

Contents

<i>Foreword by Rosie Boycott</i>	<i>ix</i>	3.6 No copyright	58
<i>Editors' Biographies</i>	<i>xi</i>	3.7 Duration of copyright	58
<i>Contributors' Biographies</i>	<i>xiii</i>	3.8 Remedies	59
<i>Acknowledgements</i>	<i>xv</i>	3.9 Criminal offences	60
<i>Table of Cases</i>	<i>xvii</i>	3.10 Other rights	61
<i>Table of Statutes</i>	<i>xxv</i>	3.11 The European Copyright Directive	63
<i>Introduction</i>	<i>xxxi</i>		
Part I Protection of Reputation	1	4 New Media	65
1 Defamation	3	<i>Estelle Overs</i>	
<i>Marietta Cauchi</i>		4.1 Introduction	65
1.1 Introduction	3	4.2 Internet defamation	66
1.2 General principles	3	4.3 Copyright	69
1.3 Defences	11	4.4 The Data Protection Act 1998	74
1.4 Procedure	26	4.5 Reporting restrictions	76
1.5 Damages	30	4.6 Obscenity and racial hatred	77
1.6 Costs	32	5 Rights Clearances	80
2 Blasphemy, Seditious Libel and Criminal Libel	34	<i>Philip Alberstat</i>	
<i>David Green</i>		5.1 Introduction	80
2.1 Introduction	34	5.2 Copyright, moral rights and performers' rights	81
2.2 Blasphemy	34	5.3 Assignments and licences of copyright	83
2.3 Seditious libel	36	5.4 Rental rights	85
2.4 Criminal libel	37	5.5 Music	86
Part II Intellectual Property	41	Part III Privacy	87
3 Copyright	43	6 Breach of Confidence	89
<i>Mark Cranwell</i>		<i>Joanna Ludlam</i>	
3.1 Introduction	43	6.1 Introduction	89
3.2 Copyright work	44	6.2 What is breach of confidence?	90
3.3 Who owns copyright?	50	6.3 Defences	97
3.4 Infringement	53	6.4 Procedure	101
3.5 Defences	55		

Contents

7 The Data Protection Act 1998	104	10 Contempt of Court	166
<i>Terence Bergin</i>		<i>Simon Dowson-Collins</i>	
7.1 Introduction	104	10.1 Introduction	166
7.2 The Data Protection Act 1998	105	10.2 The Contempt of Court Act 1981	167
7.3 Access to Personal Files Act 1987	113	10.3 Common law contempt	180
		10.4 Penalties and injunctions	183
8 The 'New' Right to Privacy	114	11 Protection of Journalistic Sources	184
<i>Peter Grundberg</i>		<i>Joanna Ludlam</i>	
8.1 Introduction	114	11.1 Introduction	184
8.2 Common law rights	115	11.2 Section 10 of the Contempt of Court Act 1981	185
8.3 The Calcutt Committee	120	11.3 Police powers under the Police and Criminal Evidence Act 1984	189
8.4 The Human Rights Act 1998	123		
8.5 The future	126		
Part IV Comment on Court Proceedings	131	Part V Prevention of Publication	193
9 Reporting Restrictions	133	12 Prior Restraint	195
<i>Jane Colston</i>		<i>Hugh Tomlinson QC</i>	
9.1 Introduction	133	12.1 Introduction	195
9.2 The open court rule	134	12.2 General principles	195
9.3 The power to postpone the reporting of proceedings	138	12.3 Defamation cases	196
9.4 The power to prevent the publication of the names of parties	141	12.4 Breach of confidence	197
9.5 Restrictions on the publication of information relating to children	142	12.5 Invasion of privacy	200
9.6 Committal proceedings before the magistrates' court	148	12.6 Contempt proceedings	201
9.7 Hearings concerning sexual offences and indecency	150		
9.8 Divorce cases	153	Part VI State Restriction on Publication	203
9.9 Fraud	154		
9.10 Official secrets	155	13 Obscenity, Indecency and Incitement to Racial Hatred	205
9.11 Material made available on disclosure	156	<i>David Green</i>	
9.12 Press challenges to reporting restrictions	156	13.1 Introduction	205
9.13 Interviewing jurors	159	13.2 The Obscene Publications Acts	205
9.14 Tape recorders, photographs and sketches	160	13.3 Indecent displays	209
9.15 Restrictions on reporting in other courts	161	13.4 Racial hatred	210
		14 Freedom of Information	212
		<i>Charles de Fleurieu</i>	
		14.1 Introduction	212
		14.2 Code of Practice on Access to Government Information	213
		14.3 The Freedom of Information Act 2000	219

15 Official Secrets	228	Part VIII The Law under the European Convention on Human Rights	267
<i>John Wadham</i>			
15.1 Introduction	228	19 The Human Rights Act 1998	269
15.2 Section 1 of the Official Secrets Act 1911: spying	229	<i>Hugh Tomlinson QC</i>	
15.3 The Official Secrets Act 1989: specific disclosure of official information	230	19.1 Introduction	269
15.4 The Defence Advisory Notice system	238	19.2 The basic scheme of the Human Rights Act 1998	269
		19.3 The Convention rights	275
		19.4 The HRA and the right to privacy	281
		19.5 Other areas of impact on the media	282
16 Parliamentary Proceedings and Elections	240	Part IX The Law in Other Jurisdictions	287
<i>Tom Cassels and Rebecca Handler</i>			
16.1 Introduction	240	20 The Law in Scotland	289
16.2 Parliamentary proceedings	241	<i>Rosalind McInnes</i>	
16.3 Elections	243	20.1 Introduction	289
		20.2 Defamation	289
		20.3 Reporting restrictions	294
		20.4 Contempt of court	297
Part VII Media Regulation	247	21 The Law in the United States of America	305
17 Professional Regulatory Bodies	249	<i>Estelle Overs</i>	
<i>Tom Cassels</i>		21.1 Introduction	305
17.1 Introduction	249	21.2 Defamation	306
17.2 The press: history of self-regulation	249	21.3 Copyright	309
17.3 The Press Complaints Commission	252	21.4 New media	312
17.4 Broadcasting: semi self-regulation	258	21.5 Invasion of privacy	317
17.5 The Broadcasting Standards Commission	258	21.6 Reporting restrictions	320
17.6 The Independent Television Commission	260	21.7 Contempt of court	321
17.7 The Radio Authority	261	21.8 Protection of journalistic sources	321
17.8 Other broadcast bodies	261	21.9 Obscenity and racial discrimination	321
		21.10 Freedom of information	322
18 Advertising	263	<i>Appendix A Glossary of Legal Terms</i>	<i>325</i>
<i>Tom Cassels and Rebecca Handler</i>		<i>Appendix B Professional Bodies</i>	<i>330</i>
18.1 Introduction	263	<i>Appendix C Specimen Agreements</i>	<i>335</i>
18.2 The Code of Advertising Practice	263	<i>Bibliography</i>	<i>355</i>
		<i>Index</i>	<i>357</i>