
CHAMBERS GLOBAL PRACTICE GUIDES

Defamation & Reputation Management 2026

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Introduction

Dominic Crossley
Payne Hicks Beach LLP



INTRODUCTION

Contributed by: Dominic Crossley, Payne Hicks Beach LLP

Payne Hicks Beach LLP has three well-known specialist defamation and privacy partners, Dominic Crossley, Hanna Basha and Andrew Willan, each of whom are supported by Jamie Hurworth, Francesca Sargent and Henry Watkinson. Partner Mark Jones works together with consultant Sir Robert Buckland KC (formerly Lord Chancellor and HM Solicitor General) on criminal harassment issues, online harms, and combating disinformation, in particular. As well as acting for high-net worth and high-profile individuals, such as tech entrepreneurs, members of royal families, sports people, business people, actors and politicians, the team acts for corporates, schools,

trusts, charities and multinational businesses in a variety of industries. One current publishable example is the defence of a claim made against the music industry executive Merck Mercuriadis, listed for trial in February 2026. Another current publishable case is that of HRH Princess Haya Bint Al Hussein. Having established and obtained judgment in respect of the cyber-attack on Princess Haya and her associates by Sheikh Mohammed (or those acting at his behest) the team continue to work closely on media, privacy and security matters concerning the princess and her family.

Contributing Editor



Dominic Crossley is a partner at Payne Hicks Beach, where he heads the firm's dispute resolution department. Dominic is a leading practitioner in the law of privacy/breach of confidence, defamation, and harassment. He is particularly renowned for representing high-profile individuals (well-known actors, leading businesspersons, prominent

politicians, musicians, and sportspersons) who are the subject of reputational attack or intrusions into privacy. Dominic has been central to debates about press reform and in the Leveson Inquiry, acting for the 53 core participant victims. More recently, he represented victims of press intrusion in a judicial review of the UK government's consultation on this issue and Leveson II.

Payne Hicks Beach LLP

10 New Square
Lincoln's Inn Fields
London
WC2A 3QG
UK

Tel: +44 (0) 20 7465 4300
Email: enquiries@phb.co.uk
Web: www.phb.co.uk

PAYNE HICKS BEACH

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It is my pleasure to introduce the new Defamation & Reputation Management Guide 2026.

The new guide contains the latest legal commentary on claims in defamation, harassment, privacy and data protection. It will make essential reading to any practitioner as, once again, the law in these areas has continued to develop at pace. The main driving force behind the continued evolution is, as in recent years, developments in technology and the way it is used.

One of the key themes of my introduction last year was the evolving way modern society consumes its news. In this context, I gave my view that traditional news publishing brands needed to do more to stand out from the mass of information online, for example by encouraging high standards of accuracy and embracing regulation.

With this in mind, I have reflected on the last 12 months and, in particular, considered the position of the BBC and the multitude of challenges it has faced in this period.

Panorama and Trump Lawsuit

The most recent issue has, perhaps, been the most substantial and draws together a number of the key global strands. I am referring, of course, to the recent (and continuing) furore surrounding the Panorama episode first aired by the BBC in October 2024. The episode included references to the highly charged events in Washington, DC, on 6 January 2021 (the day of the attack on the Capitol building) in the context of the current Trump administration and its relationship with the powerful media and tech corporations. These important issues became overshadowed by the BBC's own drama.

The furore and threats that followed the broadcast led to an apology to President Trump in November 2025. The BBC accepted that its editing of the episode, in particular footage of his speech at the National Mall on the day of the riots, gave "the mistaken impression that President Trump made a direct call for violent action" on that day. The apology followed shortly on the coattails of the resignations of the BBC's Director

General (Tim Davie) and its Head of News (Deborah Turness).

The BBC is no stranger to controversy, and has frequently been the subject of criticism from those on the right of the political spectrum in particular. Notwithstanding the seeming vulnerability of its licence fee funding model, it has weathered each controversy whilst maintaining a highly coveted brand amongst the global media. One of the reasons that the Trump complaint was such a significant issue for the BBC was that, in giving a "mistaken impression" of his speech, it drew into question its political impartiality. The Royal Charter and Agreement which sets out the BBC's object, mission and public purpose require it to treat controversial subjects with due impartiality. Impartiality is also one of the cornerstones of the BBC's Editorial Guidelines. I return to the BBC's attempts to self-regulate itself in the context of another issue below.

Another reason the issue was so high-profile was that, even after the BBC's apology, President Trump maintained that he intended to sue the BBC for damages of "anywhere between USD1bn and USD5bn". This threat he has since carried out by issuing proceedings against the BBC in Florida in December 2025 asserting that the BBC "intentionally used the Panorama documentary to maliciously, falsely and defamatorily" mislead viewers to make it appear that he called for violent action. In addition to claiming the broadcast defamed him, Trump claims that it violated Florida's Deceptive and Unfair Trade Practices Act.

It is likely that Trump, in choosing Florida over the UK, considered the respective limitation periods for claims in defamation in the jurisdictions (one year in the case of England and Wales as opposed to two years in Florida) and the quantum of damages that might be awarded by the Court if a claim is successful (in general, awards of damages in the US dwarf equivalents in England and Wales). The discussions about jurisdiction itself highlighted what is well-known to practitioners – defamation laws are not aligned globally and choice of forum is a complex question that rears itself at the outset of many cases.

Whilst President Trump must have felt that there were sufficient benefits to proceeding in Florida, it was

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reported that the BBC sought to make as clear as possible that a claim would not be straightforward in that jurisdiction, including on the basis of the strong protections in defamation laws for political speech, a potential difficulty in showing that the Panorama episode was available in Florida, the necessity of showing that the episode had caused the losses claimed and also the high bar for proving that the episode was maliciously designed to mislead its audience. Trump has sought to pre-empt the arguments concerning the lack of availability of Panorama in Florida by suggesting that it is available widely due to the growth of VPN use, which will inevitably be the subject of detailed preliminary submissions and evidence.

Regardless of the progress of the claim itself, there has also been news of ripples already being felt in the day-to-day BBC reporting. In the last days of November 2025, there were reports published suggesting that the BBC had told staff that they could not quote a particular line from a Reith lecture that was critical of President Trump. Caroline Dinnenage, the Conservative chair of the Culture Media and Sport Committee, said “if the BBC is finding itself nervous about what it’s reporting about the Trump administration, then that has to be seen as a very direct, very regrettable result...” of the Panorama issue.

SLAPPS

The National Union of Journalists in the UK went further, suggesting that President Trump’s approach to the BBC was “tantamount to a mega SLAPP”. SLAPPS – or strategic litigation against public participation – refers to attempts to improperly shut down public interest reporting and has been one of the talking points in this jurisdiction in the last few years, having emerged from US media law. Parliament in the UK has legislated against SLAPPS in the context of economic crime (Sections 194 and 195 of the Economic Crime and Corporate Transparency Act 2023) and this has fed through to more recent changes in the Civil Procedure Rules. There have also been cases brought by the UK regulator of solicitors – the Solicitors Regulation Authority – against practitioners for alleged involvement in SLAPPS (only one, to my knowledge, has succeeded thus far, and has recently been overturned on appeal).

The emergence of SLAPPS and the continuing impact of the Defamation Act 2013 have made it increasingly challenging for publishers and broadcasters to be held to account in the UK. It is somewhat ironic that in the context of the Trump administration’s criticism of the UK’s protection of free speech, it is Trump’s own claim that presents the most dramatic and inhibiting measure against the UK media in years. Whatever the outcome, it is a claim that has enormous political and media consequences.

Artificial Intelligence

Another hot topic on the conference circuit has been artificial intelligence (AI), not only from the perspective of how it might impact a lawyer’s day-to-day work but also from discussions around liability of providers and other contentious issues in the media space. The BBC, again, has been involved.

For example, in February 2025, BBC research highlighted that four major AI chatbots were inaccurately summarising the news. The BBC gave the chatbots information from the BBC website and then asked the chatbots questions about that information. The report found that the resulting answers included “significant inaccuracies” and that output fell short of the BBC Editorial Guidelines. Two chatbots even said that Rishi Sunak was still in office as Prime Minister well after he had left. One can see the potential risks in publishing inaccurate information to the public of confusion and worse, particularly if the chatbot is referring to the BBC as the source of the information (which would or should be seen to give the information the badge of reliability).

But, what about related legal liability for the publication of inaccurate or damaging information by AI? I suspect this will be a question for media lawyers in the coming year as chatbots and their use continue to become more prevalent.

Perhaps as a forerunner to the types of actions we might expect in the next year, in June 2025 the BBC threatened legal action against an AI firm whose chatbot was said to be reproducing BBC content “verbatim” without its permission. It was reported that the BBC’s legal threat included that the use of its information was “highly damaging to the BBC, injuring

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the BBC's reputation with audiences – including UK licence fee payers who fund the BBC – and undermining their trust in the BBC". Whilst this claim itself was focused on breach of copyright, one can see from the BBC's explanation of harm how similar concepts might be imported into a claim in defamation in the future.

Regulation

Another key question is likely to be regulation, including in the context of AI. In fact, many of the issues the BBC has faced this year have a regulatory angle. The BBC is subject to its own internal editorial policy and also external regulators, such as Ofcom (the UK regulator for communications services), and is constantly under scrutiny due to the way it is funded by the public.

A regulatory decision of substance relating to the BBC in 2025 related broadly to events in Gaza. In October 2025, the BBC was ordered by Ofcom to broadcast its finding that a documentary entitled "Gaza: How to Survive a Warzone" had been "materially misleading" in particular as it failed to disclose that it was narrated by a son of a Hamas official. The Ofcom finding was in line with the BBC's own review, concluding a breach of the BBC's Editorial Guidelines on accuracy.

In 2026, Ofcom will have responsibility for the enforcement of the Online Safety Act 2023, the UK's legislation to protect users from online harm. It is only in recent weeks that Ofcom has issued its first fine under the Act, of GBP1 million for a group not having robust age checks in place on its websites and an additional GBP50,000 for the group's failures to respond to Ofcom's information requests. The purpose of the act is consistent with global efforts to regulate social media with the goal of improving safety, particularly for children. Most radically, Australia has recently banned many social media sites for children under 16 years old. It is a brave move and defies the US tech lobby, so closely aligned with the Trump administration, as the BBC sought to demonstrate.

2026 will see many of these challenges reach their conclusion. The BBC will be glad to see the end of 2025 but faces a battle for the ages in 2026. It is not alone in facing up to Trump, but it is a daunting and uncertain prospect, even for a corporation of the size and resilience of the BBC.

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