

Articles

STACEE SMITH

Game Over? BEUC Calls for Fairer In-game Purchases and Review of EU Consumer Law 89

The European Commission and the Consumer Protection Cooperation (CPC) Network are currently considering complaints lodged by the European Consumer Organisation (BEUC) and 22 of its member organisations from 17 countries denouncing deceptive practices by leading video game companies. This article considers the concerns raised in the complaints surrounding in-game purchases and premium in-game currencies and the measures proposed to better protect consumers.

MORAG OFILI

The End of Domicile: How footballers are Impacted by a Shift in the UK Tax Regime 92

The concept of domicile has long been a cornerstone of the UK tax regime, providing a framework for determining individuals' liability to UK tax on worldwide income and gains. For highly mobile individuals, such as professional footballers, domicile has served as a crucial determinant in shaping their tax obligations and planning strategies. This article discusses how the end of domicile creates unique tax challenges for footballers.

ANDREW WILSON-BUSHELL AND
CHRIS KING

Copyright and AI—UK Government Consults on Balancing Act, While Seemingly Backing AI 95

In December 2024, the UK Government launched a consultation on copyright and AI, aimed at balancing the competing interests of the creative and technology industries. Its preferred options are (a) to update existing rules on text and data mining to permit it for commercial purposes if the operator has lawful access to the works and the rights-holder has not opted out; and (b) to remove existing rules on computer-generated works altogether. The consultation also touches on deepfakes, personality rights and labelling of AI-generated outputs, but makes no firm recommendations. Responses from the creative industries have largely been negative, but the Government's January 2025 AI Opportunities Action Plan suggests that it may press ahead with pro-AI measures.

CHARLOTTE GITTINS

Blake Lively and Justin Baldoni—How to Deal With Harassment Allegations Where the Parties Have Conflicting Accounts 98

This article considers the allegations on both sides of the high-profile dispute between Hollywood stars Blake Lively and Justin Baldoni as a reminder of the complexities that can arise when it comes to allegations of sexual harassment in the workplace. In that context, the article considers the measures employers can take to deal effectively and equitably with harassment complaints when two or more parties present conflicting accounts.

ENZO REBELO

“Who’s Afraid of Little Old (Taylor’s Version)?”: The Impact of Taylor Swift’s Re-Recordings on Recording Contracts and the Music Industry 101

This article examines the legal implications of re-recording clauses in recording contracts on the music industry and its stakeholders, especially with regards to the law on restraint of trade. It also considers the impact of reversion rights and the place of re-recordings within the systemic issues of fairness affecting the industry.

DR SOUMYA PRAKASH PATRA AND DR
SREELEKHA MISHRA

Ethical Challenges in Data Privacy and Consumer Protection: Navigating Legal Obligations in the Digital Entertainment Industry 108

This article explores ethical issues surrounding data privacy in digital entertainment, emphasising streaming platforms and targeted advertising. Examining regulation frameworks such as the GDPR highlights deficiencies in safeguarding consumer rights. We propose a framework for balancing innovation, legal compliance and ethical considerations.

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Roundels Get Trade Mark Infringement Claim Over Finish Line in Athleisure-Wear Dispute 113

This article reviews and comments on *Athleta (ITM) Inc v Sports Group Denmark A/S*, in which the High Court held that Athleta's combination trade mark containing a roundel to the left of the word ATHLETA and registered for clothing had been infringed by Sports Group Denmark's combination mark containing a roundel to the left of the word ATHLECIA, which had been used for identical goods. However, Sports Group Denmark's use of the word ATHLECIA, whether by itself or combination with a roundel positioned above the word, did not infringe. Infringement was based on a likelihood of confusion and the judgment provides a salutary lesson in the importance of clear evidence when attempting to run a "crowded market" argument against likelihood of confusion.

EU General Court Refuses Registration of Ukraine War Cry "RUSSIAN WARSHIP, GO FK YOURSELF" as an EU Trade Mark 116**

This article reviews *Administration of the State Border Guard Service of Ukraine v EUIPO* (T-82/24) in which the EU General Court upheld a decision of the EUIPO Board of Appeal refusing the EU trade mark application for the Ukraine War Cry "RUSSIAN WARSHIP, GO F**K YOURSELF" filed by the State Border Guard Service of Ukraine. The decision notably highlights the difficulty of overcoming the inherent distinctiveness hurdle for political slogans.

Going to Extremes: Court of Appeal Assesses Complementarity of Sporting Events and Shows in Trade Mark Dispute 119

This article reviews *Extreme Networks Ltd v Extreme E Ltd*, in which the Court of Appeal reinstated a UKIPO hearing officer's decision that there was a likelihood of confusion between two device marks featuring the word "EXTREME". The case is notable for the Court's approach to the assessment of the similarity of the respective services, in particular, the complementarity of sporting events and shows.

A Different Kettle of Fish—Performance Artist Kippered by His Red Herrings 121

In *Samherji hf v Oddur Fridriksson*, the High Court granted an Icelandic fishing company summary judgment over an activist's performance artwork, consisting of a fake website and press release, which purported to make apologies for the company's alleged involvement in a Namibian financial scandal. The Court held that the defendant had no real prospect at trial of successfully defending claims of passing-off, copyright infringement and malicious falsehood.

Time to Assess the Damage: Implications from THJ Systems v Sheridan 123

This article reviews the latest ruling in *THJ Systems Ltd v Sheridan* in which Master Kaye addressed two key issues in respect of damages related to (i) breach of contract; and (ii) copyright infringement in a dispute between ex-business partners (and their respective companies) over the use of options trading software, following a determination of liability in favour of the claimants by the High Court and the Court of Appeal.

Broadcasting Services (Regulation) Bill 2023—A New Dawn for Broadcasting in India? 125

The Broadcasting Services (Regulation) Bill 2023 has been introduced in India to expand the regulatory scope for broadcasting and to ensure that OTT platforms and online news platforms are not excluded from the legal purview. The need for a regulatory framework and effective institutional mechanism to oversee India's broadcasting sector is long overdue. The proposed framework helps to regulate sensitive and harmful content through content guidelines and the self-regulatory mechanism.