

Articles

JOSHUA CHARALAMBALOUS

All Bets Are Off—Joey Barton Sanctioned for Breaching FA Rules 225

This article looks at what is the appropriate sanction for breaching the FA prohibition on betting on football matches, and what effect mitigating factors will have on the sanction.

EMMA FLETT AND ELEANOR HARLEY

David and Victoria have IP Office at Beck and Call for Children—Trade Marking the Kids' Names puts Beckhams on Cruz Control for IP Protection 227

Following the recent registration by Posh and Becks of their children's names as EU trade marks, and applications made by Beyoncé and Jay-Z to register the names of their new-born twins, this article considers the protection of celebrities' names from a trade mark perspective, and the patchwork of more traditional IP rights that are also relied upon.

Comments

ED BADEN-POWELL AND TOM MOORE

Not Alright—Mungo Jerry Singer Found to Have Misrepresented Ownership of the Copyright 230

The High Court has ruled that the singer misrepresented to a music publisher that he owned copyrights in the song *Alright, Alright, Alright*. In reliance on that, the publisher had taken a purported assignment of a share of the copyrights and then licensed what it thought to be its share to Sony/ATV. Eventually the publisher had to pay £33,600 to the true copyright owner to settle an infringement claim. The High Court ordered the singer to pay that amount to the publisher as damages for misrepresentation, but rejected its claim for lost royalties that it would have earned, had the assignment been valid.

PETER SMITH

Sir Cliff Settles Claim Against Police Following Broadcast Raid, But Continues Against BBC 232

Following a hearing on 26 May before Mann J, the High Court has granted Sir Cliff Richard an order requiring the BBC to confirm whether the source of information about a police raid on his home came from within or was associated with Operation Yewtree. In the same action, and following a statement in open court on the same date and also before Mann J, Sir Cliff has settled his claim for misuse of private information, breach of art.8 ECHR and breach of the Data Protection Act 1998 against South Yorkshire Police.

DHRUTI GORE

Gambling Commission Victorious Over Greene King 235

This article considers the recent ruling of the Court of Appeal in *Greene King v Gambling Commission* that the Commission had acted within its powers when it refused to issue Greene King an operating licence to provide facilities for the playing of bingo in its pubs.

JENNIFER AGATE

Regulating Fictionalised Reality: Ofcom Decision on Murder Drama 238

This article considers a recent regulatory decision in which Ofcom considered fairness and privacy in the context of a drama depicting events surrounding a real life murder.

EILEEN WEINERT

R. v Markham and Edwards—Spalding Murders: Lifting Reporting Restrictions 241

Following an appeal to the Court of Appeal in *R v Markham and Edwards*, reporting restrictions on identifying two teenage murderers have been lifted.

MARK RHYS-JONES AND JENNIFER AGATE

High Court Clarifies Privilege in the Context of Internal Investigations into Criminal Conduct: SFO v ENRC Ltd [2017] EWHC 1017 (QB) 244

A case comment considering the recent High Court decision in *SFO v ENRC*, in which the court considered legal professional privilege in the context of criminal investigations, narrowing its application and thereby enhancing the reputational risk associated with investigations.

HUGH TOMLINSON

Arnason v Iceland—No Violation of Article 10 When Public Interest Journalism is Unverified 246

In the case of *Arnason v Iceland* the First Section of the Court of Human Rights, applying the *Axel Springer* criteria for balancing arts 8 and 10, held that a domestic defamation judgment arising out of a publication which made an accusation of fraud did not violate art.10.

MARTIN OCHS AND KIRSTY
LAWRENCE

The Importance of Injunctions for Copyright Infringement: Phonographic Performance Ltd v JJPB Ltd [2017] EWHC 1370 (Ch) (14 June 2017) 247

Martin Ochs examines the case of *Phonographic Performance Ltd v JJPB Ltd* [2017] in which the High Court considered applications for Judgment in Default for injunctions against infringers of PPL's rights. A legal point arose regarding the necessity for an injunction if licence fees have subsequently been paid covering the unlawful acts. This article highlights the relevant test for injunctions for copyright infringement and the lessons which should be taken from it by infringers.

ALEXANDER ROSS

Communication to the Public—Court of Justice Gives the Pirate Bay No Quarter 248

The European Court has easily found itself able to extend the definition of "communication to the public" to encompass the activities of BitTorrent indexing sites such as The Pirate Bay, even where such sites not only do not host the content made available, but do not select it either. Their indexing, curating and facilitating functions are sufficient to trigger liability.

SABINE JACQUES

Is it Original? New French Decision on Mankowitz's Famous Portrait of Jimi Hendrix 252

This article considers a significant ruling of the Court of Appeal of Paris reversing a tribunal decision that Mankowitz's famous portrait of Jimi Hendrix was not sufficiently original to attract copyright protection and that the defendant, an e-cigarettes sales company, was therefore free to adapt the photograph for advertising purposes.

Book Review

KEVIN DUNION

John Macdonald QC and Ross Crail (Eds) Macdonald on the Law of Freedom of Information (Third Edition) 254