

Table of Contents

Opinion

ANDY PHIPPEN AND MARGARET
BRENNAN**Protecting Yourself from Revenge Pornography—Share Your Images Before Your Abuser Does! 33**

Reflecting upon Facebook's announcement to pilot a revenge pornography protection service by encouraging potential victims to share their images with Facebook before someone else does, this article reflects upon the technical and social concerns raised by such a "solution", explores whether the technical method will result in success, and argues that this is yet another approach that places the responsibility for non-consensual sharing with the victim, rather than the abuser.

Articles

DAVID ROLPH AND MICHAEL
DOUGLAS**Rebel Wilson's Pitch Perfect Defamation Victory 37**

In *Wilson v Bauer Media Pty Ltd* the Supreme Court of Victoria awarded comedian and actress, Rebel Wilson, AUD 4.57 million damages, the largest ever made by an Australian court for a defamation claim, in relation to articles that alleged that she was a serial liar, lying about her real name, age, upbringing and certain events in her life. The ruling is legally significant as it is the first time in Australia that the cap on damages for non-economic loss has been exceeded and the first time that damages for economic loss have been calculated by reference to loss of opportunity. This article analyses the court's approach to damages and considers the difficult doctrinal questions the case raises as regards the interaction between defamation law and conflict of laws, where an international celebrity sues locally for damage to reputation which, due to the "grapevine effect", occurs outside the jurisdiction.

KATHARINE ALEXANDER AND RACHEL
ALEXANDER**European Commission Communication on Tackling Illegal Content Online: Towards an Enhanced Responsibility of Online Platforms 42**

The European Commission has published a Communication on tackling illegal content online. The Communication recognises the increasingly important role of online platforms and encourages them to take more responsibility. The Communication contains guidelines and principles for online platforms to follow in increasing their efforts to prevent, detect and remove illegal content online, together with safeguards which aim to prevent over-removal of content.

TRACEY ANDERSON AND MARK FOX

Essential Financial and Healthcare Documents for Entertainers—A US Perspective 45

This article discusses six types of financial and healthcare documents that every entertainer should have in place to protect his or her wealth and healthcare needs. These documents accommodate the following: property transfers at death; business interest transfers during life and at death; distribution of assets following a divorce; financial decision empowerment; healthcare decision empowerment; and end-of-life planning. We discuss the necessary documents in each of these categories. Examples of entertainers who failed to heed such advice are provided.

Comments

KIRSTEN TOFT

Poetic Justice? A Snapshot of Compensatory and Additional Damages in the IPEC 51

This article discusses the recent IPEC case of *Pablo Star Media Ltd v Bowen*. Analysis by HH Judge Hacon as to whether the Deputy District Judge Vary was correct not only in his application of both compensatory and additional damages, but also in his decision to sanction the claimant for his oppressive conduct in threatening to sue the defendant in multiple jurisdictions, given the length of time in which the defendant had used the image in question. This article contains comment regarding lessons to be learnt from "enthusiastic litigator[s]" and demonstrates the court's wide discretion as to costs penalties.

JENNIFER AGATE

Meaning and Modern Morality: Brown v Bower 54

This case comment discusses the recent decision in *Brown v Bower*, in which the High Court considered defamatory meaning.

MARK GALLI

Oh My Ghosh: Supreme Court Redefines Test for Dishonesty in Ivey v Genting Casinos 55

This article considers *Ivey v Genting Casinos* in which the Supreme Court reviewed and revised the test for dishonesty in criminal law in the context of a contractual dispute between a casino and a professional gambler.

ADELAIDE LOPEZ

Wedding bells: The European Court of Human Rights Renews its Vows to a Free Press and the Protection of Journalistic Sources 58

In *Becker v Norway* the European Court of Human Rights reinforces well-established case law in upholding the protection of journalistic sources, even where the source has voluntarily revealed his identity and is facing criminal conviction for manipulating the financial markets by fraudulently misleading the journalist with whom he shared his “story”.

SAMUEL PEACE

Online Defamation—“Centre of Interests” and Member States 59

This article considers the recent decision in *Bolagsupplysningen v Svensk Handel*, in which the Court of Justice of the European Union considered the correct forum for online defamation and the “centre of interest” jurisdiction to a company's online defamation claim.

JONATHAN BLAIR AND JULIANE
ALTHOFF

High Court Confirms TV Formats Can be Protected as Dramatic Works 62

In *Banner Universal Motion Pictures Ltd v Endemol Shine Group Ltd*, the High Court has confirmed that TV formats are arguably capable of being dramatic works, if they at least contain enough distinguishing features connected in a coherent framework that can be repeatedly applied, to enable the show to be reproduced in recognisable form. On the facts, the features of *Minute Winner*, in which members of the public were to be chosen at random and given the chance to win a prize, were found to be commonplace and indistinguishable from those of many other game shows. Accordingly, the claim of copyright infringement was dismissed at summary judgment.

ELEANOR STEYN AND EMILY
OWEN-EVANS

No Business Like Show Business—Jurisdiction Not Read into Choice of Governing Law 65

The IPEC has held that a clause requiring licences to be construed and enforced under the laws of New York could not be read as an exclusive-jurisdiction clause. Warner Chappell had applied for an order that the English court did not have jurisdiction to hear a case brought by Mr Berrocal, who sought a declaration that certain licences of the Irving Berlin catalogue had been terminated.

ROBERT LISTER

Advocate General Considers Jurisdictional Questions in Relation to Privacy and Data Protection Claims Against Facebook 66

This article discusses *Maximilian Schrems v Facebook Ireland Ltd* (C-498/16) in which Advocate General Bobek considers jurisdictional questions in relation to privacy and data protection claims brought by Maximilian Schrems against Facebook.

Book Review

DR JAMES GRIFFIN

Concepts Of Music And Copyright by Andreas Rahamatian (Ed) 70