

Articles

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DUNCAN CALOW, LISA ROBERTS,
EMMA STOCKMAN, SAMUEL CHURNEY
AND TOM FITZPATRICK

Impact of Brexit on the Media, Sport and Entertainment industries 115

This article considers the key issues of Brexit on the media, sport and entertainment industries and what the EU-UK Trade and Cooperation Agreement means in respect of these sectors. The article explores these issues in relation to broadcasting, territorial licensing, state aid and competition, entertainment industry and immigration, copyright and trade marks, sport, advertising and content and data.

Comments

JULIANE ALTHOFF AND DIONNE
CLARK

Florence Foster Jenkins case—IPEC Re-Writes Script on Joint Authorship of Screenplays 120

The IPEC has found joint authorship of the Florence Foster Jenkins screenplay. In a retrial, Meade J applied principles set out in the decision of the Court of Appeal and concluded that Julia Kogan made an authorial contribution to the screenplay that merited a 20% share of the copyright. So Nicholas Martin had infringed her copyright after she withdrew her consent to dealings with the screenplay. Yet the producers and financiers of the film could rely on an estoppel that shielded them from liability, as long as they pay her for her share prospectively.

ALEX POLLOCK

High Court grants Premier League Footballer an Interim Privacy Injunction 123

This article reviews *Wan-Bissaka v Bentley* in which Nicklin J granted Manchester United footballer Aaron Wan-Bissaka an interim injunction to restrain his former partner from publishing private information, photographs and messages relating to her relationship with him.

GIAO PACEY

Tilting at Windmills—The Man Who Nearly Killed Don Quixote 125

The High Court has partly dismissed a counterclaim by film-maker Paolo Branco and Alfama Films for damages from RPC, which made Terry Gilliam's *The Man Who Killed Don Quixote*. The claimants argued that RPC, by granting an option to Tornasol, breached an earlier contract with Alfama. Yet the judge found that Mr Branco "never had a substantial chance" of producing the film once he had fallen out with Mr Gilliam. So, while he awarded damages for pre-production costs and fees, he rejected the claim for loss of profits and ordered Alfama to pay RPC's costs.

ERASMIA PETOUSHI

Broadcasting Recordings from Court Proceedings: BBC Fined for Contempt of Court 128

On 3 February 2021, the High Court of Justice, Queen's Bench Division, handed down judgment in *R. (Finch) v Surrey County Council*. The ruling concerned the appropriate sanction for the recording and broadcasting of judicial review proceedings by the BBC without the Planning Court's permission. As a result, the BBC was fined £28,000 for contempt of court. The case is particularly interesting as it provided the court with the opportunity to discuss the prohibition on recording and broadcasting court proceedings, in settings where such proceedings are conducted remotely via video conferencing.

DÉSIRÉE FIELDS

No Crying Over Spilled Milk: EU General Court Finds Advertising Slogan "IT'S LIKE MILK BUT MADE FOR HUMANS" Registrable as a Trade Mark 132

In an important decision for brand owners, the EU General Court has allowed the registration of the slogan "IT'S LIKE MILK BUT MADE FOR HUMANS" as an EU trade mark for milk substitutes and similar products finding that the mark conveyed a message which set off a cognitive process in the minds of the relevant public making it capable of indicating commercial origin.

JOANNA THOMSON AND ANNA NÍ
UIGINN

CJEU Clarifies the Conditions for Consent Under the Data Protection Directive and the GDPR 134

This comment considers the decision of the Court of Justice of the European Union in *Orange România SA v ANSPDCP (C-61/19)*, which examines the conditions for valid consent under the GDPR, and considers, in particular, whether such conditions can be satisfied by means of a pre-ticked box combined with a clause in a contract stating that the customer consents to the storage of personal data.

THOMAS RUDKIN AND PALOMA LIVESY

Google, Trustpilot, TripAdvisor—The Challenge of Online Reviews 137

In a recent decision of the English High Court, *Summerfield Browne Ltd v Waymouth* [2021] EWHC 85 (QB), summary judgment was awarded in favour of a law firm after a defamatory review was published on Trustpilot by a former client regarding the legal services he had received. The case was not a total victory though, as this comment explain.

EILEEN WEINERT, ERASMIA PETOUSI
AND AMY-ROSE WARMAN

Mosley v ANL: Does Sending Evidence to the CPS Amount to Malicious Prosecution? 138

This article reviews the case of *Mosley v ANL* in which the privacy campaigner and ex-Formula One boss, Max Mosley, issued a claim against the publisher of the Daily Mail/Mail on Sunday/MailOnline for malicious prosecution, after it passed a “dossier of evidence” to the CPS alleging that he had committed perjury during the trial which kick-started his campaign.

Book Review

DR PETER COE

The Oxford Handbook of Freedom of Speech by Adrienne Stone and Frederick Schauer (eds) 141