

## Opinion

SETH ROE

### **A Litany of Layoffs—Analysing the Recent Spate of Job Losses in the Games Industry** 267

This article examines the recent spate of job losses that have affected the video games sector and considers whether anything could be learnt from alternative staffing models such as those operated within the Film and TV industry.

## Articles

ANDY PHIPPEN

### **Be an Online Safety Angel: Donate Here to Save a Child from the Wild West Web** 270

This article critically examines the role of non-governmental organisations (NGOs) in shaping online safety policy, particularly their influence on public discourse, legislative development, and moral narratives surrounding child protection. Drawing on concepts such as moral panic, governmentality, and biopolitics, the paper explores how NGOs may unintentionally, or strategically, amplify fear-driven messaging to maintain visibility, funding, and authority in the digital policy space. Through analysis of recurring rhetoric, case studies like the Momo panic, and the dynamics of media cycles, it argues that current online safety policy formation is often reactive, performative, and informed more by political theatre and public emotion than robust evidence. While NGOs have undoubtedly contributed to awareness and advocacy, their disproportionate influence, especially when grounded in inconclusive or misrepresented science, raises critical ethical and epistemological questions. The article calls for greater transparency, scrutiny, and technical competence in policy-making, emphasising the need for nuanced, evidence-based approaches that genuinely serve the needs and rights of young people in digital environments.

EMMA FLETT, MAX HARRIS AND  
SAMANTHA BRADLEY

### **Coding Conduct: Translating the European Commission’s AI Guidelines into Practice** 277

The European Commission’s Code of Practice and Guidelines for General Purpose Artificial Intelligence (GPAI) model providers provides one of the first insights into how developers of GPAI models are likely to be regulated under the European Union (EU) AI Act, by demystifying some of the key obligations on operators (including providers, downstream providers, and deployers). This article summarises the European Commission’s guidance on the Act’s binding obligations, as well as its promotion of voluntary best practice, under the Code and Guidelines.

NOEL POWER AND MARK CRANE

### **Football Governance Act Becomes Law in Historic Moment for English Football** 281

After years of mounting concerns over structural vulnerabilities within the sport and the urgent need for reform to ensure its long-term stability, the Football Governance Act received Royal Assent on 21 July 2025 ushering in a new era of football governance and regulation. This article considers how we got to this point and what the Act means for the future of English football.

## Comments

DR JANET STRATH

### **IPEC Tote-Ally Rejects Claims for Breach of Intellectual Property Rights in “The Notting Hill Shopping Bag”** 284

This article reviews and comments on *Courtenay-Smith v Notting Hill Shopping Bag Co Ltd*, in which the Intellectual Property Enterprise Court dismissed claims for trade mark infringement, passing off and copyright infringement made by Natasha Courtenay-Smith against two market traders. All three traded in the Portobello Road, and the dispute centred on the logo and brand name “THE NOTTING HILL SHOPPING BAG” used on a tote bag admired by the Princess of Wales. The ruling highlights the dangers of reinstating dissolved companies solely to reclaim lost rights, without properly considering the rules that oversee renewal and restoration.

MIKE BROOKES AND SOPHIE ANIM

### **Defence of Honest Opinion Holds True for the British Medical Association** 287

This article reviews the High Court’s ruling in *Whyte v British Medical Association*. Johnson J’s judgment provides helpful guidance on the use of the statutory honest opinion defence against a libel claim. The case also provides a salutary reminder of the risks associated with the use of social media to engage in public discourse on contentious topics to the world at large.

NEALE CHRISTY

### **Shorts International Ltd v Google LLC—Court of Appeal Maintains Cost Cap on Appeal in IPEC Case Transferred to the Chancery Division 289**

This article reviews the Court of Appeal's ruling in *Shorts International Ltd v Google LLC* in which Shorts applied for a cost cap. The court considered whether the cap could still be applied given that the claim commenced in the Intellectual Property Enterprise Court, but was subsequently transferred to the Chancery Division where it was dismissed with permission to appeal.

STACEE SMITH

### **Dua Lipa Secures Another Copyright Victory Over “Levitating” 291**

This article considers the United States (US) District Court for the Southern District of New York's reasoning and the issues raised in the latest case concerning the copyright in pop star Dua Lipa's hit song *Levitating*. This includes examining the similarities between the works at issue and considering what aspects of musical compositions can be deemed “copyrightable” with reference to various precedents.

GEORGIA SCARR

### **UK GDPR Claim Which Could and Should Have Been Brought With Earlier Libel Claim Struck Out as Abuse of Process 294**

This article reviews and comments on *Vince v Associated Newspapers Ltd* in which the High Court struck out as an abuse of process a United Kingdom General Data Protection Regulation (UK GDPR) claim brought by a businessman who alleged unfair processing of his personal data as a result of his photograph appearing in a *Daily Mail* article next to a headline referring to allegations of sexual harassment relating to someone else, on the basis that the claim could and should have been brought together with an earlier libel claim.

NICHOLAS TALL

### **Rushed Negotiations Leave Broadcaster in a Bind Over FIFA Club World Cup Rights 296**

This article reviews and comments on *DAZN Ltd v Coupang Corp* in which the Court of Appeal upheld the High Court decision that, in relation to the sublicensing of broadcast rights in South Korea for the FIFA Club World Cup 2025, email and WhatsApp messages constituted offer, acceptance and intention to be legally bound; the parties had considered all essential terms agreed despite no formal contract being in place.

GAELYN FUHRMANN AND GEORGIA SCARR

### **Noel Anthony Clarke v Guardian News & Media Ltd—Success in Defences of Truth and Publication in the Public Interest 300**

This article reviews and comments on the recent ruling of the High Court in *Noel Clarke v Guardian News & Media Ltd*, in which the libel claim was dismissed on the basis of truth under s.2 of the Defamation Act 2013 and publication in the public interest under s.4 of the 2013 Act.

BEN GERSHINSON

### **Politically Motivated Slurs Against Two Pakistani Politicians Held to Be Defamatory 303**

In *Chaudhry v Qureshi* the High Court awarded £130,000 in damages to two Pakistani politicians in a libel claim over unsubstantiated allegations of criminal misconduct, including blackmail, sexual assault, torture, land-grabbing, theft of public monies and corruption. The court ruled that the natural and ordinary meanings of statements made in two videos published on social media in 2021 were defamatory at common law and caused serious harm to the claimants' reputations. The defendant's defence of publication on a matter of public interest failed, and a permanent injunction restraining further publication was granted.

SARAH HUSSLEIN

### **I Love Does Not Constitute a Valid Trade Mark in Relation to Clothing 306**

This article reviews and comments on three judgments of the European Union (EU) General Court in *sprd.net AG v EUIPO* on appeals from European Union Intellectual Property Office (EUIPO) brought by the German company sprd.net concerning three trade mark applications composed of the “I LOVE” sign, featuring a heart shape instead of the term “love”, in relation to clothing. The cases are notable for the court's approach to determining the distinctive character of position marks in the clothing industry.

DIONNE CLARK AND LUKE BRIDGES

### **Poisonous Dispute Over Copyright in Artwork Between Former Venom Bandmates 309**

In *Lant v Plastic Head Music Distribution Ltd*, a merchandise dispute between former members of Venom, the IPEC found that two artworks were sufficiently original to qualify for copyright protection, alongside four others whose originality was not in dispute. Recorder Amanda Michaels assessed the limited evidence available, finding that the claimant band member owned four of the works, and that the defendant band member owned one of them, while the ownership of a sixth work could not be determined. The judge ruled that both sides' respective copyrights had been infringed by unauthorised use on merchandise, but not flagrantly.