
Subject: Renmaps.cjb.net Server is now full time.
Posted by [warranto](#) on Thu, 22 Jan 2004 07:53:28 GMT
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Ah, so you want legal definitions then? Well here you go!

Quote:libel

1) n. to publish in print (including pictures), writing or broadcast through radio, television or film, an untruth about another which will do harm to that person or his/her reputation, by tending to bring the target into ridicule, hatred, scorn or contempt of others. Libel is the written or broadcast form of defamation, distinguished from slander, which is oral defamation. It is a tort (civil wrong) making the person or entity (like a newspaper, magazine or political organization) open to a lawsuit for damages by the person who can prove the statement about him/her was a lie. Publication need only be to one person, but it must be a statement which claims to be fact and is not clearly identified as an opinion. While it is sometimes said that the person making the libelous statement must have been intentional and malicious, actually it need only be obvious that the statement would do harm and is untrue. Proof of malice, however, does allow a party defamed to sue for general damages for damage to reputation, while an inadvertent libel limits the damages to actual harm (such as loss of business) called special damages. Libel per se involves statements so vicious that malice is assumed and does not require a proof of intent to get an award of general damages. Libel against the reputation of a person who has died will allow surviving members of the family to bring an action for damages. Most states provide for a party defamed by a periodical to demand a published retraction. If the correction is made, then there is no right to file a lawsuit. Governmental bodies are supposedly immune to actions for libel on the basis that there could be no intent by a non-personal entity, and further, public records are exempt from claims of libel. However, there is at least one known case in which there was a financial settlement as well as a published correction when a state government newsletter incorrectly stated that a dentist had been disciplined for illegal conduct. The rules covering libel against a "public figure" (particularly a political or governmental person) are special, based on U.S. Supreme Court decisions. The key is that to uphold the right to express opinions or fair comment on public figures, the libel must be malicious to constitute grounds for a lawsuit for damages. Minor errors in reporting are not libel, such as saying Mrs. Jones was 55 when she was only 48, or getting an address or title incorrect.

2) v. to broadcast or publish a written defamatory statement.

Now lets see here... in order for it to be libel, one factor must be that it was a lie. So what was it msgtpain said? Ah yes!

In one of his posts he stated:

Quote:The point is, he registered the .net version of my .com site, then pointed the majority of his links to MY site for the downloads.

And in the other one:

Quote:Thanks for removing the links and hosting them yourself...

Now.. does this seem like a lie? Lets see what you said!

Quote:Yes I am hosting all the maps you blind idiot. All the map packs are hosted on my site not

your dofus. The individual map links are to your site and cncden, I'll remove them to shut you up.

Hmm, not much of a lie if you ADMIT you had (as msgtpain stated) pointed the majority of the link (Quote: The individual map links are to your site and cncden,) to his site! Well done! Accusing someone of libel based on a truthful fact!

As for the commerce:

I could find no specific commerce definition that stated what we are discussing, but I'll place the one I found, and the subsequent definition it lead me to.

Quote:interstate commerce

n. commercial trade, business, movement of goods or money, or transportation from one state to another, regulated by the federal government according to powers spelled out in Article I of the Constitution. The federal government can also regulate commerce within a state when it may impact interstate movement of goods and services and may strike down state actions which are barriers to such movement under Chief Justice John Marshall's decision in Gibbons v. Ogden (1824). Theoretically commerce is regulated by the Interstate Commerce Commission (I.C.C.) under authority granted by the Interstate Commerce Act, first enacted by Congress in 1887. This authority has been diffused among various federal agencies, and the I.C.C. may soon be history.

Quote:trade

1) n. a business or occupation for profit, particularly in retail or wholesale sales or requiring special mechanical skill. 2) v. to exchange one thing for another, which includes money for goods, goods for goods and favors for goods or money.

So... if commerce is a type of trade, and trade covers what we've been discussing, I must conclude that Renmaps.com (which provides favors for goods [provides a service - NOT the legal definition]) must be a type of trade! And just for good measure, the legal definition of sale:

Quote:sale

n. transfer of something (and title to it) in return for money (or other thing of value) on terms agreed upon between buyer and seller. The price paid may be based on a posted cost, established by negotiation between seller and buyer, or by auction with potential buyers bidding until the highest bid is accepted by the seller or his agent (auctioneer).

And you STILL don't get it... I HAVE SAID MANY TIMES NOW THAT YOU CAN USE THE RENMAPS DOMAIN NAME! This is the FIFTH (thats 5th) time I've mentioned this. And your the one talking about reading posts :rolleyes:

Oh wait.. you mentioned reading posts! What was it you said?

Quote:Why don't you read my post for a chance? I said they sued over <http://www.lsulaw.com>, they also tried to sue over <http://www.lsusucks.com> (both owned by same person). Doug won <http://www.lsulaw.com>,

This sounds surprizingly different than what you said before...

Quote:As for the LSU case, LSU dropped it. they are now arguing over <http://www.lsusucks.com>, this used to point to <http://www.lsulaw.com> but dougyboy (nick name) decided to remove that.

Correct me if I'm wrong, but the last time I checked, a lawsuit, if dropped could be reopened at a later date if needed as no ruling has been made. However, a lost lawsuit could NOT be reopened again. Appeals yes, but the person can't be charged with the same "crime" at a later date as a ruling HAS been made.
