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#### **Copyright: A Morality Play** 121

While “extended” human and environmental rights jurisprudence has gathered apace over the last 20 years, nothing could have prepared observers for what recently transpired in a Danish court. An artist ostensibly claiming reparations for copyright infringement, assumed the mantle of vicarious avenger of the ‘rights’ of millions of oppressed people and, in the process, tested the limits of art and laid bare the monstrous operations of consumer neo-capitalism. The court’s comity and receptiveness is contrasted with the claim’s likely reception by the UK courts.

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This article deals with the proliferation of the use of Live Facial Recognition (LFR) by both the authorities and private companies. It explores the issues around LFR and the potential dangers arising out of its use, and sets out the lack of a regulatory framework to manage LFR, highlighted by both the Information Commissioner’s Office and the Parliamentary committee dealing with data protection.

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On 2 December 2019, the European Data Protection Board adopted for public consultation Guidelines 5/2019 on the criteria of the Right to be Forgotten in the search engines cases under the GDPR (Pt 1). This article reviews the guidelines and considers the individual’s right to request delisting in the context of the underlying rights of erasure and to object to processing of personal data.

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The recently released Age Appropriate Design Code from the Information Commissioner’s Office has much to be welcomed when considering the storage and processing of children’s data and their data rights. However, with age verification raising its head once more, and the potential normalisation of monitoring and tracking as safety measures, perhaps there are still some things that need to be challenged?

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In *SOJ v JAO* [2019] EWHC 2569, the High Court has granted an injunction to a “well-known businessman” to stop a woman from disclosing the fact of their short affair and an allegation that he gave her two STDs. The court considered an interim injunction clearly appropriate in this case, because the claimant had a reasonable expectation of privacy. There was also credible evidence of blackmail, and the parties had entered into a freely negotiated NDA. An anonymity order was also justified, as was hearing the application in private and permitting it to be made without notice to the defendant.

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This article reviews *Response Clothing Ltd v The Edinburgh Woollen Mill Ltd*, in which the IPEC made a finding of secondary copyright infringement against Edinburgh Woollen Mill in relation to the “wave” pattern woven into a line of ladies’ tops. The case is notable as the UK’s first judgment to apply the CJEU’s landmark ruling in *Cofemel v G-Star Raw*.

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*Aiwa Co Ltd v Aiwa Corporation* addresses non-use cancellation in the context of use relating to second-hand sales of goods. This comment looks at the decision and, in particular, discusses the concepts of genuine use and consent.

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The UK Information Commissioner's Office has fined DSG Retail Ltd £500,000, the maximum under the Data Protection Act 1998, after its point of sale (POS) computer system was hacked and extensively compromised over a nine-month period, between July 2017 and April 2018. Over 5.6 million payment cards and 14 million individuals were affected by the breach.

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This article reviews the decision of the Court of Appeal in *Fawaz Al-Hasawi v Nottingham Forest Football Club Ltd*, a case which illustrates the point that different forms of indemnity wording will operate differently depending on their precise wording and the function they are intended to perform.

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