

Table of Contents

Articles

JULIAN WARD

CAP Guidance on Vlogging Advertising 49

This article reviews the new Committee of Advertising Practice Guidance on vlogging advertising. The guidance provides a non-exhaustive list of "potential vlogging scenarios and how to deal with them" and is primarily aimed at vloggers to help them better understand when and how the non-broadcast advertising rules apply. However the guidance is also useful for agencies wishing to enter into commercial arrangements with vloggers.

ALEXANDER ROSS AND MATTHEW
CURRAN-WHITBURN

EU Directive on the Collective Management of Copyright and Multi-Territorial Licensing of Online Music Rights in the Internal Market: the UK Consultation and Government Response 51

EU Directive 2014/26 on the collective management of copyright and multi-territorial licensing of online music rights in the internal market was published on 26 February 2014 and entered into force on 10 April 2014. It must be transposed into national law by 10 April 2016. On 14 October 2015 the IPO published the draft Collective Management of Copyright (EU Directive) Regulations 2016 designed to implement the Directive. The draft Regulations were accompanied by a technical review document which gives interested parties the chance to comment on the draft Regulations' suitability and practical implications before publication of the final Regulations and final Impact Assessment.

Comments

JONATHAN BLAIR AND KARIM AMIJEE

A Reality Check for Termination of TV Production Agreements 57

In a case about a reality TV series starring Peter Andre and Kerry Katona, the High Court has ruled that the producer could recover substantial damages for ITV2's repudiatory breach of its production agreement. Mr Justice Flaux rejected ITV2's argument that the particular characteristics of reality TV programmes implied a term of trust and confidence. The decision demonstrates the courts' reluctance to imply such a term into contracts, as well as the high threshold for termination for material breach.

TIFFANY STIRLING

We All Know What a Horse is? Apparently Not: the Court of Justice of the European Union Goes Against the Advocate General's Opinion and States that an Online Newspaper's Video Service Can Fall Within the Scope of the Audiovisual Media Services Directive 59

In a judgment going against the Advocate General's earlier Opinion, the Court of Justice of the European Union has found that a video service on a newspaper's website may fall within the scope of the Audiovisual Media Services Directive 2010/13 where the content and form of that video service is independent of, rather than complementary to, the journalistic activity of the online newspaper.

EILEEN WEINERT

Ware v Mcallister—When Public Interest Journalism Becomes Harassment 62

The Protection of Harassment Act 1997 is increasingly being used in cases involving speech, rather than harassment by other means, such as stalking. Such cases involve a balancing act between art.8 and art.10 of the ECHR. This case comment considers how the balance was struck in a case involving a journalist.

TOM IVERSON

Ruling on Ownership of Bob Marley's "No Woman No Cry" Upheld 66

Music publisher BSI has failed in its appeal to obtain a declaration of ownership of copyright in certain Bob Marley songs, including "No Woman No Cry". Ownership turned on the interpretation of the wording of an assignment to Island that covered all of Marley's "presently-existing musical compositions". Marley had misattributed the songs to other writers to try to divert royalties from his record company. Rejecting the appeal, the Court of Appeal held that the songs fell within the scope of the assignment to Island.

JENNIFER AGATE

Court of Appeal Dismisses Appeal in Weller v Associated Newspapers Ltd 69

This article considers the Court of Appeal judgment in *Weller v Associated Newspapers*, in which the Court re-examined the privacy rights of children.

PETER SMITH

Facebook-Palming: Suing the Wrong Entity in Claims Against Online Secondary Publishers 71

This article considers whether Facebook UK Limited and Google UK Limited were responsible for publications that were allegedly defamatory and in breach of privacy. In suing not the US owners of the websites but their UK subsidiaries the claimant in *Richardson v Facebook* and *Richardson v Google (UK) Limited* had sued the wrong entities, neither of which had any control over the services or the power to remove postings.

HARRY KINMONTH AND NATHAN WEBB

Politicians, Beware the Investigative Journalist: Yeo v Times Newspapers Ltd 74

On 25 November 2015, the High Court dismissed an action by Tim Yeo, the former MP for South Suffolk and Chairman of the Energy and Climate Change Select Committee, against Times Newspapers Limited (TNL) in an important judgment on the Reynolds defence and the scope of politicians' art.8 rights.

ALASDAIR MULLER

Can You Penalise a Referee? The Craig Joubert Decision 76

In light of the controversy that followed referee Craig Joubert's decision to award Australia a penalty in the dying minutes of their quarter-final match against Scotland in the 2015 Rugby World Cup, this article considers the obstacles to any legal claim the Scottish Rugby Union might hypothetically have against Joubert and/or World Rugby for Scotland's failure to progress in the tournament.