



HIGH COURT OF AUSTRALIA

Public Information Officer

10 December, 2002

DOW JONES & COMPANY INC v JOSEPH GUTNICK

The High Court of Australia has unanimously dismissed an appeal brought by Dow Jones in connection with a defamation action commenced against it in the Supreme Court of Victoria. The action was brought by Melbourne businessman Mr Joe Gutnick, who claims to have been defamed in an article made available on a subscription website on the Internet. The Court was asked to determine where that article was published. It has made no findings on the merits of the defamation action itself.

Dow Jones publishes Barron's Magazine, an American high-circulation weekly investment and finance magazine, available both in hard copy and on the Internet. Dow Jones's website servers are located in New Jersey in the United States. An October 2000 edition of Barron's Magazine carried an article making several references to Mr Gutnick.

Mr Gutnick is a resident of Victoria and has his business headquarters there. He commenced proceedings in the Supreme Court of Victoria claiming damages for being defamed in Victoria.

Dow Jones applied to have the proceedings stayed. It raised an issue as to whether the allegedly defamatory material was published in Victoria. Dow Jones claimed it was published only in New Jersey. The Supreme Court held that publication of the web article occurred in Victoria, where the article was available for viewing. The Supreme Court refused Dow Jones's application.

The Victorian Court of Appeal refused Dow Jones leave to appeal. Dow Jones then obtained special leave to appeal to the High Court, which heard and dismissed the appeal. Mr Gutnick's action can now proceed in the Supreme Court.

- *This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.*