

Revenge on revenge porn

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Revenge porn is on the up – on both sides of the Pond. And in the US and the UK, steps are being taken to provide real remedies for the victims. In February this year, the British Government introduced a new law to deal with this unfortunate trend. On the other side of the Pond, an American woman is bringing a landmark case in the ongoing battle against revenge porn. Who will win this war, victim or attacker? [James Hockin](#) and [Amber Melville-Brown](#) discuss. The Criminal Justice and Courts Act 2015 – or the 'revenge porn law' to you and me – received Royal Assent on 12 February 2015. The most publicised, purple passages of the Act, have been those dealing with sexual images sent on social networks, including Facebook and Twitter, and those sent by text. The new crime of revenge porn makes it an offence for a person to *'disclose a private sexual photograph or film if the disclosure is made without the consent of an individual who appears in the photograph or film, and with the intention of causing that individual distress'* where the photo is *'not of a kind ordinarily seen in public'*. The act applies to new media, but also to sharing images in the old-fashioned way, by physical distribution. Crucially, the sharing must have been done without the permission of the subject and with intent to cause harm. Between 1 January 2012 and 1 July 2014, eight police forces released figures showing that they had received 149 allegations of revenge porn in the UK. But until now, the Crown Prosecution Service had been forced to rely on existing legislation ranging from the Malicious Communications Act 1988 to the Protection from Harassment Act 1997 in an effort to combat the rising tide of revenge porn. This new law brings us into the 21st century, with specific legislation boasting a punishment that fits the crime: offenders will face up to two years in jail as well as a fine. Caroline Thompson [has written previously](#) on this area of law with a focus on practical solutions for a victim of existing, or anticipated, revenge porn. On the other side of the Atlantic, a 24 year old American woman set in motion this week a claim that may make her the first person to seek both civil law damages and criminal prosecution of a partner she accuses of posting revenge pornography, featuring her, on the internet. American Chrissy Chambers alleges that her (now, most certainly, ex) boyfriend recorded the two of them having sex without her knowledge and proceeded to post the video on an amateur porn site without her consent. Ms Chambers says that her British ex posted the video in England, nearly a year after their break-up. As the video circulated – unbeknownst to her – across the internet, Ms Chambers had begun a successful career as a YouTuber / vlogger (video blogger) with her new partner which now has nearly half a million subscribers. Indeed, it was through her YouTube site that she was alerted to the video after comments from subscribers. In addition to the criminal claim against her former boyfriend – and as her claim pre-dates the new Act, she'll have to rely on previous legislation on the criminal front – Ms Chambers argues that the video has led to her losing a significant number of subscribers and therefore many thousands of dollars in lost income that would otherwise have been generated via her YouTube channel. The new law certainly looks likely to offer victims of revenge porn a neater route to successful prosecution of their iPhone/camera wielding ex. Whilst we will have to wait to see how effective the new revenge porn law is in a future legal battle, Ms Chambers' case will hopefully still offer us new guidance in this area. The best advice remains to keep that camera in your pocket in the bedroom. But where one's partner takes that choice out of your hands, at least this new legislation offers the victim and the CPS an easier route to getting justice. Co-authored by [Amber Melville-Brown](#) and [James Hockin](#).

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