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Navigating the New Frontiers of Digital Threats and Reputational Harm

Reputational attacks are becoming easier to launch and harder to contain as digital platforms, legacy online content, and AI-driven systems accelerate the spread and persistence of false narratives. As harmful information increasingly crosses borders and becomes embedded in widely used datasets, a combination of traditional legal remedies, data protection tools, and cross-border strategies can help identify bad actors, contain harm, and protect reputation.

This summarizes a Kobre & Kim article coauthored by Polly Wilkins, Helena Shipman and Hashem Hijjawi for Chambers & Partners. [Click here to read the full article.](#)

Reputational attacks are facilitated through the ease of digital publishing, easily accessible legacy online content, and the growing role of AI-driven tools in shaping how information is sourced and repeated. False and misleading narratives are simple to deploy, can spread quickly, become embedded in widely used datasets and search results, and continue to surface long after their original publication.

Tackling these rapidly evolving reputational attacks means applying long-standing legal tools to modern dynamics. The result is a legal landscape in which traditional remedies remain powerful, but must be deployed more strategically, often alongside alternative tools such as data protection law and cross-border discovery under 28 USC § 1782, to respond effectively to reputational attacks.

- **Data Protection Law as an Alternative Route:** Data protection claims are being used to address reputational harm where inaccurate personal data is processed or repeated online. Remedies such as rectification or erasure can be effective where defamation claims are procedurally challenging.
- **Identifying Anonymous Attackers:** Traditional disclosure orders such as Norwich Pharmacal Orders remain key to unmasking anonymous publishers, but there are some limitations, particularly in the context of email service providers. It is now often advisable to combine these tools with overseas discovery, where platforms or data are located outside the UK.

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- **Defamation and the Serious Harm Test:** The English Courts have affirmed that the existence of third-party publications which are similar or identical to those sued over is not relevant to establishing whether serious harm has been caused to a Claimant's reputation. This is particularly important for Claimants in the context of online publications where there can be mass republication (for example on social media).
- **Employing Cross-Border Strategies:** Because reputational harm is rarely confined to one jurisdiction, proceedings in one jurisdiction often have to be paired with foreign parallel actions to obtain evidence and enforce court orders.

As attacks grow more sophisticated, the risks continue to escalate. Countering harmful narratives is increasingly complex, but the following tools can help mitigate and respond to these threats:

1. **Monitor the Sources Feeding Digital and AI Systems.** False or misleading information can become entrenched once it enters datasets used by search engines and generative systems. Ongoing monitoring of open-source materials, media coverage, and data repositories can help identify and challenge inaccuracies before they are repeatedly reproduced.
2. **Use Data Protection Claims Alongside or Instead Of Defamation** Where reputational harm stems from inaccurate personal data circulating online, data protection remedies may offer faster or more durable correction mechanisms than defamation alone, particularly for content embedded in search results and automated outputs.
3. **Plan For Early Identification of Anonymous Actors.** Speed matters. Building disclosure strategies at the outset, including potential overseas discovery, can materially improve the chances of identifying responsible parties before evidence disappears or accounts are deactivated.
4. **Coordinate Legal Strategy With Communications and Risk Management Teams.** Legal remedies are most effective when aligned with reputational risk management, internal communications planning, and, where appropriate, regulatory or compliance responses. Fragmented responses can undermine the effectiveness of the overall strategy.

As reputational harm becomes increasingly pervasive and automated systems increasingly being used to shape public narratives at speed and with low effort and cost, an effective response will require combining traditional legal tools with data protection and cross-border strategies to contain harm and restore reputation.

About Kobre & Kim

Kobre & Kim specializes in cross-border disputes and investigations, frequently involving allegations of fraud and misconduct.

We provide offensive and defensive multi-jurisdiction litigation and crisis management strategies to UHNWIs with global business interests to preserve their assets, liberty, and reputation. This experience has been recognized by Chambers High Net Worth, which included Kobre & Kim, Polly Wilkins and Helena Shipman in its 2026 UK-wide Defamation/Reputation Management rankings.

- Our onshore and offshore lawyers – including an integrated group of U.S. litigators, offshore lawyers qualified in key jurisdictions, Hong Kong solicitors, and English barristers and solicitors – help clients identify vulnerable assets and mitigate reputational harm caused by investigations.
- Our ability to coordinate legal strategy and work closely with various stakeholders (including crisis communications and public relations firms) allows us to formulate holistic strategies to preserve reputation and mitigate privacy concerns.
- We have extensive experience in global foreign policy, national security, and economic controls, and we regularly interface with regulatory agencies that enforce these controls.