In my last column, I discussed a reader’s question about links from an intranet server to pages on Internet servers. This second article of three looks at a related question: the risks of pointing to external non-organizational Web sites from a corporate Internet server.

In addition to the issues of integrity and availability mentioned in the previous article, there’s always the problem of lack of control over where users – especially customers or potential customers – will end up when they follow a link from a corporate site into the greater Internet. What may have been an inoffensive, useful page or document last week may be a salacious, tendentious, pornographic, libelous or otherwise embarrassing destination this week. The public relations department will surely be concerned about the implications of external linkages on any corporate Web page.

Does linking to another site imply approval or endorsement of whatever is on that site? In 1997, the German government filed charges against Angela Marquardt, the 25-year-old, blue-and-purple-haired deputy leader of the communist Party of Democratic Socialism, for linking from her Web page to a banned issue magazine called _Radikal_. The issue of _Radikal_ was banned because it included detailed instructions on how to sabotage railway lines. According to the public prosecutor, “It has nothing to do with censorship. Criminally relevant materials are subject to classification by the district attorney or criminal prosecutors.” In early June, the court hearing opened and adjourned after an hour so the magistrates could arrange for expert testimony to explain the Net and the Web when the case reconvened toward the end of June. On June 30, the court ruled that maintaining a hyperlink to objectionable material is not tantamount to publication of that material.

Linking to another organization’s Web pages can open one to a lawsuit. In a startling display of anhistorical cluelessness about the history and even the definition of the World Wide Web, Ticketmaster Group sued Microsoft in April 1997 for including a hot link from Microsoft Web pages to Ticketmaster Web pages without a formal agreement granting permission for such links (a practice now known as “deep linking”). The problem apparently stemmed from Ticketmaster's perceptions that Microsoft was deriving benefit from the linkage but bypassing Ticketmaster's advertising. A few weeks later, Ticketmaster programmed its Web pages to lead all Sidewalk users trying to follow unauthorized links to a dead end, where they were confronted with the statement, “This is an unauthorized link and a dead end for Sidewalk. Ticketmaster does not have a business relationship with Sidewalk and you do not need them to visit us. They want to traffic on our good name and you deposit for information on live events to sell advertising for their sole benefit while offering nothing in return.”

In another case, Hollywood photographer Gary Bernstein sued several Web operators in September 1998 for having links — even indirect links — to a site that contained pirated copies of his works. In other words, his lawyers argued that the contamination spread along Web links: from the bad site to all those that linked to it and then to all the sites that linked to the sites that linked to the copyright infringer. By this reasoning presumably every owner of a Web site on the
planet should be liable. Luckily, Los Angeles Federal District Court Judge Manuel A. Real dismissed the indirect linkage and Bernstein withdrew his entire suit.

In my next and last article in this short series, I will discuss policies about external links.

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M. E. Kabay, PhD, CISSP-ISSMP is Associate Professor in the Division of Business and Management at Norwich University in Northfield, VT. Mich can be reached by e-mail at <mailto:mkabay@norwich.edu>; Web site at <http://www.mekabay.com/index.htm>.

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