

# RIGHT OF REPLY

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## Executive Summary

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### ■ What is Right of Reply

Right of Reply is an online solution that protects you against the growing proliferation of personal attacks and misinformation by providing fast, low-cost solutions and legal tools to protect and manage your online reputation.

Right of Reply's mission is to become the standard for reputation and right of expression. All Right of Reply information can be found at: [www.rightofreply.news](http://www.rightofreply.news)

### ■ The actual “reputation market”

- The market seems to abound in IT solutions and online reputation management services. Some actions are preventive and aimed at building a good reputation, others are corrective, aimed at managing crisis situations and rebuilding a damaged personal or corporate image.
- Today, no solution is able to act right at the time when potentially negative news (incomplete, incorrect news) is spread.
- Although these services, both automatic and manual, may be efficient and effective, they do not guarantee simultaneity – they act as a reaction to the diffusion of negative content, they do not guarantee the same relevance as the negative content, even if the negative content is acted upon on the same website.
- The inefficiency of the system is such that the only solution seems to be the removal of negative content – from legal action in defamation cases to the application of the right to be forgotten –, a practice that does not comply with the right to freedom of expression.

### ■ Key points on RoR Products and services

- RoR can become the reference model and the only platform on the market for the management of "information disputes".
- RoR allows to manage digital media direct responsibility, whether they are publishers, bloggers or search engines, providing solutions that enable individuals and companies to effectively and efficiently defend their right of reply and their right of expression.
- RoR with its products and services can solve the inefficiencies related to the right of reply, guaranteeing the same simultaneity and the same relevance to the reply as the negative content published.
- RoR, through its products and services, has an important and certifiable social impact on the correctness of information (fake news), in improving Web content transparency and accuracy.

## ROR – Analysis

- RoR allows to manage digital media direct responsibility, whether they are publishers, bloggers or search engines, providing solutions that enable individuals and companies to effectively and efficiently defend their right of reply and their right of expression.
- RoR provides the technical context to address potentially negative content right at the time when it is first published.
- RoR does not affect the reader's perception; RoR can ensure that the reader is provided with all the elements of truthfulness of the news.
- RoR does not act in defamation cases; RoR can ensure that the reply to the defamatory content is spread as soon as possible in order to allow for rectification before the situation leads to a defamation complaint.
- RoR can help reduce complaints and legal action against journalists to the extent that potential claimants have been given the opportunity to reply to content that they consider offensive or inappropriate. Cases of clearly intentional bad faith or criminal contexts are excluded.
- RoR can act directly on the reduction of the so-called chilling effect.

## ■ Go To Market

The easiest and most effective launch strategy is the adoption of relevant information by a national newspaper or website/blog (in terms of distribution).

The advantages for the publisher:

- benefits in terms of image deriving from the ability of the brand (publisher) to find cutting-edge solutions to address an increasingly topical issue
- risk reduction deriving from the ability to guarantee the "informative truth" to the brands / names mentioned in the publisher's articles.

The advantages for RoR:

- benefiting from the reputation / authority of the publication to qualify as a reference model
- using the publisher's promotional actions (to convey the advantage in terms of image) as a way to promote RoR
- owning real cases that document the applicability of the model
- getting great visibility through the circulation of the newspaper.

## ■ Technological analysis

Considering the expressed evaluation, there are some recommendations about the digital model development worth giving:

- extending the application model to mobile use, not just on the technical level of platform access, but mostly focusing on the understanding of users' needs that are typical of the user experience in mobility. This may mean placing more emphasis on real-time notification of the presence of negative content and immediate reply, with the detailed reply being postponed to a later stage.
- creating the conditions for integration also with social platforms, especially Facebook. Even if the reply, managed through the platform, is linked to the negative content that it refers to, we often notice – on Facebook in particular – that opinions are based on comments and word of mouth rather than on the original content. The most effective way to tackle the proliferation of distorted (untrue) opinions is the clear presence of the replication marker in the content shared on the social network
- considering the possibility of proposing free subscription plans, in consultation and notification only, in order to promote awareness of the solution among those individuals who may not be interested for themselves or for others in "managing" replies, but in news about famous names and brands and related replies. One can imagine, for example, that a user subscribes to the news flow concerning a celebrity in a particular moment of newsworthiness. Such use combines perfectly with mobile access.

# Online Reputation Management

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## ■ Introduction

This part of the document answers the question: What is the state of the market with regard to Online Reputation Management (ORM) services?

The issue of Online Crisis Management (OCM) will not be taken into consideration, even though it is closely connected – very often the lack of protection of reputation, also in organisational terms, is the typical trigger for a reputational crisis.

Managing online reputation means:

- understanding what people think and say about you
- proactively improving your own online reputation.

Definition of Reputation (social sphere - Collins)

- the estimation in which a person or thing is generally held; opinion
- a high opinion generally held about a person or thing; esteem
- notoriety or fame, esp. for some specified characteristic.

Definition of Brand (De Mauro)

- a trade name or trademark
- a particular product or a characteristic that serves to identify a particular product.

Definition of Personal brand (huffingtonpost.com)

- it allows you to distinguish yourself from everyone else: what is unique about who you are and what you do. [...] It is about making yourself known for your skills and talents.

Definition of Personal branding (personalbrandingwiki.com)

- the process by which individuals and entrepreneurs differentiate themselves and stand out from a crowd [...].

Definition of Defame (Collins)

- to attack or injure the reputation or honor of by false and malicious statements; malign, slander, or libel.

Definition of Defamation (Collins)

- the injuring of a person's good name or reputation.

For the purposes of this analysis, it is useful to classify the news according to:

- truthfulness
  - true – the information corresponds to the actual facts
  - untrue – the information does not correspond, in whole or in part, to the actual facts
- completeness
  - complete – the news contains all the elements necessary to provide a true picture of the facts
  - incomplete – the news does not contain all the elements necessary to provide a true picture of the facts.
- perception given to readers
  - positive – the news conveys a positive brand image
  - negative – the news conveys a negative brand image.

In particular, we can define "negative content" as content that conveys a negative image of the brand or person: incomplete news can contribute to creating a negative perception of the brand and can therefore be considered negative content.

The publication of negative content can take place on:

- mass media
- paper
- web (websites of newspapers and other publications, corporate and personal blogs, forums, wikis)
- social networks.

Web and Social networks are of particular importance for online reputation management and, consequently, crisis management, because this is where actions are taken to:

- strengthen the image and therefore the reputation of a brand (company, product, service, person)
- oppose the distribution of news that undermines or damages the image and therefore the reputation of a brand.

If the news is incomplete, readers tend to complete it on the basis of what they already know or assume to know.

If the news is complete, readers tend to give a personal interpretation based on the vision of the world that they have built or to which they adhere.

Words have meaning and, for example, the simple choice of one adjective over another can direct personal interpretation.

Anyway, readers might get the wrong idea about a brand, its product or service, or a person.

Even when the news is fake, it can lead to negative perceptions.

Negative perceptions shared on a social network can trigger dozens and dozens of reactions; each reaction, due to the working mechanism of social networks, can

act as a confirmation of the original interpretation – it is the first step of the online crisis.

This is all the more virulent when the theme is sensitive for a community of people.

OCM comes into play at the start of a crisis. ORM works on reputation and creates the conditions for a prompt and effective OCM. They both act after the online publication of potentially negative content.

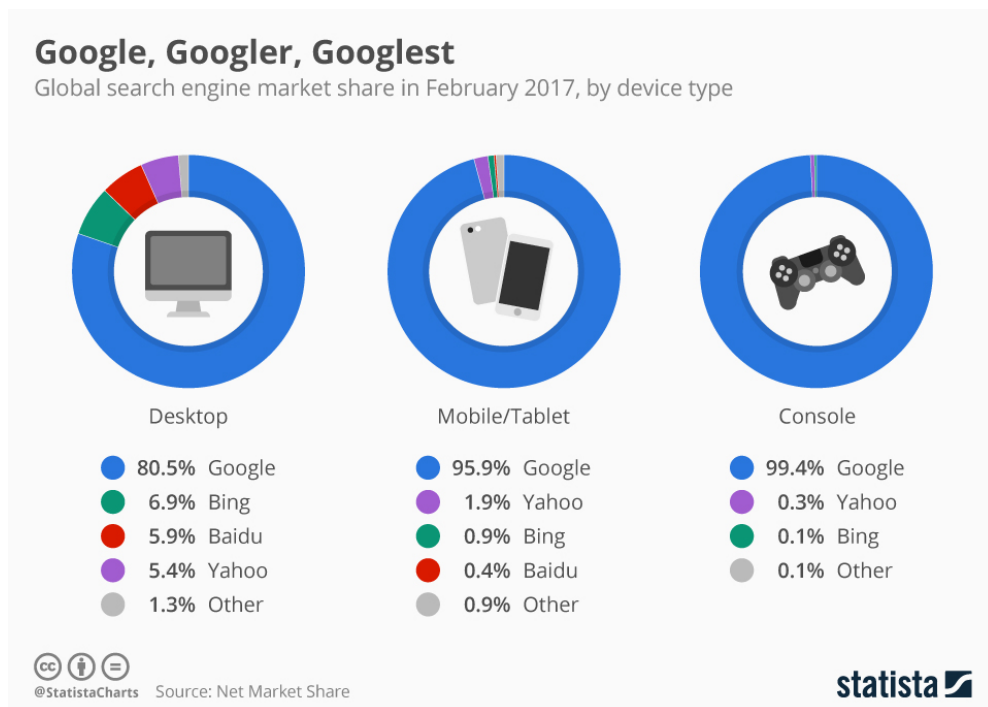
- **RoR provides the technical context to address potentially negative content right at the time when it is first published.**
- **RoR does not affect the reader's perception; RoR can ensure that the reader is provided with all the elements of truthfulness of the news.**
- **RoR does not act in defamation cases; RoR can ensure that the reply to the defamatory content is conveyed as soon as possible in order to allow for rectification before the situation leads to a defamation complaint.**

PS: Sometimes it might happen that the incompleteness of the news is used to facilitate partial interpretations: various tabloids seem to rely on this element and the mainly targeted individuals are leading figures in show business, sports and politics.



## ■ Web and Reputation

Google is the most important search engine in the Western world (80% in desktop searches and 96% in mobile searches).



Search engines index only 4% of the content available on the web; this small portion is:

- periodically read in search of new links to other sites (crawling)
- indexed, in other words stored on Google's servers in order to answer efficiently to users' requirements
- evaluated to determine the value (ranking) of each individual page and its positioning.

The contribution of the Web to the Reputation Management is due to the indexing, storage and ranking functions of the search engines, which:

- ensure the availability of content in response to specific users' searches
- ensure the permanence of the links to the contents (indefinitely), until the content is removed from its original website
- convey a perception of authority stemming from the positioning of the SERP.

The best-positioned contents – with a higher ranking, that is with a higher theoretical value – are shown first: it is highly unlikely that the negative content and the rectification content will have the same positioning on the results page (SERP), even if they are published on the same website.

Negative content published on the web (websites, open forums, blogs) is indexed and will always be available for users' searches; if published on an influential website (according to Google's guidelines), the content may be on the first page of the SERP for a long time, if not forever.

In conclusion:

1. On the web you are not you, you are what Google says you are
2. Google does not forget
3. Google is not democratic.

### ■ Corollary: the right to be forgotten

It explodes with the spread of the Web and with the technological development that allows more and more subjects to post news and Google to be more and more efficient and effective in indexing it and making it available even after a long time.

The problem is the result of these two factors:

1. the content, even if true, no longer reflects the current image of the brand or of the individual
2. the content, even if true, refers to a precise historical period and these days it is of no significance as far as news is concerned. Although it was true in the past, today it is not anymore; therefore it promotes a negative perception of the brand -> it acts like a negative content

The presence of this content on the Web makes it impossible for any subject to rebuild their image after a serious reputational crisis, even in cases where the new image has no connection whatsoever with the context in which the crisis occurred.

The case of Mosaico Arredamenti s.r.l. (2008) is exemplary. The news related to that event is still available to this day on Google, except for the post that triggered the crisis - the blogger removed it from his site a few years ago. As a result of the crisis, the brand has changed its name.

### ■ Social networks and Reputation

The contribution of social networks to the Reputation Management is due to the share, comment and reaction features which:

- generate word-of-mouth
- act as a platform (especially for negative content, because of an innate human trait)
- confirm the perception that the content has within itself or the perception that the first sharing has set up.

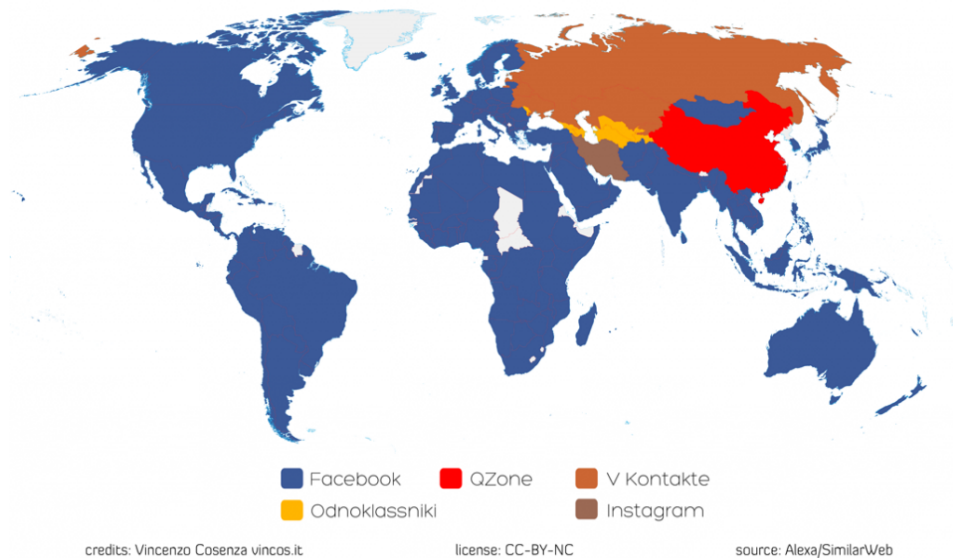
The appearance of negative content on social networks (on Facebook in particular) is the first step towards the reputational crisis, especially if shared by what is

considered as an influential account (or at least a successful one); whereupon the speed of re-sharing and the organic reach are both very high.

The first 120 minutes are essential to understand / determine how a business crisis might develop.

Facebook, in particular, has long become the ideal place to share fake news. This is not a surprise, but while 10-20 years ago this power was held by few people who owned the key to access every communication channel, nowadays the increasing usage of social networks around the world has shifted the power to anyone who has a keyboard, internet access and a reason to create fake news and share it online.

## WORLD MAP OF SOCIAL NETWORKS January 2018



Facebook's war on fake news, for each shared link, is based on this process. The social network:

- receives the feedback from users who report fake news through a drop-down menu next to the post
- consults with partner organizations (including NewsWhip, FactCheck.org, Politifact and Snopes) for a thorough inspection
- acts personally, taking at least three days to label the post, in order to define it as disputed, in other words doubtful, questionable and unverified.

The process can be improved, but the problem appears to be different: where is the line between fake news, unverified news and unverifiable real news (due, for example, to a tip-off or leaked information)? Without clarity on this point, even unverifiable news would be classified as fake.

## ROR – Analysis

The second approach adopted by Facebook is that each piece of news has to be followed by other news on the same subject but from different sources, so that the reader can be fully informed.

Facebook's struggle to purge fake news seems to have failed, for the moment: Facebook's latest algorithm and the resulting additional penalisation of contents published by pages in favour of those published by natural persons, appears to many as a – perhaps temporary – statement of surrender.

## Reputation Management – state-of-the-art services available on the market

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### ■ Introduction

The Online Reputation Management process includes actions aimed at:

1. collecting and cataloguing online content regarding the brand (name and linked keywords)
2. analyzing contents on a semantic level and evaluating the overall sentiment
3. countering the circulation of negative content (e.g. reducing its visibility)
4. encouraging the distribution of positive content
5. requesting the removal of negative content from the website which published it
6. requesting the removal of negative content from Google's cache and indexes.

At the state-of-the-art:

- only the collection of contents related to the brand can be carried out in complete independence by a suitably configured and trained software
- the second, third and fourth types of action require the presence of natural persons with appropriate skills, possibly supported by software functions
- the fifth and sixth are outside the scope of the social media manager and the reputation manager's activities and require specific legal support.

The application services available on the market can be classified as follows.

**Note:** In terms of the company's profitability, the Italian market is NOT the ideal context for the launch and distribution of new web services and mobile apps.

There's one particularly disadvantageous factor - the numbers. The Italian market is not big enough for a technological startup of web services and mobile apps to survive, unless it targets international markets too.

In many application segments, there are no Italian solutions on the market that are consolidated or in the process of consolidation.

### ■ Social Media Analytics Platforms

This segment includes platforms focused on data monitoring and metrics calculation, aimed at keeping track of your own brand online, and not only. The term social media analytics is associated with the analysis of all the online media, such as news websites, blogs, forums and social networks.

**First step - research.** These platforms use crawlers (similar to those used by Google) collecting public information on the internet. In the most common system, a search query is defined to examine the monitored sources. These sources usually include social networks, such as Twitter, Instagram and Facebook, but also news sites, blogs, forums and review sites.

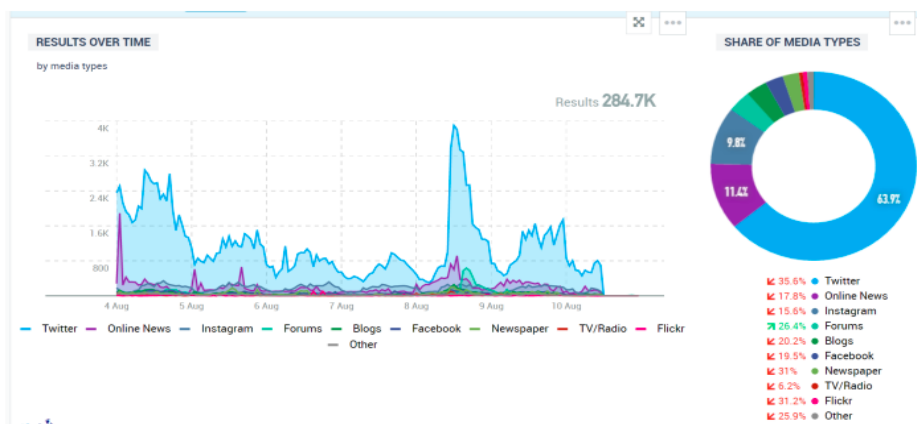
**Second step - classification.** The information can be classified through various filters, such as type of media, country of origin, language, sentiment, type of content and many others. At this level, useful and strategic insights are collected, that are able to give a meaning to the number of mentions, by specifying for example when peaks of results were recorded, where they came from and what was the sentiment expressed.

**Third step - visualization.** Once the information has been collected and classified, it is possible to choose different visualization types.

Key metrics are:

- Mention – it shows how often a specific word, sentence or expression has been used
- Engagement – it shows the level of engagement of a post related to a specific keyword (retweets/likes on Twitter, likes/shares/comments on Facebook, likes/comments on Instagram, comments on news and blogs on social media)
- Sentiment – it shows the perception (positive, negative or neutral) of your brand, of the social media sites related to it or the sites of your competitors
- Virality – it shows how quickly a post has been shared and spread online;
- Share of Voice – it shows the share of online discussions about your brand, a trend or a topic in comparison with other brands, trends or topics you want to monitor.

These are examples of data visualization from Talkwalker.





These solutions include:

- Falcon.io - Manage Your Brand
- Brand24 - They are talking about your product
- Reputation Management - Online Reputation Management For Businesses and Consumers
- Conversocial - Support and resolve at scale on social, mobile channels
- Mentionlytics - Access mention insights. Find influencers & sales leads. Grow your brand's reputation
- Talkwalker - It boosts your digital strategy's impact
- Mention - Monitor your customer / campaigns / brand / competitor anywhere
- socialbakers - Engage & Grow Your Customer Base.

## ■ Social Media Management Platforms

These are platforms focused on social media channel management in terms of:

- immediate or scheduled update publication
- conversation monitoring and management
- search for hashtags and keywords.

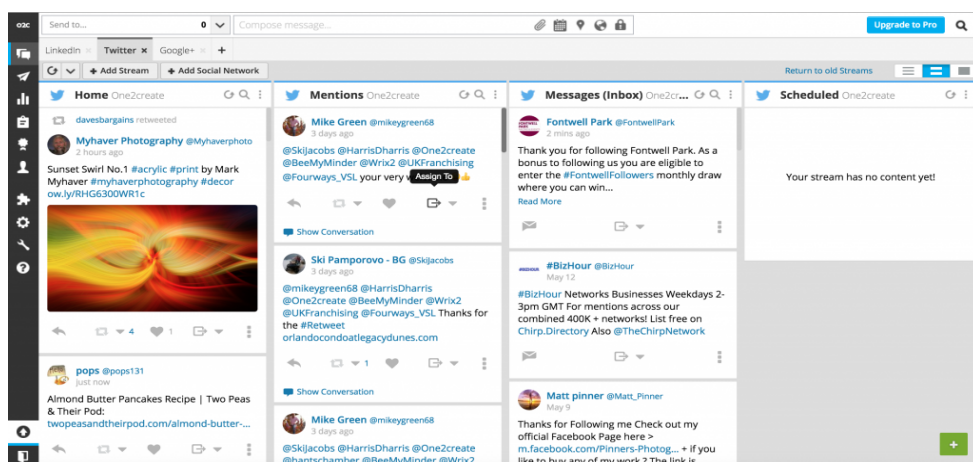
In general, they allow you to connect several social media channels and make them accessible to multiple member groups, with no need to pass login credentials to access the channels.

The advantage of these platforms is that they allow you to manage multiple channels from a single dashboard.

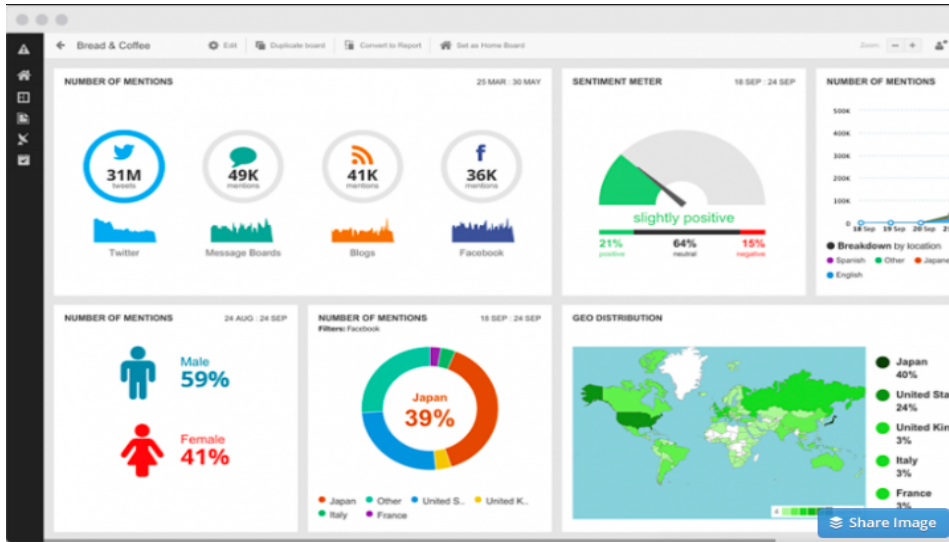
Analytics functions, if any, are limited to some metrics related to brand updates:

- organic reach
- engagement
- clickthrough.

These are examples of monitoring and analysis from Hootsuite.







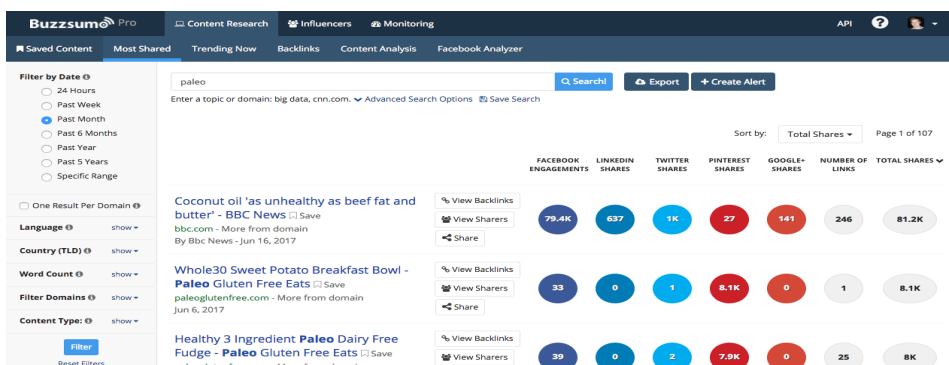
These solutions include:

- Hootsuite - Manage all your social media channels from a single platform
- Spidwit - Simple social media (very recent Italian solution)
- dlvr.it - Automated Social Media Manager / Spend more time away from your desk
- Pospickr - Your Social Media Assistant (latest Italian solution)
- Buffer - Save time managing your social media
- sproutsocial - Powerful Social Media Software.

### Social Monitoring Platforms

Social monitoring is one of the least creative activities in social media management, but it proves very useful when you want to track your competitors, create interaction, or plan a social media campaign properly.

These platforms are tailored to provide numerical data on the reach of online content (web and social networks).



The most renowned ones include:

- Tweetreach - Free Twitter analytics report

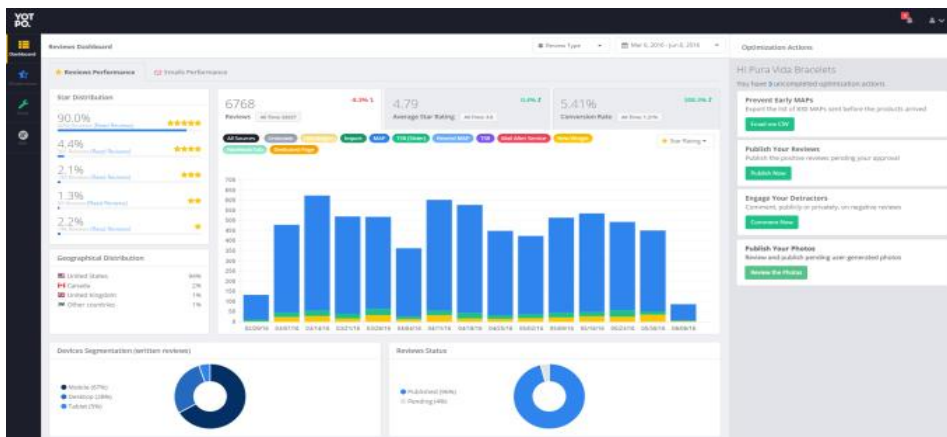
- Buzzsumo - Analyze what content performs best for any topic or competitor
- HowSociable - Measure Social Performance.

## ■ Review Management Platforms

These are platforms focused on the management of reviews published on services such as Google My Business, Tripadvisor, Yelp, Foursquare and others. This type of solution is not widespread in Italy for two reasons: the number of Italian retail chains with multiple points of sale is limited and digital marketing culture is not well developed in Italian companies yet.

Their main functions are:

- review search and cataloguing
- request for customer review
- automatic alerts on new reviews
- reporting.



Some of the solutions are:

- ReviewPush - We make online review management easy
- Yotpo - Turn your happy customers into your best marketers
- Reputology - Take Control of Your Reviews
- Review Trackers - Monitor online reviews. Measure the customer experience.

## ■ Reputation Management Professional Services

Reputation management services comprise much more than just crisis control or handling of negative online reviews. They can analyze, protect and rebuild your online brand image by applying a set of strategies. Here are some of the main features to consider when choosing an ORM service:

**Search Engine Optimization and Management** SEO can be used to emphasize positive information and hide negative information in the abyss of the internet. If such information does appear in search results, the ORM provider can develop strategies to use true and positive content so as to belittle any negative content. This way, people looking for you or your business will not be immediately confronted with negative results.

**Content Development and Management** To position well in search engines and build a good reputation, you must have quality content. This implies a good blog and website structure and well written content. Most ORM services help improve existing content and create new material so that users see that the shared content is relevant and worth reading. This adds to your brand's credibility and reputation.

**Social Media Management** Sometimes just an image or an inappropriate comment are enough to cause an escalation of reputation alerts. Most ORM services help examine social networks to ensure that posted content is appropriate for your business. ORM services can monitor the way social media profiles affect your brand's reputation.

**Third Party Websites Monitoring** There are third-party online posts which can damage your brand's reputation, including posts published by former employees and unhappy customers. Negative reviews on websites such as Yelp can be particularly harmful. Reputation management services monitor content of this kind to see what people say about your brand.

## ■ Conclusions

The market seems to abound in IT solutions and online reputation management services.

As mentioned, some actions are preventive and aimed at building a good reputation; others are corrective, aimed at managing crisis situations and rebuilding a damaged personal or corporate image.

Today, no solution is able to act right at the time when potentially negative news (incomplete, incorrect news) is spread.

Although these services, both automatic and manual, may be efficient and effective,

- they do not guarantee simultaneity – they act as a reaction to the diffusion of negative content

- they do not guarantee the same relevance as the negative content – even if the negative content is acted upon on the same website.

The inefficiency of the system is such that the only solution seems to be the removal of negative content – from legal action in defamation cases to the application of the right to be forgotten, a practice that does not comply with the right to freedom of expression.

## Press freedom vs. Right of personal portrayal

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### ■ Introduction

It is worth addressing the issue of the relation between the Right to freedom of expression and the Right of personal portrayal in terms of criminal and civil proceedings initiated against journalists by subjects claiming that their reputation has been tarnished.

The survey is conducted by reporting numbered excerpts from the second edition of the Journalism Observatory published by the Italian Regulatory Authority of Communications (AGCOM) with no further comments except for the following:

- **RoR can help reduce complaints and legal action against journalists to the extent that potential claimants have been given the opportunity to reply to content that they consider offensive or inappropriate. Cases of clearly intentional bad faith or criminal contexts are excluded.**
- **RoR can act directly on the reduction of the so-called chilling effect.**

### ■ Summary of the report

**178.** The monitoring activity revealed that more than 35% of the critical situations concern intimidation, threat, aggression and damage. In particular, the analysis shows the importance of the use of legal action as a form of intimidation, as an element able to act as a deterrent to the exercise of the right to report, and therefore able to produce the so-called chilling effect on the information function. According to the AGCOM Observatory, 12% of reporters find these critical situations in Italy, a percentage that rises to 16% in the regions of Southern Italy. In addition, it should be noted that these conditions become particularly severe when they are part of a situation of job insecurity, a phenomenon which, as very thoroughly analysed, is increasingly characterising the Italian information system. The analysis shows that more than 40% of journalists against whom a legal action is brought receive an annual income of less than 20 thousand euros from the exercise of their profession.

The official statistics provided by the Ministry also reveal that the rate of complaints had been increasing from 2010 to 2013 (+8%) and that more than 90% of cases of defamation by means of press are rejected by the judges during the preliminary hearing, since most of them are based on unfounded or, at least, exaggerated allegations. Some significant examples, for instance in Sicily, show that more than 93% of the proceedings brought to the attention of the judge for

preliminary investigations are dismissed and that more than 64% of the pending trials end with a discharge or a dismissal or a judgement of acquittal issued by the court of first instance.

### ■ Details of the report (some elements)

**110.** According to a research recently published by Freedom House (*Press Freedom in 2015: The Battle for the Dominant Message*), over the last years there has been a decline in press freedom in Europe, mainly due to the structural crisis in this sector, which has led to the shutdown of many sources of information and the concentration of media markets.

**112.** The AGCOM is carrying out a coordinated series of actions. A first activity concerns the monitoring of critical situations spotted by journalists in the exercise of their profession, expanding the analysis already included in the first edition of the Journalism Observatory.

**114.** In addition, the Council of Europe has recently launched a project (<https://www.coe.int/en/web/media-freedom>) to promote the protection and safety of journalists with the collaboration of a number of international non-governmental organisations that report possible abuses classified into five categories of concern:

- 1) attacks to the security and integrity of journalists;
- 2) detention and imprisonment of journalists;
- 3) harassment and intimidation of journalists;
- 4) impunity (in the sense of leaving the crimes committed against journalists unpunished);
- 5) other acts producing the so-called chilling effect.

**115.** This term indicates the reluctance and refractoriness to exercise any right for fear of legal implications. In the case of the profession of journalist, the chilling effect takes the form of a structural deterrent effect, consisting in a negative injunction against press freedom. According to European and U.S. philosophy of law and jurisprudence, the chilling effect manifests itself in the context of the free exercise of freedom of expression, which is impaired by the exercise of the right to file legal actions.

As a consequence of the fear that it causes, the threat of legal implications leads to self-censorship and to the impoverishment of pluralism of information and, ultimately, of public debate, at the expense of democracy as a whole. The fear of uncertainty related to the outcome of a proceeding provokes a structural deterrent effect.






In this sense, the chilling effect is often associated with litigations arisen against journalists, particularly in advanced democracies and where there is a lack of clear rules aimed at protecting the profession.

116. The analysis and the consultations carried out with representatives of institutions and the journalistic profession have shown that Italy lags behind in terms of legislation, compared with many other advanced democracies. This circumstance determines the arising of a number of litigations against Italian journalists, which may also lead to the imposition of a punishment of imprisonment for offences committed in the exercise of their profession. Moreover, the phenomenon of vexatious litigations inevitably has a deterrent effect, especially within a context of structural crisis in the information system. Furthermore, the delays are also the reason for Italy's low position in the international rankings on freedom of expression (Reporters Without Borders RWB, Italy ranks 77<sup>th</sup> place).

116. In Italy, the non-profit association *Ossigeno per l'Informazione* has set itself the objective of verifying the number and distribution of threatened reporters in the territory through a real Observatory, in order to trace a register of risk situations with a description of their causes and dynamics. This monitoring has led to the appearance of these phenomena in Italy, while in other environments there is not such a widespread and present activity.

119. In particular, *Ossigeno per l'Informazione* classifies threats, intimidations, aggressions and abuses of different severity in many typologies and macro-categories and makes the statistics available, starting from 2006. Threats are classified into five categories for analytical purposes: physical aggressions; personal property damage; obstacles to information and injunctions; intimidations (threats, stalking, etc.); complaints and legal actions (complaints, compensation for damage, etc.).

**Tabella 1 – Categorie e intimidazioni più frequenti (2012-2016)**

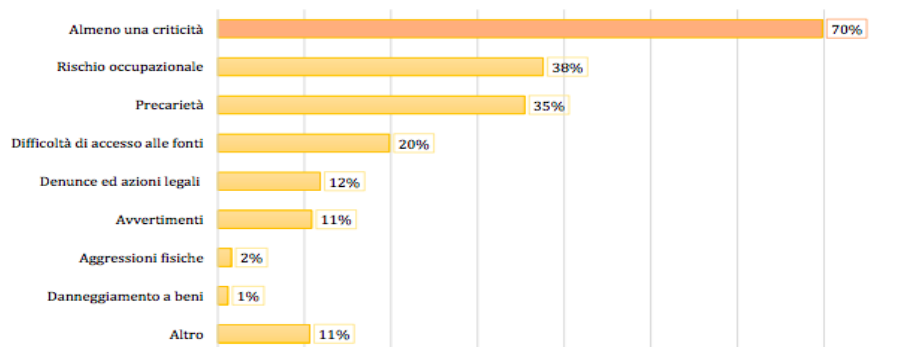
<i>Categoria</i>	<i>Alcune tipologie significative di minacce</i>	<i>Frequenza su totale minacce</i>
 <i>Denunce e azioni legali</i>	Querela per diffamazione ritenuta pretestuosa Abusi del diritto Citazione in giudizio per danni strumentale Incriminatione per rifiuto di rivelare le fonti	20,5% 13,2% 4,9% 0,1%
 <i>Avvertimenti</i>	Insulto Minacce personali Lettera con proiettili attivi / bossolo esplosivo Lettera minatoria o altre forme di minaccia scritta Minacce Facebook e altri <i>social network</i>	8,7% 4,2% 3,3% 3,1% 3,0%
 <i>Aggressioni fisiche</i>	Aggressione lieve Esplosione o esplosivo	9,4% 1,8%
 <i>Danneggiamento a beni personali</i>	Incendio auto o abitazione	2,1%
 <i>Ostacolo all'informazione</i>	Ostacolo all'informazione e diffide	3%

Fonte: Ossigeno per l'Informazione

122. As mentioned above, in the second edition of the Journalism Observatory the ACGOM carried out specific monitoring activities on critical situations related to

the journalistic profession. In addition to the categories defined by *Ossigeno per l'Informazione* (Table 1), some economic problems that characterize the present crisis situation in the sector were introduced. These problems essentially concern job insecurity and occupational risks.

**Figura 36 – Criticità riscontrate dai giornalisti nell'ultimo anno**



**128.** The new generations of journalists, often in precarious conditions and on low incomes, are easily marginalised and less able to counter attempts to censor information.

**133.** The analysis of intimidations shows the absolute importance of the use of legal action as a means of deterring the exercise of the right of press freedom (producing the so-called chilling effect, see above). There are several aspects that make it difficult to measure the chilling effect: it is influenced by the expectable extent of the costs of legal actions, but also by the intangible consequences in terms of credibility and social isolation.

**134.** In this respect, it should be noted that defamation by means of press is prosecutable under criminal and civil law, both separately or simultaneously, with claims for damages that are out of all proportion to the actual damage suffered and to the economic capacity of the journalist and the publisher, as will become clear in the next paragraph. In addition, proceedings for defamation are quite long and sometimes they reach a conclusion only when the journalist no longer has the legal cover of the publisher.

In this context, the contractual status of the journalist (employee vs. self-employed) and their annual remuneration have a particular impact on the extent of the chilling effect... In Italy, more than 40% of journalists against whom a legal action is brought receive an annual income of less than 20 thousand euros a year.



## ■ Focus on Vexatious Litigations

**135.** As the Italian Supreme Court of Cassation established a long time ago, the exercise of the profession of journalist presupposes that the reporter is obliged/empowered to bring to the attention of public opinion facts, news and events relating to social life.

**136.** During the exercise of the basic activity of information to the public emerges, at the same time, the need to safeguard individual properties, such as the dignity, the reputation, the image and the name of the person to whom the news is related; these values are, in turn, attributable to the protection of human dignity pursuant to Clause 2 of the Constitution of the Italian Republic.

**137.** As outlined by the associations that represent the interests of journalists (see below), statistics indicate episodes where the individual interest of the person object of the news ends up prevailing, in practice, on the collective interest in the knowledge of the information. This is due to the use of many restrictions to the exercise of the right to report news.

**138.** In other words, as mentioned in the previous paragraph, nowadays the profession is experiencing some critical situations connected to the tendency to exercise forms of intimidation aimed at inhibiting the distribution of news that are considered troublesome. In this context, some effects may endure such as the chilling effect (see above), which inhibit the free unfolding of a plurality of informative voices.

**139.** The previous paragraph reveals in particular that some forms of intimidation endured by journalists are exercised by means of legal tools. Reference is made to the so-called vexatious litigations, where vexatiousness is understood as a synonym of speciousness: these are proceedings with almost no factual and juridical basis and nevertheless carried out solely to limit and influence the exercise of the journalist's right to report. Therefore, the expression "vexatious litigation" means taking legal action or defending oneself in cases of bad faith, gross negligence or no reasonable prudence (slight negligence). That is to say being aware of initiating proceedings with no factual and juridical basis, with delaying or obstructive purposes, namely without reasonableness or awareness of the consequences of one's actions. In case of vexatious litigation against the journalist, the trial, a means of protecting the rights of the personality, is transformed into an instrument of limitation of another fundamental right: the right to the freedom of expression.

**140.** Although this phenomenon is widespread in many countries, it emerges with extreme gravity in Italy, due to the fact that often the figure of the journalist appears poorly guaranteed and mostly weak in the face of the forms of threat suffered, for a variety of reasons:

## ROR – Analysis

- the high degree of job insecurity and the most common forms of contractual classification of the category
- the long duration of trials in Italy and the defendant's fear to be sentenced to imprisonment
- disproportionate claims for compensation on the ground that there is no legal limit to the quantification of the non-economic damage claimed by way of compensation

## Right of Reply

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### ■ Objective

**Qualifying RoR as the reference model and the only platform on the market for the management of "information disputes":** Right of Reply, through its products and services, has an important and certifiable social impact on the correctness of information (fake news), in improving Web content transparency and accuracy, in managing digital media direct responsibility, whether they are publishers, bloggers or search engines, providing solutions that enable individuals and companies to effectively and efficiently defend their right of reply and their right of expression.

## ■ Scope of action

RoR's scope of action is the reputational damage to the person (typically a public figure) or to the brand, generated by the circulation of negative content on the web and on social networks.

Defamation cases and information published on printed paper or mass media are excluded.

RoR provides the following services:

- All about me – a search engine that works on web content and aims at detecting all websites that contain information on the brand or the person
- Check the text – a text-analysis engine aimed at semantically analysing the text to reveal its positive, neutral or negative content
- My truth
- Announce it all
- Good come first

The service can be used by:

- a publisher, who can integrate it in their own publishing platform
- an individual, who can use it in a software-as-a-service mode
- a press office, which can add it to other reputation management tools and services for its clients.

## ■ Modes of use

### **Publisher**

It is essential to integrate the service into the publisher's CMS (Content management system).

### **Back-end side**

All articles containing references to a brand can be provided with a reply edited by the brand to the article's content.

The brand can be informed on the next publication of an article about the brand itself and can prepare the reply content.

### **Front-end side**

The reply is going to be highlighted in the article, for example through the reproduction of the RoR's logo at the end of the article's title.

A click on the RoR's logo will open a pop-up with the reply content or will lead you directly to it.

### **Indexing and Sharing on social networks**

For the system to be efficient, it is essential that the web page's snippet and the social network sharing's snippet indicate the presence of a reply with the same visibility as the one on the original site.

### Individual (brand or public figure)

The service can be used on condition that either brands or individuals purchase a payment plan.

#### Back-end side

The essential function is the research of user-related contents: brand's name, keyword and hashtag.

Even if it is not crucial, the semantic analysis of the text is equally important: the online sentiment can be measured by reading all contents detected in the research. The more the public figure using RoR is renowned, the more this function is important.

The back-end allows to write a reply to all negative content and to share it on social networks.

Essential is the availability of a function that allows to connect a web content to the main news, which has been answered.

#### Front-end side

RoR presents itself as a news search engine operator: each content indexed on RoR and linked to a reply is going to be identified with an appropriate symbol.

The RoR site does not rely on its own positioning, but on its notoriety as a site where truth can be restored by rebalancing the rights of the personality and the rights to freedom of expression.

### Press office

It is a multi-account version in which a single user supplies services connected to the reputation of several final subjects (brands, public figures).

## ■ Launch Strategy

The easiest and most effective launch strategy is the adoption of relevant information by a national newspaper or website/blog (in terms of distribution).

The advantage for the publisher is double:

- benefits in terms of image deriving from the ability of the brand (publisher) to find cutting-edge solutions to address an increasingly topical issue
- risk reduction deriving from the ability to guarantee the "informative truth" to the brands / names mentioned in the publisher's articles.

The advantages for RoR:

- benefiting from the reputation / authority of the publication to qualify as a reference model
- using the publisher's promotional actions (to convey the advantage in terms of image) as a way to promote RoR

- owning real cases that document the applicability of the model
- getting great visibility through the circulation of the newspaper.

At the same time, it is also useful to promote a culture on this theme: whitepapers, infographics, influential articles / interviews and participation in journalistic and web conventions and events.

### ■ Critical success factors

The success of the RoR solution is linked to the ability to make the practicability of the RoR model clear in one or more risk situations for the publisher / reputational risk for brands or public figures.

The success of the RoR solution is due to several factors:

- adoption from national newspapers and influential websites/blogs in terms of distribution
- simplicity and effectiveness of the information process of the party concerned (those who will be quoted in an article and who are given the opportunity to reply to the quote)
- simplicity of the revising process / reply publication process
- usability and availability of the reply content (either on desktop or on mobile phone)
- visibility of the reference to RoR (in case of a reply content) on Google's SERP
- visibility of the reference to RoR (in case of a reply content) on Facebook's sharings.

With regard to the visibility of the RoR brand in Google's snippets, taking as an example the following snippet,

#### [Uma Thurman: Tarantino e Weinstein, l'ipotesi di un tentato omicidio ...](#)

[www.corriere.it/.../molestie-uma-thurman-weinstein-aggre-di-anche-me-3702ff68-090c-...](#)

3 feb 2018 - Qualche mese fa, **Uma Thurman** ci aveva avvertito. Sfilando sul tappeto rosso della «prima» di una pièce a Broadway, invece di ripetere per la tv le solite inevitabili banalità da contratto aveva trattenuto a stento le lacrime promettendo che presto avrebbe raccontato la sua esperienza relativa al caso ...

a reference to RoR must be included in the three lines shown in Google's SERP. The current functioning of Google Search requires the insertion of "the RoR visibility" in Google's snippet directly in the backend of the header's CMS. Similarly, the visibility must be included in Facebook's sharing snippet:



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Take a look at our collection of free cutting edge social media tools. You're welcome.



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Everything you need to measure and improve your social media performance.

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👍❤️😄 135 Commenti: 10 Condivisioni: 23

👍 Mi piace    💬 Commenta    ➦ Condividi    📄 Buffer    👤 ▼

## Digital model evaluation

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### ■ Applied methodology

The chapter contains the digital model evaluation: 20 elements from 10 to 0 have been identified; the highest value indicates a favourable element for the viability of the solution and the lowest value indicates an unfavourable element. The scale then shows, moving clockwise from 12 o'clock, the 20 elements from the most favourable to the least favourable.

For each element was stated an evaluation degree from 0 to 100, where 0 stands for the complete absence of the element and 100 for its full presence.

Consequently, a very favourable element (in position 2, for example) with a low evaluation degree (for example 20) is to be considered as an untold advantage. Conversely, a very unfavourable element (in position 8, for example) with a low evaluation degree (for example 20) is to be considered as a weak point with little effect on the model's sustainability.

### ■ Preliminary Notes

The evaluation was assigned to single elements on the basis of the known information and the materials available and viewed at the date of this document.

Particularly, the lack of knowledge of the details on the implemented technologies, on how they will be used, and the unavailability of the platform in a proofing environment underlines some unfavourable elements to the sustainability of the digital model.

The overall evaluation here expressed can be revised in any moment, as more and more evidence will be brought to attention and made available for in-depth analysis and tests.

Therefore, this evaluation is strictly bound to the date on this document and may be revised with the evolution of the solution.

### ■ Elements



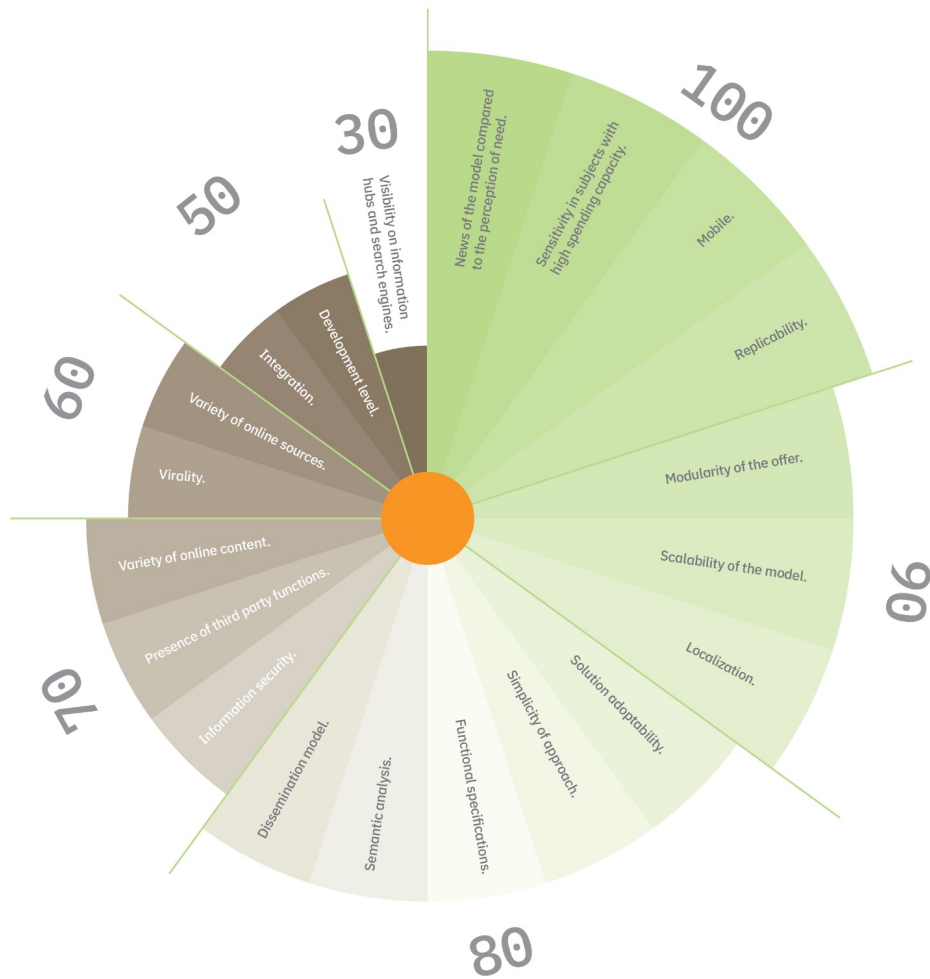


Image: Weighted evaluation parameters of the RoR model based on the adherence and integrity level of the parameter

**News of the model compared to the perception of need.**

The idea of a platform that allows the party concerned to reply to negative content and the "physical" correlation between content and reply is something new in the field of services available on the market, software or not.

The evaluation degree is due to the growing sensitivity of the people towards the reliability of the news read or heard.

**Information security.**

The blockchain technology guarantees the identity of the subject that publishes the reply and its content: after the extraction, the informative block is protected from unauthorised external action. The evaluation degree is due to the lack of detail on the specific technology adopted and on its way of use.

**Visibility on information hubs and search engines.**

The distribution of the solution is bound to its implementation by important information hubs and to its integration with the main search engines; the former

as users of the platform, the latter as a visibility channel for content, and consequently, for brand awareness.

The evaluation degree is due to the absence, on the date of this document, of information about ongoing agreements or deals.

**Integration.**

The possibility to interact with the platform that publishes the content online, and so, the integration of the functions of publishing the reply with the function of managing the news related to the reply, can ease the process of adoption from more editors and informational hubs.

The evaluation degree is bound to the unavailability, on the date of this document, of technical details on the opening mechanisms towards CMS platforms.

**Modularity of the offer.**

The functional outline allows an offer differentiation on a distinguished target; the differentiation may concern the functional aspect, inserting specific functions per target, and the offer, making it accessible to everybody.

The evaluation degree is bound to the existence of different subscription plans.

**Simplicity of approach.**

The platform may be built to simplify the user's approach and accelerate the learning process of its functionalities.

The evaluation degree is bound to the lack, on the date of this document, of objective elements from which to form an evaluation.

**Solution adoptability.**

The parties involved (producer of the news, and the party mentioned in the news) are equally actors and beneficiaries of the adoption of the platform; from the point of view of being able to publicise it and its use, there appear to be no prejudiced positions, instead there is a balanced fulfilment of two needs: freedom of information and protection of one's reputation.

The evaluation degree is due to the idea of the solution itself; the simplicity of the implementation from the publisher's side is still to be verified.

**Scalability of the model.**

The operation model appears to be easily replicable and applicable in different contexts and levels (individual, brand, publisher, newspapers, press office, journalist, public figures, politicians, entrepreneurs...).

The evaluation degree is due to the idea of the solution itself.

**Sensitivity in subjects with high spending capacity.**

For the theme addressed and the simplicity of approach, the solution seems to be particularly adoptable by subjects (individuals) exposed to reputational risks online; they generally have a high spending capacity. This may favour the widespread distribution and a fast increase in profit.

**Virality.**

The function Announce it all is a strategical lever for the diffusion in the segment of more exposed and higher spending public.

**Development level.**

On the date of this document, it is not known the level of technical development of the platform. It is easy to imagine that, by the launch date, the development will be at an advanced stage, at least regarding its core functionalities.

**Localisation.**

If logical to launch the platform in a defined territory (language), the possible appearance of negative content in languages which are different from the initial user's may limit the effectiveness of the solution in two of its main functions, the reply and the semantic analysis of the text.

**Functional specifications.**

On the date of this document, it is possible to perform the evaluations on the platform only on the basis of materials received (other evaluations and surveys) and those available on the website.

**Mobile.**

The possible presence of mobile versions of the solution, not yet provided for, could open up interesting complementary usage and business scenarios in terms of the specificity of the functions available on mobile phones (even now not provided for), subscription plans and the total number of downloaders and active users.

**Presence of third party functions.**

A significant part of the functioning process of the platform is based on the availability of third party functions; it is the case of the research of online content that quotes the specific user of the platform. The possible unavailability of the research function for technical, policy or fee related reasons, makes the whole server unusable.

**Semantic analysis.**

The stability of the semantic analysis is a critical factor for the functional stability of the solution, especially for that segment of possible individual users of the solution; the time needed to evaluate every piece of content may lead to the abandonment of the solution.

**Variety of online content.**

The solution appears to be oriented towards mostly textual online content. It is not clear how, or if, other types of content are taken into consideration, for example multi-media content (audio, video, picture), when the quote from the subject is not clarified in textual form.

### **Variety of online sources.**

The solution appears to be oriented towards mostly textual online content. It is not clear how, or if, other types of content are taken into consideration, for example, content available on social media, and not indexed by search engines.

### **Distribution model.**

The distribution of the platform, in terms of brand awareness, is bound to the adoption / integration with high informational hubs and search engines. This may constitute a restriction in the case such implementation is not enough for the sustainability of the business plan.

### **Replicability.**

The model is easily replicable, and the platform reproducible; it must be taken into consideration that the technology on which the solution is based, albeit innovative, by now is easily accessible to most people.

## **■ Indications**

Considering the expressed evaluation, there are some recommendations about the digital model development worth giving:

- extending the application model to mobile use, not just on the technical level of platform access, but mostly focusing on the understanding of users' needs that are typical of the user experience in mobility. This may mean placing more emphasis on real-time notification of the presence of negative content and immediate reply, with the detailed reply being postponed to a later stage.
- creating the conditions for integration also with social platforms, especially Facebook. Even if the reply, managed through the platform, is linked to the negative content that it refers to, we often notice – on Facebook in particular – that opinions are based on comments and word of mouth rather than on the original content. The most effective way to tackle the proliferation of distorted (untrue) opinions is the clear presence of the replication marker in the content shared on the social network
- considering the possibility of proposing free subscription plans, in consultation and notification only, in order to promote awareness of the solution among those individuals who may not be interested for themselves or for others in "managing" replies, but in news about famous

names and brands and related replies. One can imagine, for example, that a user subscribes to the news flow concerning a celebrity in a particular moment of newsworthiness. Such use combines perfectly with mobile access.