

Articles

KATY GIBSON AND ALICE
ESUOLA-GRANT

Public Service Broadcasters Under the Media Act 2024—Is It (Finally) a Good Time to be a PSB? 265

This article considers the provisions of the Media Act 2024 Pts 1 and 3 and the changes to the media landscape that they introduce. It considers their impact on public service broadcasters and whether things may be looking up for the public service broadcasters following a prolonged period of uncertainty.

TOBY HEADDON

Copyright Issues Under the EU AI Act 268

The EU AI Act was not originally intended to regulate copyright. However, as the proposal advanced, large language models developed exponentially, and pressure grew to address some of the copyright concerns they gave rise to. This article considers the aspects of the approved AI Act which are particularly relevant to copyright, specifically in relation to training general-purpose AI models, transparency of use of copyright works and jurisdiction.

Comments

BEN GERSHINSON

By George—No Loss, No Substantial Damages for Malicious Falsehood or for Distress 270

The Supreme Court in *George v Cannell* has held that the Defamation Act 1952 s.3(1) creates an irrebuttable presumption of some financial loss, but where there is no actual financial loss, a claimant is only entitled to nominal damages. The court also ruled that, in malicious falsehood, a claimant cannot seek damages for injury to feelings, unless suffering significant financial loss and related distress. In this case, a recruitment consultant was falsely alleged by her former agency to have breached non-solicitation covenants. She satisfied the test and so was entitled to judgment, but only nominal damages.

HUGO MASON

Lost King—The Risk of Defamation Claims Over Films Based on True Events 272

In a preliminary ruling in *Taylor v Pathé Productions*—a libel claim by a former Leicester University officer against the producers of a film dramatising the discovery of Richard III's remains—the High Court found that the film bore two defamatory meanings: (a) he knowingly misrepresented the University's role and marginalised the contribution made by amateur historian Philippa Langley; and (b) his conduct towards her during the project was smug, unduly dismissive and patronising. Yet the film did not bear a meaning that he was misogynist, sexist or disablist. The case can now proceed to trial, at which the defendants can raise defences.

DR JEEVAN HARIHARAN

Pacini v Dow Jones—A Call for Appellate Intervention on Reputational Harm Damages 274

This article reviews and comments on *Pacini v Dow Jones* in which HH Judge Parkes KC refused to strike out a data protection claim brought by two investment bankers in relation to articles published in the *Wall Street Journal*. Among other things, the case provides the clearest indication yet from the High Court that the issue of reputational harm damages in non-defamation actions is unsettled and requires resolution by an appellate court.

ALEXANDER ROSS

CJEU Tries to Send Clearer Signal About Communication to the Public 278

This article reviews the ruling of the Court of Justice of the European Union in *GEMA v GL* (C-135/23) that the provision of TV sets to tenants of short-term lets constitutes a communication to the publication for the purposes of the Copyright Directive art.3(1) regardless of whether the sets are equipped with indoor antennae rather than connected to a central antenna.

EILEEN WEINERT

Man Labelled “War Criminal” by Home Office Report gets a Chance to Clear His Name 280

This article reviews and comments on the landmark judgment of the Supreme Court in *Mueen-Uddin v Secretary of State for the Home Department*, allowing an appeal against the striking out of libel action brought by an individual labelled a “war criminal” by the Home Office.

ELIZABETH MORLEY AND AIMEE GAVIN

High Court Dismisses *Mail on Sunday*'s Public Interest and Qualified Privilege Defences in "Statin Deniers" Libel Claim 284

This article reviews and comments on the High Court's ruling in *Harcombe v Associated Newspapers* on preliminary issues and the claimants' application to strike out public interest and qualified privilege defences raised by the *Mail on Sunday* in relation to allegedly defamatory articles regarding statins, their efficacy and health misinformation.

EMMA CLARKSON

Newcastle is No Longer United with Sports Direct, and the Court is Unwilling to Intervene in the Interim 286

This article reviews the Court of Appeal's judgment in *Sports Direct v Newcastle United* dismissing an appeal from the decision of the Competition Appeal Tribunal which rejected Sports Direct's application for a mandatory interim injunction requiring Newcastle United to continue to supply Sports Direct with its replica football kit, pending trial of the sports retailer's case that the club breached the Ch.I and Ch.II prohibitions in the Competition Act 1998.

JOHN PATTEN, ALEX ZAPALOWSKI
AND EDMUND BERNEY

Changing Perceptions? Music to the Ears of the UK IPO as Court of Appeal Finds Artificial Neural Networks are Computer Programs for the Purpose of Considering Patentability Exclusions 289

This article reviews and comments on the Court of Appeal's ruling in *Emotional Perception* that the UK IPO was right to find that a system that involved (but was not limited to) passing music through a trained artificial neural network in order to provide recommendations to the end user was unpatentable. The judgment provides some welcome clarity in the UK regarding the interpretation of excluded matter barriers to the patentability of ANNs.