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Teen Sexting and the Consistency of the Application of Outcome 21 Recording—A Path to Soft Criminalisation? 85

A recent news article in the Guardian related to the overzealous use by police powers to criminalise minors who have been caught engaged in the self-generation of indecent images (frequently referred to as “teen sexting”). However, having recently analysed and reported upon Freedom of Information (FOI) data, the authors of this article suggest that there seems still be numerous arrests of minors for these activities, and that new police powers that allow them to record a crime without it appearing formally on a young person’s criminal record, are being applied disproportionately and excessively by some forces.

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Data Protection by Design and by Default—EDPB Guidelines Adopted 89

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Art Law: Coming of Age 92

From the seeds which were planted in the early 1970s when the first Art Law classes were taught and the first Art Law conferences were held, Art Law has taken root and blossomed. It now bears fruit throughout the world. Today there are 76 United States law schools with courses on Art Law, and courses offered at law schools in numerous other countries, as well as numerous Art Law treatises and casebooks for students and practicing lawyers. The People’s Republic of China recently held its first multinational Art Law conference.

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The Digital Services Act: Upgrading Liability, Responsibility and Safety Online 94

The European Commission is preparing a proposal for a Digital Services Act to “upgrade our liability and safety rules for digital platforms, services and products”. This article considers whether an upgrade is needed and what an upgrade might look like. To set this in context, the article first looks at the state of play of the DSA and subsequently sets out the current liability regime for digital intermediaries.

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Out with the Old, in with the New? Re-vitalising Media Law Defences for the World of GDPR 98

This article looks at the principles of defamation law and the GDPR, considers how the courts have attempted to reconcile them to date, before thinking about how the law may develop in the future.

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This article reviews *Ashley Wilde Group Ltd v BCPL Ltd*, in which the IPEC dismissed a copyright infringement claim in relation to designs featuring in two celebrity bedding ranges. The case is also significant for highlighting that an expert witness’s overriding duty is always to the court.

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AAA Privacy Claim—No Anonymity for Covertly Filmed Lap-Dancers 104

In *AAA v Rakoff* the High Court rejected an application for anonymity in a privacy claim brought by two Spearmint Rhino clubs and nine lap-dancers. It related to footage covertly filmed by private investigators engaged by a campaigning organisation, Not Buying It. The court did not consider an anonymity order necessary or proportionate, as the evidence did not justify a derogation from the fundamental principle of open justice. An application for expedition was also refused, as the defendants had provided appropriate undertakings to the claimants in relation to the footage, and the claimed risk of hacking was “fanciful”.

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In a case about Ed Sheeran's *Shape Of You*, the High Court has upheld a Deputy Master's refusal to strike out similar-fact allegations. Those were pleaded by the writers of Sam Chokri's song *Oh Why*, alleging a pattern of plagiarism by Ed Sheeran and his co-writers. The High Court found the Deputy Master entitled to rule that the allegations could be probative of copying and, in the absence of a misdirection or clear error, would not interfere with his case-management decision to let the allegations proceed. The judgment usefully illustrates the degree of pleading needed for similar-fact allegations to go forward in a copyright-infringement action.

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This article reviews *Turley v Unite the Union and Walker* in which Nicklin J rejected truth and public interest defences and awarded £75,000 to a former Labour MP who brought a libel claim against Unite the Union and the editor of The Skwawkbox blog for an article accusing her of making a false and dishonest declaration in order to join the union."

ALEXANDER ROSS

CJEU Puts UsedSoft Back in the Kabinet with ebook Ruling 115

The CJEU has ruled on a question that arguably did not need to be referred: is the sale of an ebook a communication to the public, for if so the principle of exhaustion does not apply to the sale. The court held that indeed it is, while carefully but firmly putting the awkward *UsedSoft* decision in its place as a case of *lex specialis*.

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