

Articles

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The Current State of Artificial Intelligence Regulation; A Fragmented Framework 209

This article considers the approaches currently being taken in the United Kingdom, the European Union and the United States in the regulation of Artificial Intelligence (AI) in the context of AI’s rapid and exponential growth and the need to address with consistent and appropriate laws that take into account the inherent risks relating to lack of transparency in, and misuse of, AI.

Comments

STEVE FOSTER

AK v Russia: Private Life, Sexual Orientation and Dismissing Teachers for Sexual Posts on Social Media 213

A v Russia examines how the European Convention on Human Rights allows the application of its rights in the private field; in this case where an individual has been discriminated against and had their rights violated by a private employer, and where national law fails to provide a remedy.

DANIEL MCDONAGH

Pub Regulars Run Out of Stream as Scottish Court of Session Bars Pub’s Display of English and Scottish Premier League Matches 215

This comment reviews the decision of the Scottish Court of Session in *Sky Ltd v Airlie*, an interesting broadcast copyright dispute, involving Sky Sports and the broadcast of both English and Scottish Premier League football in pubs.

JON OAKLEY AND NED GOMPERTZ

Claimants Awarded £90,000 Each for “Paedophile” Tweets by Laurence Fox 218

The High Court has awarded Simon Blake and Colin Seymour £90,000 each in damages after a libel trial about a Twitter spat, in which Laurence Fox had falsely labelled each of them a “paedophile”. The award was made even though most members of the public may not have taken the slurs at face value, as the aspersions were still capable of creating a “deep reputational stain” and “acute personal distress”—and so capable of sounding in damages. The claimants were also granted an injunction restraining Mr Fox from publishing the same or similar defamatory statements in the future.

JOHN PATTEN, ALEX ZAPALOWSKI AND UCHE ESEONU

“JOY” for Luxury Brands, as EU General Court Confirms a Trade Mark’s Reputation Once Acquired is Only Lost Gradually 220

This comment reviews the decision of the EU General Court in *Kneipp v European Union Intellectual Property Office (EUIPO)* that EUIPO’s Second Board of Appeal was right to refuse registration of JOYFUL BY NATURE as an EU trade mark in face of an opposition by French fashion house Jean Patou’s based on an earlier registration for JOY. The case is notable for the court’s acknowledgment that market share is not the be-all and end-all and that trade mark reputation is, in general, acquired progressively and lost gradually.

ELIZABETH MORLEY AND LUCY MOON

Reference Innuendo: Claimant Ordered to Amend Particulars of Claim to Clarify Pleading on Reference 222

This article reviews the decision of Steyn J in *Bridgen v Hancock*, which concerned a strike-out application in a defamation action relating to a tweet by former Health Secretary Matt Hancock. The application was partially successful, the judge refusing to strike out in full and allowing the claimant to amend his Particulars of Claim to remedy the deficiencies identified in relation to his pleading on reference.

JOHN PATTEN, ALEX ZAPALOWSKI AND EDMUND BERNEY

Escobarred from the Register: General Court Says “PABLO ESCOBAR” Trade Mark is Contrary to Principles of Morality 224

This comment reviews *Escobar Inc v European Union Intellectual Property Office (EUIPO)* in which the EU General Court gave useful guidance on whether a sign is contrary to public policy or accepted principles of morality pursuant to the European Union Trade Mark Regulation (EUTMR) art.7(1)(f), considering the determination of the relevant public in judging the accepted principles of morality, the relevance of conflicting bodies of public perceptions of a subject of a trade mark application and the relevance of the EU Charter of Fundamental Rights on such assessment.

DR JANET STRATH

Puma's Sole Argument Wears Thin as General Court Finds Disclaimed Elements of Trainer Designs Were Disclosed 227

This article reviews the recent dismissals by the EU General Court in *Puma v European Union Intellectual Property Office (EUIPO)* (T-757/22 and T-758/22) of two appeals from EUIPO Board of Appeal decisions rejecting sportswear company Puma's applications for declarations of invalidity in respect of trainer designs which the Board found produced a different overall impression from Puma's earlier registered designs for footwear. The case provides a useful illustration of the role that disclaimed elements and design-product branding play in the assessment of the overall impression of competing designs.