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Two contrasting cases against Force India Formula One Team Ltd turn on agency commission and usefully illustrate how the courts approach commission disputes. In the first—*Sports Mantra v Force India*—an agency agreement had been put in place between the parties, but the claim for contractual commission was rejected on proper interpretation of the contract terms, and summary judgment was given against the claimants. In the other—*AMP Advisory & Management v Force India*—there was held to be no contract under which the claimant would be entitled to commission for introducing a sponsor; but it was still found due to be paid for its introduction services, on the basis of quantum meruit.

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On a reference from the Austrian Supreme Court in a case about Facebook posts, the CJEU has ruled that a national court can order a host provider to remove content that is "identical" to posts previously declared to be illegal—as well as posts with an "equivalent" meaning. Such an order would not be inconsistent with the safe harbour under the E commerce Directive. In principle, the order can be made with worldwide effect, as long as the measures imposed are consistent with international law.

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This article reviews the Court of Appeal's ruling in *Kogan v Martin*, a dispute over who owns the copyright in the screenplay for the film *Florence Foster Jenkins*. The court, in overturning the IPEC decision, provides useful clarification on what constitutes “joint authorship”, in particular that in determining whether there is a collaboration to create a literary or artistic work it is never enough to ask, “Who did the writing?”

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This article reviews *Warner Music UK v Tuneln Inc* in which the High Court upheld copyright infringement claims against the provider of an online radio aggregation service. Described as a “test” case, the judgment considers the relationship between copyright and the internet. Importantly, the judgment recognises the need to afford a high level of protection to copyright owners—and that doing so is not fatal to the functioning of the internet.

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NB: Liverpool FC Allowed to Sub New Balance with Nike 77

The High Court has ruled that New Balance Athletics, Inc., which trades under the NB brand, could not match the terms of a proposed manufacturing and sponsorship deal between Liverpool FC and Nike, leaving Liverpool free to sign the deal with Nike, which starts in 2020. The case is instructive when drafting matching rights.

HENRY ELKINGTON

Ofcom Assessment—Munchetty Remarks About Racism Did Not Breach Impartiality Rules 79

Ofcom has published an assessment of a decision that an edition of BBC Breakfast was duly impartial. The co-presenter Naga Munchetty had cited her personal experience of racism in response to a series of tweets by President Trump about four US Congresswomen of colour. Ofcom has now set out the reasons for its assessment, confirming that, after carefully considering all the contextual factors, it did not consider that the discussion would have breached the impartiality rules in the Broadcasting Code.

Book Review

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