

Articles

ANDY PHIPPEN

The Broken Online Safety Ecosystem 233

The conflict between the Australian eSafety Commissioner and X Corp (formerly Twitter) serves as an interesting example of the complexities of internet governance and the challenges of platform-focused safety regulations. The Australian Commissioner's demand for global content removal raises questions about the effectiveness, fairness and ethnocentricity of enforcing national laws extraterritorially. Using Bronfenbrenner's Ecology of Child Development model, this article argues for a more holistic approach to online safety that includes various stakeholders beyond just platforms. A real-world case involving a young woman highlights the failures of punitive measures and the disconnect between policy and practice. The article concludes that a collaborative, evidence-based approach involving families, educators, policymakers and regulators is essential for creating a safer digital ecosystem, rather than scapegoating platforms alone.

JULIANE ALTHOFF AND SOPHIE NEAL

Net Flicks—Media Act Expands Editorial Standards to Cover “TV-like” VOD Services 240

The Media Act 2024 received Royal Assent on 24 May 2024, after being fast-tracked through Parliament ahead of the 2024 general election. The Act makes several substantial updates to broadcast regulation in the UK. One of the most notable changes is set out in Pt 4 of the Act, which expands audiovisual media standards regulation to cover mainstream video-on-demand (VOD) services. By empowering Ofcom to create a new VOD standards code, Pt 4 will bring larger VOD streaming services, such as Netflix, Amazon Prime and Disney+, more in line with current standards for linear television.

TOM MCQUAIL, DAVID CRAN, MELANIE MUSGRAVE AND BEN POWELL

New CMA Guidance on the Digital Markets Regime Published for Consultation 243

The Digital Markets, Competition and Consumers Act 2024 received Royal Assent on 24 May 2024. This article considers who will be impacted by the new digital market's regime, the requirements it will introduce, and how it may be enforced and summarises the CMA's new draft guidance under consultation on how it intends to implement the regime in practice.

CLAIRE LIVINGSTONE

Digital Markets, Competition and Consumers Act Passes into Law, Representing a Watershed Moment in UK Consumer Protection 248

In May 2024, the long awaited, much anticipated Digital Markets, Competition and Consumers Act received Royal Assent and become law. In this article, we look at the key consumer law aspects of the Act, focussing on the changes most relevant to the media/entertainment sectors, and consider their implications.

MARCUS BAGNALL AND BEN TOWELL

Law Commission Consults on Draft Legislation to Accommodate Digital Assets Including Crypto-Tokens Being Recognized as “Third Category” Personal Property 251

The Law Commission's recent consultation recommends legislation to establish a “third category” of personal property rights to accommodate the unique nature of digital assets.

Comments

ANDREW WILSON-BUSHELL AND CHARLIE EDWARDS

All Wrong for Wright—Dr Wright Found Not to be Bitcoin Inventor 255

The High Court, in *Crypto Open Patent Alliance v Wright*, has found that Dr Craig Wright did not invent Bitcoin. Accordingly, various other cases brought by Dr Wright on the basis that he created Bitcoin are likely to fall away, and the real Satoshi Nakamoto—the alias used by the Bitcoin creator—remains a mystery. Hypothetically, the person(s) behind Satoshi Nakamoto would own the rights in the Bitcoin system and could bring proceedings to enforce such rights. Yet businesses using the Bitcoin system will take comfort in knowing that the litigious Dr Wright's claims have been discredited in court.

HETTIE HOMEWOOD

Claimant Wins First Round in Comparative Advertising Dispute as High Court Determines Meaning of Competitor's Ads 257

This article reviews and comments on the High Court's ruling on a preliminary issue in *Gibraltar (UK) Ltd v Viovet Ltd* as to the meaning of the defendant's comparative advertising. The case is a reminder that careful consideration needs to be given to the construction of comparative campaigns in order comply with the Business Protection from Misleading Marketing Regulations 2008.

EMMA DUNNILL AND RORY GRAHAM

Accessory Liability: When Will Directors be Held Liable for IP Infringements Committed by Their Companies—And What is Counted as “Profits”? 259

This article reviews and comments on *Lifestyle Equities v Ahmed* in which the Supreme Court held that directors will only be jointly liable as accessories for infringement of IP rights by a company, where they have knowledge of the essential facts of the wrongful act. The decision provides helpful clarification on the required elements for accessory liability in the context of IP right infringements, and confirms the sums to be included in an account of profits if liability is established.

ROHAN MASSEY

Subject Access Requests Under the UK GDPR—High Court Endorses CJEU’s Naming of Recipients Principle but Applies “Rights of Others” Exemption 262

This article reviews *Harrison v Cameron* in which the High Court’s refused to order compliance with a UK GDPR subject access request made by a claimant who sought the names of individuals to whom recordings of phone calls were disclosed in which he made threats of violence. The case provides useful judicial consideration of: (1) the need to name recipients of personal data and not just categories of recipient where possible; (2) the “rights of others” exemption; (3) the nature of a data controller; (4) the “personal or household activity” exception; and (5) the application of post-Brexit EU case law.