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Bot Battling and More—New Initiatives to Stem Online Ticket Abuse 103

There have recently been some notable advances in the fight against abuse of the online ticket market. Government, consumer-protection bodies and the advertising industry—alongside event producers and artists themselves—are taking measures in tandem that are helping to protect ticket buyers from rip-offs on the secondary market. This article examines what the continued lobbying from the entertainment industry has achieved.

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“A thorough analysis” of the Notion of Consent in the General Data Protection Regulation 106

On 28 November 2017 the Article 29 Working Party adopted draft Guidelines on Consent under the General Data Protection Regulation with the aim of providing “a thorough analysis” of the notion of consent in the GDPR along with practical guidance to ensure compliance with the GDPR. This article considers the issues raised by the Working Party and comments on the key elements of the higher thresholds for consent under the new regime.

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This article analyses loot box mechanics in relation to the Gambling Act 2005. These mechanics provide “gamers” with an opportunity to pay real money to open an in-game box and acquire in-game items such as weapons, armour and cosmetics. This practice can be caught as a licensable gambling activity under UK law and relevant stakeholders should note that it is a criminal offence to provide facilities for gambling without an operating licence. The dividing line between licensable and non-licensable mechanics is the element of convertibility, which in turn necessitates the distinction between “Closed Loop” and “Cashing in” Mechanics.

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This article provides detailed summary and critical comment on the Court of Justice ruling in *Coty Germany v Parfümerie Akzente* that a supplier of luxury goods can prohibit its authorised distributors operating under a selective distribution agreement from selling those goods on discernible third-party internet platforms, such as Amazon and eBay.

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The Digital, Culture, Media and Sport Committee recently published its Report into the potential impact of Brexit on the creative industries, tourism and the digital single market. This article considers the Committee’s analysis of the implications of Brexit for the UK television sector.

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This article considers the decision of the High Court in *Sky Plc v Skykick UK Ltd* to refer a series of questions to the Court of Justice of the European Union (CJEU) concerning what constitutes bad faith when filing a trade mark application, and the effect of registering goods and services with insufficient clarity and precision.

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All's Fair in Love and War: IPEC Looks at Defences of Implied License and Fair Use: Rajinder Tumber v Independent Television News Ltd 129

IPEC has refused to strike out ITN's defences of fair use and implied license to a claim of copyright infringement by a poet who sent his love poem—the longest ever written—to an ITV journalist reporting on the poem where the journalist then posted the poem on the new channel's website.

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Tackling Illegal Sports Streams: UEFA v BT 131

On 21 December 2017, Arnold J handed down his judgment in *UEFA v BT*, in which he granted an injunction requiring the six major UK ISPs to block access by their customers to streaming servers delivering infringing live streams of UEFA competition football matches. This is the third blocking order granted that requires ISPs to impede access to target servers that enable access to infringing streams.

EMMA FLETT AND JOANNA BALATA

Van Haren Steps on the Toes of Louboutin and Leaves Them Sole-Searching 133

On 6 February 2018, Advocate General Szpunar handed down a non-binding second opinion on the classification and potential validity of Louboutin's "red sole" EU trade mark registration. This opinion comes after years of litigation between Louboutin and Dutch footwear company Van Haren, in which Louboutin claimed Van Haren's footwear collection infringes its "red sole" mark, and Van Haren challenged the validity of the mark. Originally filed in the District Court of the Hague, an appealed injunction ruling booted this case before Europe's highest court, the Court of Justice of the European Union.

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