

***RAMEY V. DARKSIDE PRODUCTIONS, INC.***

*No. 02-730 (GK), 2004 U.S. Dist. LEXIS 10107 (D.D.C. May 17, 2004)*

The district court for the District of Columbia held that an online publisher of an advertising guide was protected by immunity under the Communications Decency Act (CDA) for the content of its advertisements.

Defendant Darkside Productions (“Darkside”) is a publisher of an online advertising guide for legal adult entertainment services. The plaintiff has performed and promoted herself as a nude dancer in the Washington, D.C. metropolitan area since 1996. The defendant displayed unauthorized photos of the plaintiff in an advertisement on its website. Plaintiff alleged intentional infliction of emotional distress, unjust enrichment, negligence, and fraud as a result of the unauthorized use. Defendant moved for summary judgment under § 230 of the CDA.

The district court held that defendant Darkside had full immunity under § 230(c)(1). The court held that defendant was an interactive computer service under the Act and not an information content provider because it did nothing more with the advertisements than: (1) print its website address on every advertisement that it published on its website; (2) place a watermark on the photos used; and (3) categorize the advertisements by subject matter. The court further held that although the publisher did not engage in “Good Samaritan activities” by blocking or screening offensive material from its website, it was still entitled to immunity under the CDA.