

## Table of Contents

## Articles

PROFESSOR ANDY PHIPPEN

**Legislating Children's Screen Time—Surely Not A Solution to Children's Mental Health Challenges? 137**

The Secretary of State for Digital, Culture, Media and Sport recently suggested he was considering legislation so social media companies can monitor the amount of time children spend on their services and limit access if use is "excessive". This raises a number of concerns, around the evidence base for forming such legislation, the viability of approach, and the erosion of children's rights while claiming to form legislation that is in their interests.

ELEANOR STEYN

**UK Government Proposes Stricter Rules for Internet Safety 141**

The government plans to ensure that "what is illegal offline is illegal online". Following its Internet Safety Strategy Green Paper, it has asked the Law Commission to review the laws on offensive communications and to assess how far they protect victims online. As part of the government's Digital Charter, the government will also introduce a social media code of practice in 2018, clarifying minimum expectations for social media companies, along with an annual internet safety transparency report.

## Comments

SAMUEL PEACE

**Facebook—Postings Deemed as Publications Rather Than Re-Publications 144**

A recent Court of Appeal finding, in *Stocker v Stocker*, has held that Facebook posts were publications, rather than re-publications, since there was no repetition of the comments by intervening third parties.

ELEANOR STEYN

**Channel 5 Ordered to Compensate Couple Evicted on Can't Pay? We'll Take It Away! 147**

A couple whose eviction was included in a Channel 5 programme have been awarded £20,000 damages for misuse of their private information. Although Channel 5 had editorial discretion over the way in which it told the story, and while the programme contributed to a debate of general interest, the inclusion of the couple's private information in the programme went beyond what was justified. Rather than emphasising the matters of public interest, it focussed on the drama of the conflict between the couple and their landlord's son, with a view to making "good television".

JENNIFER AGATE

**Norwich Pharmacal Proceedings Take on a "Life of their Own" 150**

A case comment on the recent decision in *Sarayiah v Williams*, in which the court considered contempt in the context of compliance with a *Norwich Pharmacal* order. The case is of interest, in the broader context of the #MeToo movement, for the court's insights into the treatment of sensitive allegations of inappropriate behaviour made against an individual and the identity of those behind those allegations.

CLAIRE M. WHEELER, KRISTIN ADAMS  
AND MEAGHAN H. KENT**Substantial Similarity in US Copyright Law: Implications of *Rentmeester v Nike* 152**

This article considers the broader implications for copyright owners of the decision of the Ninth Circuit Court of Appeals in *Rentmeester v Nike* affirming the district court's dismissal of an action brought by photographer Jacobus Rentmeester against Nike on grounds that Nike infringed his copyright in a photograph of Michael Jordan when it commissioned its own photograph of Jordan and then used that photo to create its "Jumpman" logo.

NICHOLAS TALL

**"Relational" Contracts—is this Really Necessary? 155**

This comment examines *Al Nehayan v Kent*, a dispute arising in the context of a joint venture to develop a brand of luxury hotels and in which the High Court considered the need to imply a duty of good faith in so-called "relational" contracts.

TIFFANY DALE

**When is an AVMS not an AVMS? When it's Purely Promotional: Court of Justice of European Union Finds that Promotional Video and Video Channel on YouTube for New Peugeot Cars were not Audiovisual Media Services 158**

In *Peugeot Deutschland GmbH v Deutsche Umwelthilfe eV* (C-132/17) the Court of Justice of the European Union has ruled that neither individual promotional videos distributed via YouTube, nor a channel on which only promotional videos are broadcast, constitute "audiovisual media services" under the Audiovisual Media Services Directive (2010/13).

JENNIFER AGATE

**Deceit Adds to the Damages: AXB v BXA 160**

This case comment looks at the recent decision in *AXB v BXA*, in which Sir David Eady delivered his last trial judgment in a distressing case requiring the consideration of privacy, harassment and the tort of deceit.

**Book Review**

URSULA SMARTT

**Young People, Social Media and the Law by Brian Simpson 164**