

Articles

CLARE SELLARS

Shall We Chat About Data Protection? Possible Privacy Issues Regarding AI Chatbots 107

This article highlights various data protection issues regarding artificial intelligence chatbots and other AI generative models which organisations may need to consider when developing and using these increasingly popular technologies.

DAVID PELOQUIN, CHRIS FOO AND
ROHAN MASSEY

Regulation of Online Behavioural Advertising (Part 1): Existing Challenges and Recent Changes in the European Union and the United Kingdom 110

This is Pt 1 of a two-part article focusing on the challenges faced by organisations within the scope of the US, the EU and the UK legal regimes in the context of online behavioural advertising, with this article considering the position under the EU and the UK legal regimes presented by the e-Privacy Directive and the GDPR. Part 2 will appear in the next issue of the journal.

PATRICK MITCHELL, STEWART
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Football Governance White Paper: UK Government Proposes an Independent Regulator for English Men’s Professional Football 117

This article reviews the key proposals set out in the Government’s White Paper “A sustainable future—reforming club football governance”. Proposals include a licensing system for clubs, increased scrutiny of directors and owners and provisions to address funding across the football pyramid. The White Paper raises a number of questions for football’s key stakeholders, including fans, clubs, the Premier League, the Football Association, the English Football League and others with interests (financial or otherwise) in and around the sport.

STUART SMITH AND RACHAEL HEELEY

DCMS Code of Practice for App Store Operators and App Developers 119

In November 2022, the DCMS published a voluntary Code of Practice for App Store Operators and App Developers. DCMS published it alongside a response to the call for views that it issued in May 2022. The Code sets out minimum security and privacy requirements for operators and developers. DCMS believes that the Code is the first of its kind, with an aim to protect consumers in the app ecosystem from various online threats relating to malicious and poorly developed apps by providing practical steps for operators and developers to follow.

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Rimini Street Inc v EUIPO (“OTHER COMPANIES DO SOFTWARE WE DO SUPPORT”)—General Court Explains why EUIPO Doesn’t Often “Do” Slogans 123

This article reviews the recent ruling of the EU General Court in *Rimini Street Inc v EUIPO* and considers the challenges facing those wishing to register promotional slogans as EU trade marks.

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ABC v Tony Palmer: Keeping Court Reporting on the Right Side of the Law 125

This article reviews *ABC v Tony Palmer* in which the High Court dismissed misuse of private information, harassment and data protection claims brought by a woman convicted of benefit fraud against a journalist who reported on the hearing of her case and published his report on his own blog.

MATTHEW GILL AND BEA ILDEM

High Court Awards £97,041 in Damages to Claimant in Landmark Decision on “Image-based Abuse” 127

This article reviews the landmark ruling of the High Court in *FGX v Gaunt* in which a defendant was ordered to pay damages of £97,041.61 for intentional infliction of injury, misuse of private information, and special damage, arising from the defendant’s “image-based abuse” of the claimant.

STEVE FOSTER

Tüzünataç v Turkey: Photographs and Privacy Protection and the European Court of Human Rights 130

This article reviews *Tüzünataç v Turkey* in which the European Court of Human Rights considered whether the taking and publishing of a photograph showing two high-profile actors in an intimate embrace was in breach of the European Convention art.8.

IVA GOBAC

Instagram v Meta 404: Not for the GRAM 132

This article reviews *Instagram v Meta 404* in which the High Court dismissed Instagram's appeal from a hearing officer's decision rejecting its opposition to register as a UK trade mark the word "SOUNDGRAM" for identical goods and services. The judgment demonstrates the high threshold to be met on appeal for reversing a hearing officer's decision and the importance of drawing explicit evidential conclusions at first instance.

ROBERT LANDS

Experian v ICO: First-tier Tribunal Takes Fundamentally Different View of Credit Reference Agency's Marketing Services 134

This article considers the implications of the First Tier Tribunal ruling in *Experian v Information Commissioner* which largely overturned the ICO's 2020 Enforcement Notice against Experian relating to the credit reference agency's processing of personal data for marketing services.