rejected both arguments, holding that Yelp was immune under Section 230.

Section 230 generally states that websites cannot be held liable as a publisher or speaker for content provided



by someone else. The law does not provide a blanket immunity, however. Website owners can be held liable as a publisher or speaker when they are “responsible, *in whole or in part*, for the creation or development” of unlawful content. The question in many CDA cases is at what point a website crosses the line between simply allowing others to post content and playing a role in the creation of that content.

In this case, the Ninth Circuit rejected the plaintiff’s attempt to “plead around” Section 230’s grant of immunity, and held that Yelp’s development of content-neutral tools that used or collected user-generated input did not make the website the “creator” or “developer” of unlawful information supplied by its users. You can read our article with a more detailed analysis of the case [here](#).