

Twitter loses attempt to shut down landmark free speech case in Canadian court

Canadian court opens the door to judicial protection of free speech on Twitter and other platforms, in Canada and across the globe.

TORONTO, ONTARIO, CANADA, January 6, 2023 /EINPresswire.com/ -- Amid journalist bans and reinstatements at Twitter, a Canadian court has issued a landmark judgment that opens the door to judicial protection of free speech on Twitter and other platforms, in Canada and across the globe.



Twitter says its the world's town square, but tried to shut down our free speech lawsuit against its assertion of absolute power. The Canadian courts have held that Twitter is not above the law."

Sujit Choudhry

The case began with Twitter's attempt to throw out a free speech lawsuit by Cool World Technologies, a publicity firm. Cool World had tried to purchase ads on Twitter featuring the trailer for an award-winning Canadian documentary film, [The New Corporation](https://thenewcorporation.movie/) (<https://thenewcorporation.movie/>). Twitter repeatedly refused the ads claiming they breached its ad policies on

political content, inappropriate content, and sensitive targeting.

Cool World sued Twitter for breach of contract. It argued that Twitter's interpretation and application of the ad policies, which are contractual terms in Twitter's User Agreement, violated its free speech and were unlawful. Twitter brought a preliminary motion to shut down Cool World's case, on the basis that it had absolute power to control speech on its platform – an argument it has made in American courts under the First Amendment.

The Court ruled against Twitter and allowed the lawsuit to proceed. It held that Cool World could base its claim on the intersection of contract law and constitutional guarantees of free speech, because of Twitter's central role as a public arena and its arbitrary and discriminatory decisions on content.

The lawyers for Cool World are Sujit Choudhry and Joel Bakan of Hāki Chambers (www.hakichambers.com).

Bakan is a professor of law at the University of British Columbia, and the writer and co-director of The New Corporation.

Mr. Choudhry says: "Twitter markets itself as the world's town square, but tried to shut down our free speech lawsuit against its assertion of absolute power. The Canadian courts have held that Twitter is not above the law. We look forward to vindicating our clients' rights in court."

Mr. Bakan says: "This is a rare and unique free speech victory against Twitter. It opens a door, in Canada and globally, for courts to check Twitter's arbitrary and imperious muzzling of speech."

Download the decision of the Ontario Superior Court in *Cool World et al. v. Twitter et al.*, Court File Number: CV-21-666255 at <https://canlii.ca/t/jtnzk>.

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