

Index

ABSOLUTE PRIVILEGE

Generally, **5:6**

ABUSE OF PROCESS

Generally, **14:6**

AGGRAVATED DAMAGES

Generally, **6:3**

ANONYMOUS DEFENDANTS

Generally, **11:5**

ANTI- SLAPP APPLICATIONS

Quebec, **12:6**

ANTI- SLAPP MOTIONS

Generally, **7:32**

Burden of proof, **7:34**

Cost and damages, **7:37**

Matter of public interest, **7:33**

Weighing the public interests, **7:36**

APOLOGY

Generally, **6:1**

Evidence at trial, **7:54**

ASSOCIATIONS

Not entitled to claim, **2:2**

AUSTRALIA

Generally, **13:7**

AUTHORIZATION

Generally, **5:13**

BROADCASTS

Fair and accurate reports, **5:8**

BURDEN OF PROOF

Generally, **7:44**

BUSINESS OR TRADE

Statements actionable, **2:5**

CANADIAN CHARTER OF RIGHTS AND FREEDOMS

Generally, **13:1**

Before the Charter, **13:2**

Developments in common law, **13:5**

Hill v. Church of Scientology, **13:4**

Supreme Court Trilogy, **13:9**

Grant v. Torstar Corp., **13:12**

Quan v. Cusson, **13:11**

WIC Radio Ltd. v. Simpson,
13:10

CARTOONS

Humour, **10:3**

Statement of defence, **7:27**

CBC

Generally, **7:6**

CONSENT

Generally, **5:13**

CONSPIRACY

Generally, **14:4**

CONTEMPT

Generally, **8:1**

Integrity of judicial process, **8:2**

Other considerations, **8:4**

Right to fair trial, **8:3**

CORPORATIONS

As defendants, **2:1**

Entitlement to aggravated damages,
2:1

Municipal corporations, **2:1**

COURT

Proper court and convenient forum,
7:59

CRIMINAL CODE

Blasphemous libel, **1:7**
Defamatory libel, **1:7**
Seditious libel, **1:7**
Spreading false news, **1:7**

CRIMINAL LIBEL

Generally, **1:7**

CROWN

Generally, **7:6**

DAMAGES

Generally, **6:3**
Aggravated, **6:3**
Internet, increased, **6:3**
Punitive, **6:3**
Special, **6:3**

DECEASED

No action, **2:4**

DEFAMATION

Defined, **1:2**
Law, reform of, **1:8**
Law governing, **1:6**
Provoking or procuring, **5:13**

DEFAMATION STATUTES

Generally, **Appendix B**

DEFAMATORY MEANING

Generally, **1:4**
Pleading, **7:16**

DEFAMATORY STATEMENT

Generally, **1:2**

DEFENCES

Absolute privilege, **5:6**
Fair comment, **5:3**
Innocent dissemination, **3:4**
Justification, **5:2**
Qualified privilege, **5:7**
Responsible journalism, **5:10**

DEFENDANT

Anonymous, **11:5**
Intention, **3:1**

DEFENDANT—Cont'd

Persons responsible for defamation,
3:4

DISCOVERY

Generally, **7:39 to 7:42**
Different from other actions, **7:39**
Discovery of defendant, **7:41**
Discovery of plaintiff, **7:42**
Documentary production, **7:40**

DISPARAGEMENT

Required element, **1:2**

DOCUMENTARY PRODUCTION

Generally, **7:40**

ENGLAND

Generally, **13:6**

EVIDENCE AT TRIAL

Generally, **7:43**
Burden of proof and presumptions,
7:44
Evidence for the defendant, **7:49 to 7:51**
 proof of fair comment, **7:51**
 proof of justification, **7:49**
 proof of privilege, **7:50**
Evidence for the plaintiff, **7:45 to 7:48**
 evidence of reputation damage,
 7:48
 identification of plaintiff, **7:46**
 proof of defamatory meaning,
 7:47
 publication, **7:45**
Evidence in mitigation of damages,
7:52
 apology and retraction, **7:54**
 defendant's state of mind, **7:55**
 plaintiff's poor reputation, **7:53**
 statutory provisions, **7:56**
Motion for non-suit, **7:58**
Proof of malice, **7:57**
Reply evidence, **7:57**

**EXAMINATIONS FOR
DISCOVERY**

Generally, 7:39 to 7:42

FAIR COMMENT

Generally, 5:3

Fact vs. opinion, 5:3

Public interest, 5:4

FALSE INNUENDOS

Generally, 1:4

FICTION

Generally, 10:1

Identification, 10:2

FORUM

Generally, 7:59 to 7:63

Jury or non-jury, 7:60

Proper court and convenient forum,
7:59

FREEDOM OF EXPRESSION

Generally, 13:1

GRANT V. TORSTAR CORP.

Generally, 13:12

GROUPS

Entitlement to sue, 2:3

Quebec context, 2:3

HATE SPEECH

Generally, 1:7

**HILL V. CHURCH OF
SCIENTOLOGY**

Generally, 13:4

HUMOUR

Generally, 10:3

HYPERLINKS

Generally, 11:2

IMPLIED MEANINGS

Generally, 1:4

INDUCING BREACH

Generally, 14:3

INFERENCES

Generally, 1:4

INJUNCTIONS

Generally, 6:2

Anti-suit injunctions, 6:2

Internet defamation, 6:2

INJURIOUS FALSEHOOD

Generally, 14:2

INNOCENT DISSEMINATION

Defence, 3:4

INNUENDO

Generally, 1:4

False innuendo, 1:4

Legal or true innuendo, 1:4

Special facts admissible, 1:4

INSULTS

Are mere insults defamatory, 1:2

INTENTION

Defendant, 3:1

INTENTIONAL INFLICTION

Generally, 14:5

INTENTIONAL INTERFERENCE

Generally, 14:3

Internet Harassment, 14:8

INTERNET LIBEL

Anonymous posters, 11:5

As broadcasts, 11:3

Hyperlinks, 11:2

Jurisdiction, 11:4

Liability of ISPs, 11:2

INTRUSION UPON SECLUSION

Generally, 14:7

INVASION OF PRIVACY

Generally, 14:7

JEST

Generally, 10:3

JOINT LIABILITY

Generally, 3:4

JUDGE

Function of judge and jury, **7:61**

JUDICIAL PROCEEDINGS

Function of judge and jury, **7:61**

Privilege re statements, **5:6**

Quasi-judicial proceedings, **5:6**

JURIES

Function of judge and jury, **7:61**

Jury addresses, **7:62**

Jury charge and verdicts, **7:63**

Jury or non jury, **7:60**

JUSTIFICATION

Generally, **5:2**

LEGAL PROCEEDINGS

Generally, **7:61**

Used to limit/repress debate and discussion, **7:32 to 7:37, 12:6**

LESSER DEFAMATORY

MEANING

Generally, **7:22**

LETTERS TO THE EDITOR

Generally, **4:2**

LIBEL

See also CRIMINAL CODE;
INTERNET LIBEL

Publication, **1:5**

Versus slander, **1:3**

Where committed, **1:6**

LIMITATION PERIODS

Generally, **7:1**

Re newspapers and broadcasts, **7:7**

Single publication rule, **7:8**

LITIGATION

Generally, **7:1**

MALICE

And injurious falsehood, **3:2**

MALICIOUS FALSEHOOD

Generally, **14:2**

MEDIA DEFENDANTS

Reynolds privilege, **5:9**

Right of retraction, **4:1**

MITIGATION

Generally, **7:52**

NATURAL AND ORDINARY

MEANING

Generally, **1:4**

NEGLIGENCE

Generally, **14:4**

NEGLIGENT PUBLICATION

Generally, **5:11**

NEWSPAPER

Fair and accurate reports, **5:8**

NEW ZEALAND

Generally, **13:8**

NON-SUIT

Generally, **7:57**

NOTICE REQUIREMENTS

Generally, **7:1**

PARLIAMENTARY PRIVILEGE

Absolute privilege, **5:6**

PARTICULARS

Defamatory communication, **7:13**

PLAINTIFF

Look-alike photographs, **1:2**

“Of and concerning” the plaintiff,
1:2

Unnamed plaintiff, **1:2**

PLEADINGS

Statement of claim, **7:10 to 7:19**

broadcasts, motion pictures, **7:15**

damages, **7:18**

defamatory communications,
7:13

defamatory meaning, **7:16**

entire article or book, **7:14**

importance of pleadings, **7:10**

jurisdiction, place of trial, **7:19**

PLEADINGS—Cont’d
 Statement of claim, **7:10 to 7:19**
 —Cont’d
 plaintiff is not named, **7:17**
 presumptions, **7:11**
 publications, **7:12**
 Statement of defence, **7:20 to 7:29**
 consent or authorization, **7:26**
 fair comment, rolled-up plea,
 7:24
 generally, **7:20**
 jest and implied facts, **7:27**
 justification, **7:21**
 mitigation of damages, **7:29**
 partial plea, **7:23**
 pleading the Charter, **7:28**
 Polly Peck: defendants’ meaning,
 7:22
 privilege, **7:25**

POLLY PECK
 Generally, **7:22**

PRECEDENTS
 Generally, **Appendix A**

PRIVILEGE
 Generally, **5:6**
 Absolute privilege, **5:6**
 Qualified privilege, **5:7**

PROVOCATION
 Generally, **5:13**

PUBLICATION
 Generally, **1:5**
 Innocent dissemination, **3:4**
 Republication of privilege, **5:12**
 Single publication rule, **11:3**
 Where publication occurs, **1:6**

PUBLIC FIGURES
 U.S. malice rule, **5:5**

PUBLIC INTEREST
 And fair comment, **5:4**

PUBLISHER
 Duty to establish accuracy, **1:1**

PUBLISHER—Cont’d
 Intended meaning, **1:2**
 Refusal to publish, **3:5**

PUNITIVE DAMAGES
 Generally, **6:3**

QUALIFIED PRIVILEGE
 Generally, **5:7**
 Fair and accurate reports, **5:8**
 Right of self-defence, **5:7**

QUAN V. CUSSON
 Generally, **13:11**

QUEBEC
 Generally, **12:1**
 Defences, **12:5**
 Elements of defamation claim, **12:2**

REASONABLE PERSONS
 Generally, **1:2**

RECKLESSNESS
 Generally, **5:11**

RELATED ACTIONS
 Generally, **14:1**

**RELATED STATUTORY CAUSES
OF ACTION**
 Generally, **14:9**

REMEDIES
 Generally, **6:1**

REPETITION
 Not a defence, **3:3**
 Republication of privilege, **5:12**

REPLY
 Generally, **7:38**

REPORTS
 Fair and accurate reports, **5:8**
 Judicial or parliamentary proceed-
 ings, **5:7**

REPUBLICATION
 Innocent dissemination, **3:4**
 Of privileged statements, **5:12**

RESPONSIBLE PUBLICATION

Generally, **5:10**

RETRACTION

Evidence at trial, **7:54**

Right of retraction, **4:1**

SATIRE

Generally, **10:3**

SECURITY FOR COSTS

Generally, **7:30, 7:31**

SERVICE OF NOTICE

Generally, **7:4**

SLANDER

Versus libel, **1:3**

SLANDER OF GOODS

Generally, **14:2**

SOURCES

Generally, **9:1**

SPECIAL DAMAGES

Generally, **6:3**

STATEMENT OF CLAIM

Generally, **7:10 to 7:19**

STATEMENT OF DEFENCE

Generally, **7:20 to 7:29**

STATUTES

Generally, **Appendix B**

STATUTORY NOTICES

Generally, **7:1**

Contents and practice
considerations, **7:3**

Motions where no notice, **7:5**

Notice to CBC and Crown, **7:6**

Service and timing, **7:4**

Who is entitled to notice, **7:2**

STATUTORY PRIVILEGE

Generally, **5:6**

SUMMARY JUDGMENT

Generally, **7:30, 7:31**

Motions for summary judgment,
7:30

TRADE UNIONS

Entitlement to sue, **2:2**

UNITED STATES

Position re public figures, **5:5**

WIC RADIO LTD. V. SIMPSON

Generally, **13:10**

WITNESSES

Generally, **7:43**