

*This is our summary of some of the key legal developments across a range of sectors for the week of 29 March 2010. 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

#### Progress Report - Digital Economy Bill

Despite the concerns raised by the House of Lords about the means by which the Government was "washing up" the Digital Economy Bill (and see the Need to Know of 22 March 2010 for details), the controversial Clause 18, which deals with preventing access to specified online locations for the prevention of online copyright infringement, has been rewritten - the new measure, which was drafted by the Secretary of State for Culture, Media and Sport, lets aggrieved copyright holders apply for a court injunction to force ISPs to block access to online services that facilitate copyright infringement. Unlike the previous wording, which would have been inserted directly in to the Copyright, Designs and Patents Act 1988, the rewrite grants the power to the Secretary of State to make regulations proposing a similar amendment. The rewrite also extends the injunction-giving power from the High Court to all courts and does not include the previous clause's stipulation that ISPs pay copyright holders' court costs. The measure would grant injunctions forcing ISPs to block access to any online "location" that "has been, is being or is likely to be used for or in connection with an activity that infringes copyright". It will be introduced after the bill's Second Reading in the House of Commons on 6 April 2010. See <http://interactive.bis.gov.uk/digitalbritain/wp-content/uploads/2010/03/injunctions-SA-290310.pdf> for the proposed amendment.

#### EC Consults on Review of on Regulation on Customs Enforcement of IP Rights

The European Commission's Taxation and Customs Unit has published a consultation paper reviewing EU legislation on customs enforcement of intellectual property rights (IPR). The purpose of the consultation is to assist the Commission with "developing its thinking", in light of the current action by the Commission, in close collaboration with the Member States, reviewing Council Regulation (EC) No 1383/2003 of 22 July 2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights. The consultation is inviting comment on the current scope of the Regulation and the situations in which customs authorities should be competent to take action, the range of IPRs the Regulation should cover and possible derogations, whether there is a need for a simplified procedure enabling customs authorities to have infringing goods abandoned for destruction under customs control, without there being any need to determine whether an IPR has been infringed, what to do with small consignments and sales via the Internet and the costs of storage and destruction, amongst other things. See [http://ec.europa.eu/taxation\\_customs/resources/documents/common/consultations/customs/ipr\\_2010\\_03\\_consultation\\_paper\\_en.pdf](http://ec.europa.eu/taxation_customs/resources/documents/common/consultations/customs/ipr_2010_03_consultation_paper_en.pdf) for details.

#### OFT's General Guidance on Private Actions for Breaches of Competition Law

The Office of Fair Trading (OFT) has published general guidance on the rights of individuals and businesses to bring private actions for relief in the UK courts for breaches of competition law. The guidance provides only high level advice and summarises only headline issues - see [http://www.offt.gov.uk/shared\\_offt/business\\_leaflets/private-litigation.pdf](http://www.offt.gov.uk/shared_offt/business_leaflets/private-litigation.pdf) for details.

#### New Legislation - E-Commerce Directive and Offences of Stirring Up Hatred Against Persons

The Electronic Commerce Directive (Hatred against Persons on Religious Grounds or the Grounds of Sexual Orientation) Regulations 2010, SI 2010/894 came into force on 23 March 2010. The Regulations give effect to the Electronic Commerce Directive 2000/31/EC in relation to the offences of stirring up hatred against persons on religious grounds or on the grounds of sexual orientations contained in Part 3A of the Public Order Act 1986. The Regulations have been described as being "an essentially technical measure to ensure that the offences in Part 3A as amended by the [Criminal Justice and Immigration Act 2008] are consistent with the Directive. Regulations 5, 6 and 7 create exceptions from liability for the offences under Part 3A of the 1986 Act for intermediary information society services (ISS) providers when they provide mere conduit, caching or hosting services in the circumstances specified by Articles 12, 13 and 14 of the Directive. See [http://www.opsi.gov.uk/si/si2010/pdf/ukSI\\_20100894\\_en.pdf](http://www.opsi.gov.uk/si/si2010/pdf/ukSI_20100894_en.pdf) for details.

## New Legislation - Second Data Protection (Monetary Penalties) Order 2010

The Data Protection (Monetary Penalties) Order 2010, SI 2010/910 comes into force on 6 April 2010. The Order makes further provision in relation to monetary penalty notices and notices of intent served under sections 55A and 55B of the Data Protection Act 1998 - it sets out procedural details regarding the issue of a monetary penalty notice following a notice of intent and also provides details as to when enforcement action can be taken, and details about the power to cancel or vary a monetary penalty notice issued by the Information Commissioner, as well as details of appeal rights of data controllers. When read with the Data Protection (Monetary Penalties) (Maximum Penalty and Notices) Regulations 2010, SI 2010/31, the instruments together "create a framework for the Information Commissioner to serve a monetary penalty notice on a data controller if he is satisfied there has been both a serious contravention by the data controller of the data protection principles and that the contravention was of a kind likely to cause substantial damage or distress". See [http://www.opsi.gov.uk/si/si2010/pdf/uksi\\_20100910\\_en.pdf](http://www.opsi.gov.uk/si/si2010/pdf/uksi_20100910_en.pdf) for details.

## New Legislation - Further Amendment to Goods Infringing Intellectual Property Rights Regulations

The Goods Infringing Intellectual Property Rights (Customs) (Amendment) (No 2) Regulations 2010, SI 2010/992 come into force on 16 April 2010. The Regulations amend the Goods Infringing Intellectual Property Rights (Customs) Regulations 2004, SI 2004/1473 so as to correct drafting anomalies in the 2004 Regulations and fully authorise HMRC operate a simplified disposal procedure for goods that is permitted under Article 11 of Council Regulation 1383/2003 (The Council Regulation provides a facility for owners of IP rights to apply to customs administrations for action to help them protect their rights in respect of consignments of goods crossing the European Community's external frontier. Under these arrangements goods suspected of infringing an IP right are detained by the customs authority for a limited period to enable rights holders to take any action they consider necessary to protect their rights). See [http://www.opsi.gov.uk/si/si2010/pdf/uksi\\_20100992\\_en.pdf](http://www.opsi.gov.uk/si/si2010/pdf/uksi_20100992_en.pdf) for details.

## Broadcasting

### House of Lords Committee on Digital Switchover Identifies "Major Questions" About Radio

The House of Lords Communications Committee has published its report on the digital switchover of television and radio in the UK. The programme to switch over television broadcasting from analogue to digital is now well under way, having started in 2008 however the Committee said it had, very quickly, identified major questions about progress towards the digital switchover for radio. It said there was "public confusion and industry uncertainty" about the change for radio and was concerned that "The public are not yet convinced of the need for change and there are major issues of policy still to be settled". The Government had set two criteria which, when met, would mean the announcement of a date for Digital Radio Upgrade followed by implementation at least two years after the announcement - when 50% of radio listening is to digital sources and when national DAB coverage is comparable to FM coverage, and large local DAB coverage reaches 90% of the population and all major roads. The Digital Economy Bill proposes a number of changes to the existing legislative and regulatory framework, which would enable the Digital Radio Upgrade to go ahead. While the Bill does not set a date for digital switchover of the specified services, it gives the Secretary of State the power to nominate the date (or dates). The Bill also provides Ofcom with additional powers to ensure an orderly migration from analogue to digital. The Committee said "The case for switchover of the UK's main radio services to digital is not widely known outside of the Government and the radio industry. For consumers, it does not have the clear attractions of television switchover. Given the parlous financial state of commercial radio, we are not convinced that digital switchover will necessarily give the consumer a wider choice of radio stations. Indeed, at the local level, it seems that some consolidation of existing stations is likely. Neither is it clear that the consumer wants a wider choice of stations". The Committee warned that if a clearer case for digital radio is not made "then there is a danger of a major public reaction [and not in a good way] when the radio switchover policy is implemented". See <http://www.publications.parliament.uk/pa/ld200910/ldselect/ldcomuni/100/100.pdf> for their Report.

### Ofcom Statement on the Pay TV Market

It's lengthy and given the significance of the findings that should not be surprising - Ofcom has published its much-anticipated statement on the pay TV market, which it had started in early 2007 after having received a major submission from BT, Setanta, Top Up TV and Virgin Media. Ofcom said an effectively competitive market for pay TV should provide consumers with choice, innovation and competitive pricing. They assessed the market against this benchmark and then considered whether they need to act in order to ensure fair and effective competition, as provided for in section 316 of the Communications Act 2003. Ofcom's review of the market power focused on the two most important types of content - sports and films. After three separate consultations they announced the following: they are going to require Sky Sports 1 and 2 be offered to retailers on platforms other than Sky's, at

prices set by Ofcom in a way that will ensure effective competition "as quickly as possible" (Sky has six weeks to draw up a sales contract for its rivals for Sky Sports 1 and 2 based on the terms Ofcom has dictated) (the request for the operational separation of Sky was rejected; Ofcom also noted that it might still be appropriate to take specific targeted action in the case of the Premier League) - this will result in a wholesale price for each of Sky Sports 1 and 2, when sold on a standalone basis which is 23.4% below the current wholesale price to cable operators (most consumers currently buy packages which include both channels, and the wholesale price for the service bundle which applies in those circumstances has been reduced by 10.5%); they are going to approve Sky and Arqiva's request for Sky to offer its own pay TV services on digital terrestrial TV (Picnic) conditional on a wholesale must-offer obligation on Sky Sports 1 and 2 being in place, with evidence that it has been effectively implemented; and they are going to consult on a proposed decision to refer the two closely related movie markets for the sale of premium movie rights and premium movie services to the Competition Commission with a view to asking the Competition Commission to remedy those competition concerns which they have identified, particularly in relation to the restricted exploitation of subscription video-on-demand movie rights, but which they cannot adequately address using their sectoral powers. See [http://www.ofcom.org.uk/consult/condocs/third\\_paytv/statement/paytv\\_statement.pdf](http://www.ofcom.org.uk/consult/condocs/third_paytv/statement/paytv_statement.pdf) for the non-confidential version of the Statement. Commentators have welcomed the ruling, describing the findings as a "step in the right direction" which should be welcomed by sports fans however others have questioned whether loopholes left in the statement could leave Sky free to further undermine competition - Ofcom's decision to overturn two prior prohibitions by its predecessor and allow Sky to leverage its dominant position into the Freeview platform was described as being "at odds with its principal statutory duty to promote effective competition". Others however have said that the ruling will have serious consequences for sports at the ground roots level. Sky said, "Ofcom's actions represent an unprecedented and unwarranted intervention". Expect an appeal...

#### Draft Legislation - Communications Act 2003 (Maximum Penalty for Persistent Misuse of Network or Service) Order

The draft Communications Act 2003 (Maximum Penalty for Persistent Misuse of Network or Service) Order 2010 has been published. The Order proposes amending section 130(4) of the Communications Act 2003 so as to raise the amount of the maximum penalty that Ofcom can impose under section 130 of the Act in respect of persistent misuse of electronic communications networks or electronic communications services from £50,000 to £2,000,000. See [http://www.opsi.gov.uk/si/si2010/draft/pdf/ukdsi\\_9780111497838\\_en.pdf](http://www.opsi.gov.uk/si/si2010/draft/pdf/ukdsi_9780111497838_en.pdf) for details.

### Gambling & Betting

#### Gambling Commission and LACORS Co-Regulators Concordat

A Concordat between the Gambling Commission and licensing authorities in England and Wales, via Local Authorities Co-ordinators of Regulatory Services (LACORS) has been published, setting out the parties shared understanding as to how the Commission and the licensing authorities will carry out their respective duties under the Gambling Act 2005. The Commission and the licensing authorities act jointly as co-regulators of the gambling industry under the Act and together regulate most commercial, and some non-commercial, gambling in Great Britain - both parties have recognised that they have different priorities, which has a bearing on their approach to the licensing of premises and to compliance and the Concordat attempts to identify the common ground between them. See [http://www.gamblingcommission.gov.uk/pdf/Concordat\\_agreement\\_with\\_licensing\\_authorities\\_-\\_March\\_2010.pdf](http://www.gamblingcommission.gov.uk/pdf/Concordat_agreement_with_licensing_authorities_-_March_2010.pdf) for details.

#### Gambling Commission Announces Suspension of Operating Licence

The Gambling Commission has announced that it has suspended the remote casino licence of skill games network operator GameAccount Global while it undertakes a review of the operating licence under section 116 of the Gambling Act 2005. The Commission said "The suspension is an interim measure, the need for which will be kept under consideration during the review" - it also said that no further details would be made available while the investigation is proceeding. (*Gambling Commission News, 26 March 2010 - section 116 of the Act permits the Commission to review the manner in which licensees are carry on their licensed activities where the Commission has reason to suspect that activities may have been carried on in purported reliance on the licence but not in accordance with a condition of the licence, where the Commission believes that the licensee, or a person who exercises a function in connection with or is interested in the licensed activities, has acquired a conviction of a kind mentioned in section 71(1), or where for any reason the Commission suspects that the licensee may be unsuitable to carry on the licensed activities, or thinks that a review would be appropriate - section 71(1) relates to criminal records*).

### MoJ Announces Proposals for Unified Courts and Tribunals Service

The Lord Chancellor and Secretary of State for Justice has confirmed that following the announcement in last week's Budget, the Ministry of Justice (MoJ) will be bringing Her Majesty's Courts Service and the Tribunals Service together to form a new, single organisation. According to the Lord Chancellor the statutory responsibilities of both the Lord Chief Justice for the courts and the Senior President of Tribunals for the tribunals will be "respected and preserved" and with no inconsiderable understatement also said "There are also a number of important differences between the two organisations which will need to be given careful consideration in planning for the new organisation" (although as we have previously stated, this briefing cannot possibly comment on the implications that the forthcoming election might have on pronouncements such as these ...). (*MoJ News Release, 24 March 2010*).

### Application to Strike Out Parts of Defamation Claim - Whether Words Capable of Bearing Meaning Pleaded

The applicant newspaper applied to strike out parts of a claim brought by the respondent MP following the publication of an article which alleged that the MP had been "forced" to pay back certain monies which represented a capital gain on the sale of a property. Defamation proceedings were issued and as the court acknowledged, the meanings put forward on the claimant's behalf varied from time to time. The proceedings before the court related to issues of meaning and whether any parts of the claim should be struck out. The court did acknowledge that the article was critical of the claimant and that it was capable of bearing one or more defamatory meanings of her although the overall message of the article was unclear and confusing. It ruled that whilst the claim, as it stood, was over pleaded in that it set out a meaning that the words were incapable of bearing, it could not be said that the words were incapable of bearing any defamatory meaning at all. The court said the meaning given to the words in respect of the pleaded case on aggravated damages was not capable of bearing the meaning stated, was confusing and should be struck out. (*Lait v Evening Standard [2010] EWHC 642 (QB)* - see <http://www.bailii.org/ew/cases/EWHC/QB/2010/642.html> for the judgment).

### Application for Summary Judgment on Advisor's Fee Claim - Whether Defence Had Any Prospect of Success

The claimant, Seymour Pierce, sought an order for summary judgment under CPR Part 24 in respect of its claim for an adviser's fee following the defendant's successful acquisition of Birmingham City Football Club in September 2009. Although Seymour Pierce was no longer advising the defendant by the time of the acquisition, it argued that the fee was payable under a clause in the original engagement letter - the provision was for payment of a fee if a successful acquisition took place within 12 months of the termination of the retainer. The defendant alleged that the retainer had terminated and, accordingly, that it had no outstanding financial obligations towards the claim - the claimant denied the retainer had terminated and argued the defendant was liable under the terms of the engagement letter. The defendant has not served a notice to terminate the retainer. The issue for the court was whether the defendant had a real prospect of successfully defending the claim. The High Court granted summary judgment to the claimant in respect of its claim for an adviser's fee following the acquisition of the club - the court said in all the circumstances, there was no prospect of any of the three grounds of defence having any realistic prospect of success. (*Seymour Pierce Ltd v Grandtop International Holdings Ltd [2010] EWHC 676 (QB)* - see <http://www.bailii.org/ew/cases/EWHC/QB/2010/676.html> for the judgment).

### Application to Strike Out Libel Proceedings - Grounds for Summary Judgment and Issues of Forum Conveniens

The claimant was a citizen of Russia and the wife of the former Mayor of Moscow who conducted a property investment business through a corporate entity. The defendant was the publisher of the Sunday Times, which was also published online. The claimant brought a libel action following the publication of an article that alleged that she had violated a Russian Presidential decree, requiring officials and members of their families to make available and publish their income, property and liabilities. The defendant sought a ruling that the words complained of were incapable of bearing the pleaded meanings or any meaning defamatory of the claimant - the defendant argued that the claim should be struck out for abuse of the process in accordance with the principles enunciated by the Court of Appeal in *Jameel*, which highlighted the need for the court to keep a proper balance between freedom of expression and protection of individual rights and to strike out, where appropriate, claims in defamation which could not be shown to serve the legitimate purpose of protecting the relevant claimant's reputation. The court said, "The essential test would appear to be whether or not the claimant can demonstrate a "real and substantial tort". The question has to be asked whether the proceedings, as constituted, are capable of

achieving any meaningful vindication for the claimant's reputation". The court noted that for a reader to be aware of any defamatory meaning they would need an understanding of Russian law and facts pertaining to the claimant's actions - the court said this was far from being one of those cases where the inference should be drawn that a substantial, but unquantifiable, number of readers would have the relevant knowledge - especially since there is, to say the least, considerable doubt as to the evidence that the claimant herself was in breach of any legal obligation. The court permitted the claim to survive in relation to the limited number of hard copies published in the Russian Federation and allowed a properly pleaded claim to survive, as a matter of English law, in respect of any publication that could be shown to include a significant number of readers who would have known of the particulars of innuendo and that the publication of the original articles would be actionable in Russia. On the question of forum conveniens the court said it saw no reason why the court should decline jurisdiction in respect of copies of the Sunday Times itself published in Russia. The defendant was based in the UK and it could be said that the primary publication of the newspaper had occurred within the jurisdiction of the court. The court said the defendant must have information within its sales or marketing departments as to the scale and scope of its foreign publications. The defendant knew and intended that some publication of the Sunday Times would take place in Russia. (*Baturina v Times Newspapers [2010] EWHC 696 (QB)* - see <http://www.bailii.org/ew/cases/EWHC/QB/2010/696.html> for the judgment).

## Publishing

### PCC's "Significant Ruling" Upholds Complaint About Accuracy of Magazine's Blog

For the first time ever, the Press Complaints Commission has censured a magazine for the contents of an online blog, following a complaint by a reader about the accuracy of a statement in the blog. The blog referred to crime rates, which the complainant said inaccurate when the Ministry of Justice crime statistics were considered. The magazine said blogging was a conversational medium in which readers were able to disagree with the writer's opinion immediately, as had happened in this case; it also said that had published a separate blog by another author in which the accuracy of the claim was called into question. The Commission acknowledged the magazine's argument that the nature of a blog post was often provocative and conducive to discussion but said that in this case, it had not been able to demonstrate that the "overwhelming majority" of crime in all of the stated categories had been carried out by members of the African-Caribbean community. It was difficult to argue that the sentence in question represented purely the columnist's opinion, which might be challenged. Instead, it was a statement of fact and therefore breached Clause 1 of the Editor's Code of Practice. The Commission said of the ruling "This is a significant ruling because it shows that the PCC expects the same standards in newspaper and magazine blogs that it would expect in comment pieces that appear in print editions". (*Mr Oli Bird v The Spectator, 29 March 2010* - see <http://www.pcc.org.uk/cases/adjudicated.html?article=NjMxNg==> for the adjudication).

## Sport

### EU Report Highlights Variation in Attitudes to Sport

The European Commission's Directorate General for Education and Culture's latest study makes for interesting comparisons between the various Member States' sporting activities - some 26,788 European citizens were interviewed in October 2009 in the 27 European Union Member States about their attitudes to and participation in sport. The study showed 40% of EU citizens said that they play sport at least once a week and while a clear majority of EU citizens (65%) got some form of physical exercise at least once a week, 34% said that they "seldom or never" did any exercise. The citizens of the Nordic countries and the Netherlands were the most physically active while the citizens of Mediterranean countries and the 12 new Member States tended to exercise less than average - Finland (72%), Sweden (72%) and Denmark (64%) all exceeded the average of 40% for people exercising once a week or more and over half of the Irish (58%), Dutch (56%), Slovenians (52%) and Luxembourgers (51%) also said they exercised at least once a week. However, Bulgaria (3%), Greece (3%) and Italy (3%) had the fewest citizens who engage in regular physical activity. In the UK, only 32% said they exercised regularly however, the same percentage said they "never" exercised. See [http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_334\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_334_en.pdf) for the report.

## Technology

### Progress Report on Byron Review - Further Recommendations Made

Professor Tanya Byron, author of the 2008 Byron Review on risks to children from exposure to potentially harmful or inappropriate material on the Internet and in video games, has published an update on progress since the initial report. This latest report starts by acknowledging that in the last two years there has been "significant progress on improving children's digital safety", particularly in respect of public awareness and noting that the UK Council for

Child Internet Safety (UKCCIS) is entering the next phase of its work. This update makes a number of recommendations that are intended to support the recommendations in the 2008 review and the ongoing work of UKCCIS including ensuring that the guidance and code of practice for companies and providers must be agreed and published by UKCCIS by December 2010, and that the first round of independent reviews must have taken place by December 2011 - it was also recommended that the code of practice for companies and providers must include standards for how quickly they aim to review and, where appropriate, remove content which violates their terms of use. Further, the update recommended that once the use of PEGI becomes law in the UK, companies associated with the video games industry, the online games industry, retailers and the Government invest in raising public awareness of the new ratings system including through the UKCCIS public awareness campaign and UKCCIS one stop shop and that the UKCCIS executive board commission the video games working group to examine and report back by September 2010 on whether a code of conduct supported by independent review for online and casual gaming is needed. In addition, it also recommended that mobile and internet-enabled device manufacturers are brought into UKCCIS discussions on how parental controls can be improved through the video games and industry working groups and take responsibility for building parental controls into all of their devices (figures cited in the progress report showed that in Europe, 51% of teenagers said they use the Internet without supervision from their parents while in the UK, 23% of parents with children under 11 allowed their children to access the Internet without supervision at home; further, of the children and young people who have access to the Internet, 18% reported encountering content which they found "inappropriate or harmful"). See [http://www.dcsf.gov.uk/byronreview/pdfs/do we have safer children in a digital world-WEB.pdf](http://www.dcsf.gov.uk/byronreview/pdfs/do_we_have_safer_children_in_a_digital_world-WEB.pdf) for the report.

## Consultations & Reports

Ofcom Consultation - Airtime Sales Rules Review - <http://www.ofcom.org.uk/consult/condocs/asr/asrcondoc.pdf> (Ofcom is consulting on the possible removal of the Airtime Sales Rules which are the two rules that relate to how broadcasters sell TV advertising to media buyers and advertisers, referred to as the "withholding rule" and the "conditional selling rule" - the rules were intended to ensure fair and effective competition in relation to broadcasting and connected services and Ofcom is obliged to review them periodically, to check whether they are still appropriate and fit for purpose. The rules were last reviewed in 2003 and Ofcom has said it is appropriate to assess whether they are still necessary - they are specifically interested in whether commercial Public Service Broadcasters must sell all of their available advertising airtime and also whether the prohibition that applies to all commercial broadcasters relating to conditional selling is still appropriate).

Ofcom Statement - Annual Plan 2010/11 - [http://www.ofcom.org.uk/about/accoun/reports\\_plans/annual\\_plan1011/annplan1011/annplan1011.pdf](http://www.ofcom.org.uk/about/accoun/reports_plans/annual_plan1011/annplan1011/annplan1011.pdf) (Ofcom's Annual Plan sets out its work programme to further the interests of citizens and consumers for the 12 months from 1 April 2010 to 31 March 2011 - based on its analysis of market developments and our progress against its 2009/10 Annual Plan, and following consultation with stakeholders, Ofcom identified nine priority areas of work for the year ahead, including encouraging consumers to take up and use broadband by supporting the Digital Participation Consortium, making progress on broadband and mobile phone not-spots, continuing to ensure consumers can switch between communications providers by removing unnecessary barriers, updating content regulation to meet the changing needs of audiences, implementing regulation to support effective competition and efficient investment in super-fast broadband, continuing to ensure fair and effective competition in pay TV (see "Broadcasting" above for further details) and clearing the 800MHz band in preparation for release and ensuring wireless services for the London 2012 Olympic and Paralympic Games will be delivered).