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This article provides a critical analysis of the High Court and Court of Appeal judgments in *Economou v de Freitas*. Upholding the judgment of first instance, the Court of Appeal has confirmed that non-journalists can rely on the responsible journalism defence, codified in s.4 of the Defamation Act 2013.

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Why is Placing the Child at the Centre of Online Safeguarding so Difficult? 80

As we all await to imminent arrival of the Internet Safety Strategy white paper, it seems clear that both the direction of policy and corresponding public discourse is that any issues faced by young people online are the fault of technology and should therefore be rectified by the service and platform providers. This article proposes a model for online safeguarding that places the child at the centre and their rights as an overarching wrapper which we hope will allow legislators and policy makers to place the focus on new directions on the child, rather than continuing to chase a technical solution that is clearly impossible to catch.

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EU General Court Uses Goodwill to Settle Commodores Trade Mark Dispute 85

The EU General Court has allowed an application to register the name of American funk/soul band The Commodores as a trade mark by one of its founding members, despite opposition from the other founding members. The decision, together with the ongoing dispute over the right to use the band name in the US, is a reminder of the importance of properly protecting your brand from the outset.

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A case comment on a last matching rights clause which was not properly followed by Rangers in relation to replica football kits. The case highlights the difficulty in drafting such clauses and the need for absolute clarity, as well as for the licensor to work through all scenarios of how the clause might work in practice; failure to do so can result in unintended and unwanted consequences for the licensor.

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High Court Assesses Damages for Copyright Infringement and Awards Gold to True Owner of Publishing Rights in Two Iconic Spandau Ballet Songs 93

In *Reformation Publishing Co Ltd v Cruise Co Ltd*, the High Court has awarded the owner of the publishing rights in the Spandau Ballet songs *True* and *Gold* £38,750 ordinary damages and £25,000 additional damages for the unauthorised use by a cruise operator of extracts from the songs in a promotional video. Based on the “user principle”, the ordinary damages award reflected the fact that, while the infringement lasted only five days, any significant use of these “iconic” songs would attract a substantial fee. Nugee J awarded additional damages on the basis that the failure by the defendants’ agent to obtain the necessary licences amounted “at least” to recklessness given the agent’s experience in the music industry.

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Copyright Directive Precludes Family-Member Defence to File-Sharing Infringement 95

On a reference from the Munich Regional Court in Germany, the Court of Justice of the European Union in *Bastei Lübbe GmbH & Co KG v Strotzer* has ruled that the owner of an internet connection used for copyright infringement (in this case, through file-sharing) cannot escape liability simply because another family member might have had access to that connection.

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Casino Banks on Fresh Evidence—Later Claim in Deceit not an Abuse of Process 98

The Court of Appeal has overturned a High Court decision to strike out a casino's claim in deceit against a bank as an abuse of process. The bank contended that the claim for civil fraud should have been brought before the previous claim in negligence, which was based on the same facts. The Court of Appeal disagreed, holding that it was not an abuse of process to issue a fresh claim in deceit on the basis of further evidence that emerged after the initial negligence claim.

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