

Articles

ALASDAIR MULLER AND RACHEL DE SOUZA

Spear Phishing and Cyber Fraud: National Cyber Security Centre Turns its Attention to Sports 1

A recent report from the National Cyber Security Centre reveals that at least 70% of sports organisations have experienced at least one cyber incident or harmful cyber activity. Alasdair Muller and Rachel de Souza review the trends in those attacks, and the report's recommendations as to how sports can best protect themselves from such threats.

ASHLEY WINTON AND SOPHIE WOOD

Data Protection During and After the Pandemic: Consolidate, Update and Innovate 4

In this article the authors identify the key data protection and IT/cybersecurity fundamentals that businesses should bear in mind as they revisit data protection compliance strategies in light of the logistical challenges presented by COVID-19.

Comments

ELEANOR STEYN

Qatar Airways Grounded by English Court in PRS Copyright Claim 6

The High Court has dismissed Qatar Airways' application to stay a copyright claim brought by the Performing Right Society over use of PRS music repertoire in QA's in-flight entertainment system. QA argued that Qatar was the natural forum, contending that most of the acts of alleged infringement occurred there. Yet the judge found that the courts of either forum would have to apply laws other than their own, given the multi-national use of the music, and while the case had real connections to both England and Qatar, the connections to Qatar were not significantly stronger than those to England.

DÉSIRÉE FIELDS

British Amateur Gymnastics Association Vaults to Triple Victory in Trade Mark Infringement and Passing Off Claim Against "UK Gymnastics" 9

Upholding a claim by the British Amateur Gymnastics Association, the Intellectual Property Enterprise Court has found that use of the word and logo signs "UK Gymnastics" infringed its registered trade marks for "British Gymnastics" and "British Gymnastics, More than a sport" and also amounted to passing off.

CARISSA KENDALL-WINDLESS

Off White's Pursuit of a "Descriptive" Mark Pays Off 12

This article reviews the reasoning of the EU General Court in *Off-White LLC v EUIPO* (T-133/19) in which the court annulled an EUIPO Board of Appeal decision that streetwear label Off White's figurative mark is inherently descriptive and non-distinctive for fashion accessories.

EILEEN WEINERT

A Tragic Case of Child Taken Into Care and a Journalist's Bid to Tell the Tale with the Mother's Consent 14

This article reviews the decision of the Family Division of the High Court in *Newman v Southampton City Council*, thought to be the first recorded judgment concerning journalistic access to the court file in public law family proceedings. The case involved a balancing exercise between arts 8 and 10 of the ECHR of interest to media lawyers, and is particularly interesting as it delineates the privacy rights of a child, as distinct from that of their parents, with repercussions perhaps for online posting by parents of photos of their children.

PETER SMITH

Ghannouchi v Middle East Online Ltd: High Court Guidance on the Assessment of Libel Damages 18

This article reviews the damages assessment in *Ghannouchi v Middle East Online* in which a High Court Master awarded £45,000 to a Tunisian politician in respect of an article in an online newspaper accusing him of corruption and links to terrorism.

THOMAS MOORE

A Countdown Conundrum—Star and Blogger Obtain Order to Reveal Author of Deleted Tweets 20

The High Court has granted a *Norwich Pharmacal* order to a Countdown presenter and a campaigner over an anonymous Twitter account suspected to be operated by the defendant, Daniel Bennett. The account-holder, tweeting under the pseudonym Harry Tuttle, had defamed them in a series of tweets that were later deleted. In an unusual feature of this case, the defendant had accepted legal liability for the account, but declined to confirm or deny being the author. Yet that did not deprive the relevant claimants of the right to identify the author and to have the tweets and related data disclosed.

HUGH TOMLINSON QC

R. (on the application of Bridges) v Chief Constable of South Wales—Police Use of “Automated Facial Recognition Technology” Unlawful 23

This case comment reviews *R. (on the application of Bridges) v Chief Constable of South Wales Police* in which the Court of Appeal held that the live automated facial recognition technology used by the South Wales Police Force was unlawful.

ALESSANDRO CERRI

Nominal Damages for Copyright Infringement and Breach of Contract by Former Architectural Consultant 26

This article reviews the ruling of the IPEC in *DPA (London) Ltd v D'Agunno* that awarded the claimant firm of architects nominal damages of £1 in respect of its only successful head of claim, which had been admitted by the first defendant, relating to alleged misappropriation of architectural plans and drawings.

MATTHEW DANDO AND EMILY RAAD

High Court Rules that Apology in Settlement of Libel Claim was not Defamatory of Journalist 28

In *Burleigh v Telegraph Media Group Ltd* [2020] EWHC 2359 (QB) (2 September 2020) the High Court determined that an apology published in response to a libel complaint was not defamatory of the author of the original article. The judgment gives a helpful overview of the considerations necessary to ensure that apologies in libel settlements do not defame the original author.

Book Review

PETER COE

Lie Machines. How to Save Democracy from Troll Armies, Deceitful Robots, Junk News Operations, and Political Operatives by Philip N. Howard 31