Norwich Pharmacal Orders

Have you or your business been defamed or harassed online by an anonymous poster or are you concerned that you may be? If so, how do you identify the anonymous poster to allow you to commence legal proceedings to ultimately seek redress.

The answer is a Norwich Pharmacal Order. A Norwich Pharmacal Order will allow for the disclosure of certain documents or information to the applicant and it is essentially used by individuals or companies to discover the identity of individuals who use the internet to harass or defame online and attempt to do so anonymously.

There are three requirements in order to obtain a Norwich Pharmacal Order. Firstly a legal wrong must have been carried out by a potential, eventual Defendant. Secondly, there must be an actual need for an Order to bring proceedings, and thirdly the person against whom the Norwich Pharmacal Order is sought must have facilitated the wrong doing and be able or likely to be able to provide such information as is necessary to enable the potential Defendant to be identified and sued.

A Norwich Pharmacal Order can be obtained pre-action, during the course of an action, and post judgement. There must be a need for the Order against the Third Party which is normally satisfied by their anonymity. The person against whom the Order is sought must have facilitated the wrong doing and commonly in the case of an internet service provider it is the identity of the owner of the Internet Protocol ("IP") address that is being sought. Any machine which is connected to the internet will have an IP address which acts like a car licence plate and a telephone number in that it shows ownership and allows the machine to be located by others.

Therefore if you or your business have been harassed or defamed online by an anonymous poster the first step is to obtain a Norwich Pharmacal Order against the internet service provider to disclose the IP address of the anonymous poster and thereafter you can seek injunctive relief and even an Order for Substituted Service of those subsequent proceedings through Twitter or Facebook if necessary.

Finally, unless you require secrecy or urgency, an application for a Norwich Pharmacal Order should be made on notice to the Respondent. As always, it is good practice to request voluntary disclosure before commencing Court Proceedings.

This is a general guide and it is not intended nor should it be taken as legal advice.

Should you have queries about the content of this article, please do not hesitate to contact Associate Solicitor, Fergal Maguire.