

*This is our summary of some of the key legal developments across a range of sectors for the week of 30 November 2009. It is intended for reference purposes only and does not constitute definitive advice. Links to the original source materials are included where there are no restrictions in terms of access. References may also be made to sources that require separate registration or subscription. A link to a source does not necessarily imply endorsement of the source or the material provided through the link.*

*For further information on any of the matters discussed in the summary please contact our Professional Support Lawyer, [Sarah Kirkness](#). If you have any comments, queries or suggestions please contact us at [comments](#). All suggestions and comments are most welcome. If you do not wish to receive this summary you can contact us at [unsubscribe](#).*

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### General

#### Digital Economy Bill - Second Reading in the Lords

The Digital Economy Bill has had its Second Reading in the House of Lords. In introducing the Bill for debate, Lord Mandelson spent some time outlining its main features and the various issues they are intended to address - the immediate response was a gentle reminder that the Bill was a "major" one, "dealing with a wide variety of issues from how you strengthen the communications infrastructure ... to digital security and public service broadcasting" and the point was made that as an "election looms", "the position is made no easier by the lack of detail in many of the clauses of the Bill". Despite the "gentle welcome" that one of the Lords said the Bill would receive, the debate almost immediately acknowledged that the major issue, and in their view most likely to be one of controversy, was the online infringement of copyright. One said, "In broad terms ... we support the provisions of this Bill. As always, however, the devil will lie in the detail and from these Benches we shall be applying three principles in looking at these provisions" - these principles start with the acceptance of the premise that to use copyrighted material without the appropriate payment is actually theft, an acknowledgment of the importance of education in this area and the application of the principle that no unfair measures can be taken against an individual and, more particularly, that each individual must, under the process, be seen to be innocent until proved guilty. Immediately a number of clauses in the current draft about which there are concerns were highlighted - clauses dealing with the application of retrospective penalties for infringement, the question of who will be responsible for meeting the costs of applying the measures and the failure of the Bill to deal with format shifting. Others raised concerns about maintaining public service broadcasting as the digital age brings enormous structural change to the industry, as competition in the provision of public service programming erodes and national investment in high-quality British production declines; the universal service commitment and low income families; domain name registrars; spectrum allocation; the role and remit of Ofcom; video game classification; orphan works; and mobile broadband providers, amongst other things. The first day of the detailed committee stage examination of the Bill has been scheduled for 6 January 2010 and undoubtedly will continue to make interesting reading, given the breadth of the Bill and the variety of concerns identified so far - Facebook, Google, Yahoo and eBay have already written a joint letter to the Government, expressing their "grave concerns regarding the inclusion of measures which risk stifling innovation and damaging the Government's vision for a Digital Britain" and urging it to remove Clause 17 of the Bill, which purports to give the Secretary of State the power to amend the Copyright Designs and Patents Act. Clause 17 currently provides "The Secretary of State may by order amend Part 1 or this Part for the purpose of preventing or reducing the infringement of copyright means of the internet, if it appears to the Secretary of State appropriate to do so having regard to technological developments that have occurred *or are likely to occur*" (emphasis added). Reports have said that the letter describes the clause as giving authorities "unprecedented and sweeping powers" to amend copyright laws. They said that they are concerned that "This power could be used, for example, to introduce additional technical measures or increase monitoring of user data even where no illegal practice has taken place. This would discourage innovation, impose unnecessary costs, potentially unsettling the careful balance of responsibilities for enabling market change". See <http://www.publications.parliament.uk/pa/ld200910/ldhansrd/text/91202-0002.htm> - 09120238000326 for the Hansard record of the debate.

#### Education, Youth and Culture Council Meeting on Media Literacy in the Digital Environment

The European Union's Education, Youth and Culture Council has met to discuss key issues related to Europe's Information Society. The European Commission presented its analysis of the impact of the Google Books Settlement Agreement on Europe from the perspective of copyright, cultural diversity and competition and EU ministers considered the wider challenges for digitising books and other cultural content and the question of how to make this material available through Europe's digital library Europeana. Ministers highlighted the licensing of orphan works as well as the issue of standards for digitisation as being among the questions that need to be resolved if the volume of digitised books and other cultural content in Europe is to grow - a balanced approach to questions of copyright was seen as critical, taking into account the interests of right holders and users alike. The Commission emphasised that the revised settlement between Google and US publishers "only served to highlight the need for urgent EU action on digitisation". Concerted action is therefore required to ensure that much more digitised material is made available through Europeana. (*Council of the European Union Press Release 16576/09 (Presse 347)* - see [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/educ/111526.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/educ/111526.pdf) for details).

## Commission Publishes Guidance on Application of Unfair Commercial Practices Directive

The European Commission has published a Staff Working Document providing guidance on the implementation and application of Directive 2005/29/EC on Unfair Commercial Practices. The document says it "aims at providing guidance on the key concepts and provisions of the Directive perceived to be problematic". It includes practical examples showing how the Directive works. The guidance aims at developing a "common understanding and a convergence of practices when implementing and applying the Directive". Despite its practical focus, the document has no formal legal status and in the event of a dispute, the ultimate responsibility for the Directive's interpretation lies with the Court of Justice of the European Union. See [http://ec.europa.eu/consumers/rights/docs/Guidance\\_UCP\\_Directive\\_en.pdf](http://ec.europa.eu/consumers/rights/docs/Guidance_UCP_Directive_en.pdf) for details - the guide is also available on-line and the Commission has said it will be supplemented and updated on a regular basis as the knowledge of unfair commercial practices grows.

## OFT Announces Changes to Apple's Terms and Conditions to Benefit Consumers

The Office of Fair Trading (OFT) has announced that Apple Inc has agreed to change their terms and conditions which apply to consumers who buy from Apple and iTunes stores and download software from the web "to make them clearer and fairer" for consumers. This the OFT said is a result of its raising certain concerns with the company. The OFT said that Apple has agreed to revise its standard conditions to ensure they do not exclude liability for faulty or mis-described goods, are consistent with consumer rights under the Distance Selling Regulations, are drafted in plain or intelligible language and do not potentially allow changes to be made to products and prices after an agreement is made. (*OFT Press Release 136/09, 27 November 2009*).

## ICO's Guide to Data Protection

The Information Commissioner's Office (ICO) has produced a new plain English (but still lengthy and detailed) Guide to Data Protection to provide businesses and organisations with practical advice about the operation of the Data Protection Act 1998 and how they must act in order to comply with the legislative requirements. The guide looks at the "basics" of data protection and the framework for data protection established by the Act. It also considers in details the role of the Information Commissioner's Office in promoting good practice in handling personal data, giving advice and guidance on data protection, keeping a register of organisations that are required to notify him about their information-processing activities and helping to resolve disputes by deciding whether it is likely or unlikely that an organisation has complied with the Act when processing personal data. See [http://www.ico.gov.uk/upload/documents/library/data\\_protection/practical\\_application/the\\_guide\\_to\\_data\\_protection.pdf](http://www.ico.gov.uk/upload/documents/library/data_protection/practical_application/the_guide_to_data_protection.pdf) for the guide.

## PhonepayPlus Consult on Proposed Business Plan and Budget 2010/11

PhonepayPlus is consulting on its proposed business plan and budget for 2010/2011. It notes that the proposals outline an "ambitious" programme of work for 2010/11 that will "change fundamentally how phone-paid services are regulated". Among the expected developments are a new PhonepayPlus Code of Practice based on clear outcomes-based rules, revised guidance for the industry and for specific services, a PRS provider registration scheme that will support the new Code of Practice and allow for regulation to be targeted at the main provider of the service, improvements to the PhonepayPlus Number Checker to enable coverage of nearly all PRS numbers and a new approach to consumer complaints handling and redress, working in partnership with industry. PhonepayPlus said they believe these developments will deliver a substantially improved regulatory framework for phone-paid services. See <http://www.phonepayplus.org.uk/upload/Business Plan and Budget 2010-11 - Final.pdf> for details.

## Construction of Video Game Distribution Agreement - Exercise of Termination Rights

The listed claimant company (CDV) was incorporated in Germany carried on business as a distributor of video games. The first defendant (Gamecock) was incorporated in England and Wales and carried on business as a publisher of video games. A dispute arose over a publishing and distribution agreement under which Gamecock granted CDV exclusive distribution and other rights in respect of seven video games in the UK and some 77 other countries, including Europe, Africa and the Middle East. CDV purported to exercise its partial termination rights under the agreement for four games. Gamecock said CDV was not entitled to terminate the agreement in respect of three of the terminated games and that by having done so, CDV had repudiated the agreement and it had accepted that repudiation, thereby bringing the contract to an end. The court held that the claimant had been entitled to partial termination of elements of the agreement and that that purported termination, although incorrect in some instances, had not been a repudiation of the agreement. The court noted that although the parties to the agreement had not expressed themselves clearly and there were "a number of untidy ambiguities in the drafting of its text" it was able to conclude that what a reasonable person would have understood the parties to have meant, when using the language which they did in respect of the release schedule to the agreement.

When interpreting a clause, which provided a procedure for terminating a contract, the court should have regard to the commercial purpose of the clause and interpret it in the light of that purpose. There was no special procedure for the interpretation of termination clauses. Any condition precedent was to have been strictly fulfilled and the clause should have been exercised strictly in accordance with its terms. The burden was on the claimant to prove, on the balance of probabilities, the existence of the facts that justified its purported partial termination of an agreement. The court accordingly found for CDV on that part of its claim which related to three of the games and dismissed Gamecock's counterclaim. (*CDV Software Entertainment AG v Gamecock Media Europe Ltd* [2009] EWHC 2965 (Ch) - see <http://www.bailii.org/ew/cases/EWHC/Ch/2009/2965.html> for the judgment).

#### Patent Infringement and Counterclaim for Revocation of Patent - Grounds for Revocation

The claimants brought an action against the defendants in respect of alleged infringements of their patents for three types of electronic programme guide (EPG). The defendants denied the infringement and sought the revocation of the patents. The defendants provided its subscribers with a set-top box, which enabled them to receive and record its programmes and broadcasts programme information and the box displayed it on the television as an EPG. A feature of the EPG was that it enabled the viewer to switch from a grid display to a single channel display in a manner which was said to infringe. It also enabled the user to display programme information in a manner that was said to infringe the other element of the Single Channel patent. Favourite channels were said to be arrived at in a manner that was said to infringe the Favourite Channels patent, and it had a mechanism for secondary recording which was said to infringe the transfer patent. The defendant disputed the infringement and claimed that the patents should be revoked as covering non-patentable subject matter, wanting novelty and as being obvious over certain prior art. The court noted the proper approach to the exclusion of computer programs from patentability under section 1(2)(c) of the Patents Act 1977 was the four-stage test propounded in *Aerotel Ltd v Telco Holdings Ltd* (2006) EWCA Civ 1371, which stated that the court had to: properly construe the claim; identify the actual contribution; ask whether it fell solely within the excluded subject matter; and check whether the actual or alleged contribution was actually technical in nature. In a lengthy and detailed ruling which applied the test to the three patents in dispute and which also considered in detail the background to the development of the patents, the court held that the patents relating to electronic programme guides for television services were to be revoked as excluded subject matter under section 1(2)(c) and 1(2)(d) of the Patents Act 1977 as they amounted to computer programs and the mere presentation of information, and made no real technical contribution over prior art. (*Gemstar-TV Guide International Inc & Ors v Virgin Media Limited & Anor* [2009] EWHC 3068 (Ch) - see <http://www.bailii.org/ew/cases/EWHC/Ch/2009/3068.html> for the judgment).

#### Corporate

##### ABI Guidance on Directors Powers to Allot Share Capital, Disapply Pre-emption Rights and Own Share Purchases

The Association of British Insurers (ABI) has published amended guidelines on directors' powers to allot share capital and disapply shareholders' pre-emption rights, replacing its earlier guidance on the issue. Model resolutions, updated to reflect changes as a result of the implementation of the Companies Act 2006, are included in the guidance - see [http://www.ivis.co.uk/PDF/3.1\\_Directors\\_power\\_to\\_allot.pdf](http://www.ivis.co.uk/PDF/3.1_Directors_power_to_allot.pdf) for details. Separately, ABI also published a note to companies about own share purchases - although this has not taken the form of guidance, the ABI said that the Secretariat had been asked to request companies to provide that such powers can only be implemented by special resolution and not simply an ordinary resolution as is implied by section 701 of the Companies Act 2006, provide that the authority to purchase shares is renewable annually and undertake that the authority to purchase its own shares will only be exercised if so to do would result in an increase in earnings per share and is in the best interests of shareholders generally - see [http://www.ivis.co.uk/PDF/3.2\\_Own\\_Share\\_Purchase.pdf](http://www.ivis.co.uk/PDF/3.2_Own_Share_Purchase.pdf) for details. ABI guidelines are not legally binding but are considered "best practice" for listed companies and form the basis of shareholder voting decisions.

#### Gaming

##### Compliance with US' Unlawful Internet Gambling Enforcement Act Delayed

The US Department of the Treasury and the Federal Reserve Board (referred to as the Agencies) have announced that they have granted the Poker Players Alliance (PPA)'s petition to delay the compliance date for the commencement of the Unlawful Internet Gambling Enforcement Act (UIGEA) (73 FR 69382). PPA had earlier submitted a joint petition with the National Thoroughbred Racing Association and American Greyhound Track Operators Association, seeking to delay the compliance date for UIGEA. The petitioners asked the Agencies for an extension of 12 months for compliance with date of the final regulation, which would extend it to 1 December 2010. The petitioners argued that an extension was necessary because a significant number of regulated entities affected by the Act would not have the necessary policies and procedures in place by the 1 December 2009

compliance date. The effective date of the final regulation remains 19 January 2009 however the compliance date has now been extended to 1 June 2010. Interestingly, in announcing the delay the Agencies said they "acknowledge some of the challenges regulated entities are experiencing with the Act's definition of 'unlawful Internet gambling'. Moreover, as noted above, several members of Congress have indicated interest in revising the Act".

## Litigation

### Application to Strike Out Libel Claim by Convicted Murderer - Grounds for Striking Out

The claimant, a convicted murderer, brought proceedings against the defendant following the publication of an article in its newspaper which had described him as the "henchman" of a "ruthless crime boss" and a "grass", amongst other things. The defendant brought an application to strike out the proceedings under CPR 3.4(2)(a) on the basis that there were no reasonable grounds were disclosed for bringing the claim. It was said that in so far as the words conveyed the meaning that the claimant was a police informant, that would not be defamatory of him; further, it was argued that the claim should be struck out under CPR 3.4(2)(b) as an abuse of the court's process because of the claimant's conviction for murder. The court noted there were two aspects of the article to be considered in determining whether or not it was capable of bearing a defamatory meaning. First was the imputation that the claimant is or was a police informer, which he said had caused great embarrassment to him and to his family. The court said that "in the present context the allegation of being a 'grass' is to be regarded, as a matter of public policy, as being incapable of bearing a defamatory meaning" (if words only damage a claimant's reputation in the eyes of "the criminal fraternity", that is not sufficient to establish a cause of action. An allegation needs to lower the relevant claimant in the eyes of right-thinking people generally)". The court said this was "one of those cases where it is right for the court to rule, having regard to the claimant's background and serious criminal convictions, that it would be inappropriate to regard the article in the Daily Mirror and its references to him as constituting a 'real and substantial tort'" and the application to strike the claim out was upheld. (*Williams v MGN Limited* [2009] EWHC 3150 (QB) - see <http://www.bailii.org/ew/cases/EWHC/QB/2009/3150.html> for the judgment).

### Application for Interim Injunction to Restrain Broadcast of Undercover Documentary

The claimant operated a care home in Wales, which had been the subject of an investigation and report by an undercover BBC journalist. The claimant brought an application to restrain the broadcast of the programme not in pursuit of any rights of its own, but "in order to protect the rights of the home's residents to privacy and family life under the Human Rights Act". It said that "filming in the home was an infringement of their privacy rights and was offensive to their dignity". The BBC relied on its rights to free expression under Article 10, and said that to the extent that there was an infringement of privacy rights, its Article 10 rights were stronger and that an injunction would not be granted at trial; section 12(3) of the Human Rights Act 1998 meant that an injunction could not be granted at this stage. It defended its decision on the facts to conduct clandestine filming operations and said that it intended to show that this particular home had not been improved, or sufficiently improved, by the regulatory regime. The privacy of the residents would be acknowledged and the broadcast material would not enable the identification of any of the residents. At issue was whether the court should grant an interim injunction to restrain the broadcast of the programme, or certain material in the programme, which the BBC wanted to broadcast on the evening of the same day of the hearing. The court refused the application for the injunction - it said it should not grant an injunction unless it was satisfied that, at a trial, it would be likely to be determined, in the sense of more probable than not, that the broadcast should not be allowed. The burden of proving that was on the claimant. On the material before the court, there were serious factors that justified or out-balanced any infringement of privacy rights. If the defendant stood by its undertaking and obscured the identity of residents, the invasion of their privacy from broadcasting was likely to be relatively slight. The greater weight lay on the public interest side of the argument and special weight had to be attached to the defendant's right to free speech. (*BKM Limited v BBC* [2009] EWHC 3151 (Ch) - see <http://www.bailii.org/ew/cases/EWHC/Ch/2009/3151.html> for the judgment).

### Application for Norwich Pharmacal Order for Disclose of IP Address

The applicants applied to the court for a Norwich Pharmacal order requiring the respondent to disclose the IP address of a registered user of the Wikipedia website. The applicant said an unknown third party had posted private and confidential information about her and her child and she suspected that the person who had posted the information was the same person who had sent her an anonymous communication about the relevant information in an attempt to blackmail her, and also suspected that the person was an employee who was engaged in a dispute with a company with which she was associated. The applicant sought the IP address so that she could identify the person who had disclosed the private material and seek legal remedies to prevent any further breach of privacy or disclosure of confidential information. The court ordered the respondent to disclose the IP information however, it also made orders restricting what was to be accessible to the public on the court file, and other provisions

preventing disclosure of the identity of the applicants. (*G & G v Wikimedia Foundation Inc* [2009] EWHC 3148 (QB) - see <http://www.bailii.org/ew/cases/EWHC/QB/2009/3148.html> for the judgment, which sets out in details the reasoning of the court in not making the parts of the order which had originally been sought).

#### Article - Making and Accepting Part 36 Offers

The latest New Law Journal contains an interesting article about Part 36 offers and the consequences of rejecting an offer. The article looks at this issue in the context of the recent case of *Sampla & Ors v Rushmore Borough Council & Anor* [2008] EWHC 2616 (TCC) (see <http://www.bailii.org/ew/cases/EWHC/TCC/2008/2616.html> for the judgment), where a Part 36 offer had been made then rejected but was then the subject of an attempt to accept the offer, resulting in an application to the court for permission to accept the offer. The article notes that the case highlights the importance of keeping offers under review and ensuring that they are withdrawn "where appropriate". (*"How Many Bites of the Cherry?"* (2009) 159 NLJ 1664 - the article is available from LexisNexis).

#### New Legislation - Civil Jurisdiction and Judgments Regulations

The Civil Jurisdiction and Judgments Regulations 2009, SI 2009/3131 come into force on 1 January 2010. The Regulations amend various pieces of legislation, including the Civil Jurisdiction and Judgments Act 1982, the Civil Jurisdiction and Judgments Act 1982 (Interim Relief) Order 1997 and the Civil Procedure Rules 1998 to give effect to the new Lugano Convention on jurisdiction and the enforcement of judgments in civil and commercial matters, which was ratified by the Council of Ministers on 18 May 2009 and which enters into force for the European Community (and Norway) on 1 January 2010. The amendments are described as being only minor and technical in nature but are necessary to give effect to the new Convention. The accompanying Explanatory Memorandum (see [http://www.opsi.gov.uk/si/si2009/em/uksi20093131\\_en.pdf](http://www.opsi.gov.uk/si/si2009/em/uksi20093131_en.pdf) for details) also details the arrangements for certain categories of legal proceeding which will continue under the 1988 Lugano Convention and which are therefore outside the new Lugano Convention. In respect of these proceedings, the legislation which is amended by the Regulations will continue to apply in its unamended form. See [http://www.opsi.gov.uk/si/si2009/pdf/uksi\\_20093131\\_en.pdf](http://www.opsi.gov.uk/si/si2009/pdf/uksi_20093131_en.pdf) for the Regulations.

#### Publishing

##### Presence of Journalist on Jury - Grounds for Appeal Against Conviction for Murder?

An interesting case before the Court of Appeal, Criminal Division has considered the role of a journalist serving on a jury, which resulted in the convicted murderer appealing his conviction. The appellant sought to argue that the presence of "an outspoken polemicist" who held strong and well-publicised views on issues such as law and order and who had written about the defendant's case after his conviction, rendered his conviction unsafe. No complaint was made as to the way in which the judge had conducted the trial or as to the clarity or accuracy of the directions which the judge had given to the jury. The grounds of appeal related solely to the discovery, after the trial, that the foreman of the jury was, at all material times, a columnist for "The Sun" newspaper. The appellant had not sought to argue that the journalist was not entitled to his views nor did he suggest that he was not entitled to express them. "He accepted that there can be no objection to a juror simply by reason of his occupation. Rather, he submits that it was not appropriate for this particular journalist to sit in this case and that, by reason of his publicly expressed views, he had or may have had a predisposition to convict the defendant". The court said "The question for the jury was ... whether in this case, this defendant was proved beyond reasonable doubt not to have been acting in self defence or, alternatively, not to have been provoked. The judge gave the jury entirely proper directions and there is nothing ... to suggest that this particular juror was not entirely faithful to the oath that he swore ... In our judgment, there is nothing in the general series of articles that justifies the conclusion that Mr Shanahan has shown partiality to the case or that, in his determination of the facts, a fair minded observer, aware of all the circumstances and the context to which we have referred, would conclude that there was a real possibility or danger of his showing lack of impartiality or bias". The court also observed "that a journalist or other writer, if called to serve on a jury which will have to examine issues upon which he or she has expressed strong opinions about the state of the law (rather than detection, sentence or the system generally) will be well advised to alert the judge of that fact so that an informed decision can be taken about the juror's ability faithfully to apply the judge's directions as to the approach to be adopted to the case being tried. We emphasise that this observation is not an implied determination of the issue: it is simply a question of pragmatic good sense and permits a sensible analysis at the earliest opportunity". The court stated that the circumstances of the murder "revealed a number of substantial and seriously aggravating features" and dismissed the appeal. (*Cornwall v R* [2009] EWCA Crim 2458 - see <http://www.bailii.org/ew/cases/EWCA/Crim/2009/2458.html> for the judgment).

## PCC Upholds Complaint for Intrusion into Grief or Shock Following Funeral Article

The Press Complaints Commission (PCC) has upheld a complaint against the Bristol Evening Post following the publication of an article and photographs taken at the funeral of the complainant's son. The complainant said the newspaper had intruded into her family's grief in the way it obtained and published information about the death of her son, in breach of Clause 5 (Intrusion into grief or shock) of the Editors' Code of Practice. Although the photographer had been asked to leave the funeral by the undertakers the article did contain numerous details from the service and was accompanied by photographs. The newspaper was not aware of the family's wish that no pictures should be published. Following the complaint, it was willing to publish an apology to the family for causing them distress. However, the PCC said although newspapers have an important role to play in the reporting of tragic events, which it did not wish unduly to restrict, it was incumbent on the newspaper to demonstrate that it had paid appropriate regard to the feelings of the family. In this instance it had not done so and the newspaper's behaviour was "not appropriate in the context of this untimely and tragic death". (*Mrs Hazel Cattermole v Bristol Evening Post*, Report 80, Adjudication issued 13/11/09 - see <http://www.pcc.org.uk/cases/adjudicated.html?article=NjA3Ng==?oxid=f7797a641a8a7c2770fc2f13f07594a3> for details).

## PCC Reiterates Comments Over Use of Material from Social Networking Sites

The PCC has reiterated earlier comments it has made concerning the use of material from social networking sites - it said "The Commission has recently made clear that it can be acceptable in some circumstances for the press to publish information taken from social networking websites, even when the material is originally intended for a small group of acquaintances and not publicly accessible. However, this will generally be only in cases where the public interest overrides the individual's right to privacy". In this instance, the public interest overrode the individual's right to privacy and the complaint that an article, which repeated comments made on his Facebook account about the death of a man at the hands of the police during the G20 demonstrations, breached Clause 3 (Privacy) of the Code of Practice was not upheld. The individual was a serving police officer "commenting on a matter that was the subject of considerable media and public scrutiny" and the PCC acknowledged there was a "clear public interest in knowing about police attitudes (whether publicly or privately expressed) towards the incident". (*Phyllis Goble v The People*, Report 80 Adjudication issued 29/09/09 - see <http://www.pcc.org.uk/cases/adjudicated.html?article=NjA4MQ==?oxid=1d2235333e491e98d5edc7cb60f34006> for details).

## Libel Tourism in the UK - Government to Establish Working Group to Recommend Reforms?

In the House of Lords recently the contentious issue of libel tourism was again raised in the context of the recommendation by English PEN and Index on Censorship that restrictions should be imposed on libel claims that do not have substantial connections to the jurisdiction of the United Kingdom. Lord Tuncliffe said the Government "was indeed concerned about libel tourism" and would consider the PEN Report together with the soon to be published Select Committee report on press standards, privacy and libel. He then said "The Justice Secretary is setting up a working group to examine a range of issues around libel, including libel tourism. It will consist of media lawyers and government experts. The aim will be to make recommendations on reform". See <http://www.publications.parliament.uk/pa/ld200910/ldhansrd/text/91201-0001.htm> - 09120145000476 for the Hansard record.

## Technology

### EURid to Register .eu Internationalised Domain Names

EURid has announced that with effect from 10 December 2009, companies and private persons based in the European Union will be able to register .eu Internationalised Domain Names (IDNs) that contain non-ASCII characters. EURid gave the examples of the Swedish å, the German ü and the Romanian and characters from the Bulgarian and Greek alphabets as a whole. The names will be available on a first-come basis. (*EURid News - EURid is a not-for-profit organisation appointed by the European Commission to operate the .eu top-level Internet domain names*).

## Consultations & Reports

Ofcom Report - Television Broadcast Licensing Update, November 2009 - <http://www.ofcom.org.uk/tv/ifi/tvlicensing/tvupdates/monthly/200911> (details about the television services licensed, services that have ceased to be licensed (handed back or revoked), service name changes and licence transfers which have occurred in November 2009).