

Articles

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A Single Incident of “Revenge Porn”? The Prevalence of Image Based Sexual Abuse in a Course of Conduct Amounting to Stalking and Consideration of the Harms Caused 33

The distribution of private sexual images without the individual’s consent is a pernicious form of sexual abuse. Image based sexual abuse (IBSA), sometimes known as Revenge Porn (RP), refers to images of a sexual nature generally distributed across social networks and the internet with the intent to cause distress. It is a criminal offence under the Criminal Justice and Courts Act 2015. This article presents findings which indicate the prevalence of IBSA in a conduct amounting to stalking, alongside data which demonstrates the severity of its impact on victims.

MARK FOX

The Termination of the Paramount Consent Decrees: Background and Implications for the Motion Picture Industry 37

One of the most historically significant antitrust cases in the United States, the Paramount Decrees, were recently terminated as part of an initiative by the Department of Justice to end “legacy” judgments that are no longer relevant. This article discusses the rationale for ending the Paramount decrees as well as the implications for movie studios and cinemas.

Comments

ALEXANDRA COOKE

What Costs Can an Online Dating Service Charge a Consumer Who Changes Their Mind? A Cautionary Tale ... 42

This article reviews *EU v PE Digital GmbH (C-641/19)* in which Court of Justice of the European Union considered what costs traders might be entitled to claim from customers who cancel a contract for services within the cooling off period, where some services have been provided but the contract has not been fully performed.

AIDAN WILLS

R. v Nigel Wright—No Anonymity for Corporate Victims in Blackmail Cases 44

This article reviews *R. v Wright* in which Warby J (sitting as a Crown Court Judge at the Old Bailey), prior to the criminal trial of Nigel Wright who was convicted of blackmail and contaminating food in Tesco stores, refused applications by Tesco for anonymity during that trial and for reporting restrictions to prevent the supermarket being identified as the victim in the case.

ERASMIA PETOUSI

Can a Journalist Protect its Sources when this is the Only Way to Prosecute an Aggravated Offence? 47

This comment reviews the judgment of the European Court of Human Rights in the case of *Jecker v Switzerland*, relating to the protection of journalistic sources in cases of aggravated offences, where a journalist is the only person that can provide relevant evidence to the national authorities investigating an offence. The judgment builds on ECtHR’s established case-law on freedom of expression and focuses on the question of whether the need to investigate serious offences, such as drug trafficking, can justify the obligation of a journalist to disclose its sources.

DÉSIRÉE FIELDS AND TOM FITZPATRICK

CJEU Cleans Up a MESSI situation: Footballer’s Fame Outweighs Visual and Phonetic Similarities Between MESSI and MASSI Trade Marks 50

The Court of Justice of the European Union has dismissed an appeal from a General Court decision permitting arguably the world’s greatest footballer, Lionel Messi, to register the mark MESSI in respect of sports equipment and clothing, in face of an opposition by the owner of the earlier mark MASSI. The CJEU confirmed that the conceptual differences between the marks outweighed their visual and phonetic similarities and that the reputation of Lionel Messi was a well-known fact.

ELEANOR STEYN

BBC Footage of Dying Journalist Lyra McKee Ruled Highly Intrusive 53

Ofcom has upheld a complaint over the broadcast of footage that showed the dying moments of journalist Lyra McKee. Ofcom found that including the footage in BBC Two’s *Newsnight* report amounted to an unwarranted infringement of her right to privacy, representing a “very significant intrusion” that had caused her family a great deal of distress. This was not outweighed by the BBC’s right to freedom of expression, the audience’s right to receive information and ideas, or the public interest in broadcasting the footage.