

*This is our summary of some of the key legal developments across a range of sectors for the week of 17 May 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

#### OFT Announces Stock Take of UK Infrastructure Assets

The Office of Fair Trading (OFT) has announced that it will be undertaking a "stock-take" of who owns and controls the key economic infrastructure in the UK to "clarify public understanding" of their ownership and control. Sectors identified by the OFT include energy, water, communications and transport. The OFT said it wants to understand how the different types of ownership such as private equity ownership, statutory corporations, infrastructure investment funds and limited companies affect consumers and what the implications might be for their approach to competition in these sectors. The OFT also said that it would be looking at who controls the assets. The stock-take is expected to be completed in autumn 2010. (*OFT Press Release 49/10, 14 May 2010*).

#### OFT Announces Market Study into Outdoor Advertising

The OFT has also announced that it will be undertaking a market study under section 5 of the Enterprise Act 2002 into outdoor advertising. Outdoor advertising, which is targeted at consumers in out of the home locations such as roadside, railways, underground stations, airports, bus shelters, supermarkets, shopping malls, petrol stations, etc has historically comprised outdoor advertisements in the form of posters on panels or billboards however, recent innovations such as digital signage are becoming increasingly popular. The OFT said stakeholders have raised a number of concerns with it about the current structure of the market, which is "highly concentrated" at the levels of the specialist buyers and outdoor media owners and it noted that the main specialist buyers are either owned or part-owned by advertising agencies. The study will focus on both the structure of and competition within the sector and will consider the issue of payment of commissions by outdoor media owners to the specialist buyers and how these affect the incentives of those buyers. The OFT said the study will also enable it to consider potential issues with contracts between local authorities and outdoor media owners. The initial phase of this project is expected to last three months, during which time the OFT will gather and assess evidence from interested parties. The final duration and scope of the project will depend on the outcome of the initial phase. The study is expected to be completed by December 2010. In 2009, UK advertisers spent approximately £780 million on outdoor advertising. (*OFT Press Release, 50/10, 18 May 2010*).

#### OFT Reports on Reasons for Compliance (and Non-Compliance) with Competition Law

Still on the subject of work by the OFT, it has published a report on the reasons for both compliance and non-compliance with competition law "in order to gain a better understanding of the practical challenges faced by businesses seeking to achieve a competition law compliance culture". The OFT said it found the key drivers mentioned by respondents for complying with competition law requirements were the fear of reputational damage and financial penalties. A number of respondents also mentioned individual sanctions. As far as non-compliance was concerned, the OFT noted that "An apparent ambiguity or lack of management commitment to competition law compliance was mentioned by the majority of respondents as creating the risk of non-compliance. Other possible reasons for non-compliance mentioned include rogue employees, confusion or uncertainty about the law, employee error or naivety, loss of trust in legal advice, a 'box-ticking' approach to compliance and competition law compliance having to compete for attention with other compliance activities". The OFT said it wanted to use the findings to improve compliance by updating its current guidance on competition law to reflect current best practice, issuing guidance for directors on what they need to do to comply with competition law following on from the proposed changes to its policy on director disqualification orders, providing more guidance to businesses on novel or unresolved questions of competition law through its new short-form opinion tool and considering how the findings of the research might be relevant to smaller businesses. See [http://www.offt.gov.uk/shared\\_offt/reports/comp\\_policy/oft1227.pdf](http://www.offt.gov.uk/shared_offt/reports/comp_policy/oft1227.pdf) for the Report.

## Europe's 2010 Digital Competitiveness Report and Digital Agenda

The European Commission's latest Digital Competitiveness Report, which analyses recent developments in the information and communications technology areas, has been published. The Report focused on significant developments in the area of broadband, use of Internet services and eCommerce, the digital divide, online public services, the economic impact of ICT and the ICT sector. The Report benchmarked the relative performance of the EU Member States where possible with other major non-European economies such as the US, Japan and Korea. For the EU-27, the report assessed the value added by the ICT sector at €592.7 billion in 2007, which represented approximately 5% of GDP (and note that 2007 data was the most current data available) - it estimated that in Europe while an average of approximately 60% of the population used the Internet regularly and 48% used it on a daily basis there still remained significant socio-economic barriers to access. In addition, while almost a quarter of EU citizens (24.8%) had a fixed broadband subscription and connection speeds were increasing with 80% of fixed broadband lines in the EU offering speeds above 2 Mbps, only 18% of them had speeds of above 10 Mbps, which meant that they would not be sufficient for more advanced applications such as TV on demand (note that the "Europe 2020" programme set targets for all Europeans to have access to broadband of 30 Mbps or more). The Report concluded that while the EU continued to be the largest broadband market in the world, with some EU Member States having the highest penetration levels, in a number of cases however, markets appeared to be approaching maturity. The effect of the expansion of broadband was examined in the context of e-commerce - the Report noted that while Internet usage was increasing and being driven by a market clearly identified by age and education, the "use of the borderless online market remains limited. Despite its potential to strengthen the internal market, the Internet is not yet succeeding in facilitating cross-border trade because of barriers mainly relating to legal certainty, different regulations and trust". The Report called on the Commission to take steps to provide improve broadband speed and improve Internet security, improve education and encourage even more ICT innovation if it wants to fully exploit the potential benefits of the digital economy. The Commission then proposed measures to address some of these issues with the publication of its much-anticipated Digital Agenda. The Agenda, which had been described by the Commission as "a flagship of the Europe 2020 strategy", sets out the Commission's aim of delivering "sustainable economic and social benefits from a digital single market based on fast and ultra fast internet and interoperable application" and outlines seven priority areas for action: the creation of a Digital Single Market; improving the framework conditions for interoperability between ICT products and services; boosting internet trust and security; guaranteeing the provision of much faster internet access; encouraging investment in research and development; enhancing digital literacy, skills and inclusion; and applying ICT to address social challenges such as climate change, rising healthcare costs and the ageing population. Key Action 1 aims to simplify copyright clearance, management and cross-border licensing by "Enhancing the governance, transparency and pan-European licensing for (online) rights management by proposing a framework Directive on collective rights management" (and see below for details) and "Creating a legal framework to facilitate the digitisation and dissemination of cultural works in Europe by proposing a Directive on orphan works, to conduct a dialogue with stakeholders with a view to further measures on out-of print works, complemented by rights information databases". (EC Press Release IP/10/571, 17 May 2010 - see [http://ec.europa.eu/information\\_society/newsroom/cf/itemdetail.cfm?item\\_id=5789](http://ec.europa.eu/information_society/newsroom/cf/itemdetail.cfm?item_id=5789) for access to the Report and the various accompanying documents; see also [http://ec.europa.eu/information\\_society/digital-agenda/documents/digital-agenda-communication-en.pdf](http://ec.europa.eu/information_society/digital-agenda/documents/digital-agenda-communication-en.pdf) for the Digital Agenda and <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/10/200&format=HTML&aged=0&language=EN&guiLanguage=en> for a summary of the key initiatives of the Digital Agenda - the Commission has also published a comparison of the various Member States progress in moving towards a digital economy - see [http://ec.europa.eu/information\\_society/digital-agenda/documents/countryprofiles.pdf](http://ec.europa.eu/information_society/digital-agenda/documents/countryprofiles.pdf) for details).

## ECHR Rules on Article 8 Rights and Interception of Communications

The applicant brought a matter before the ECHR complaining about an alleged interception of his communications, in breach of his Article 8 rights. He further alleged that the hearing before the Investigatory Powers Tribunal was not attended by adequate safeguards as required under Article 6 and, under Article 13, that he had as a result been denied an effective remedy. The applicant had made subject access requests to MI5 and GCHQ under the Data Protection Act 1998 to discover whether information about him was being processed by the agencies and to obtain access to the content of the information - both requests were refused on the basis that the information requested was exempt from the disclosure requirements of the 1998 Act on the grounds of national security under certificates issued by the Secretary of State. The court rejected the applicant's claim. It found that the applicant had failed to demonstrate a reasonable likelihood of actual interception of his communications in the circumstances. It noted it was not disputed that mail, telephone and email communications, including those made in the context of business dealings, are covered by the notions of "private life" and "correspondence" in Article 8, §1; the applicant had alleged that the fact that calls were not put through to him and that he received hoax calls demonstrated a reasonable likelihood that his communications were being intercepted. The court said that such allegations were insufficient to support the applicant's contention that his communications had been intercepted.

The court looked at the domestic laws of the UK and said it "considers that the domestic law on interception of internal communications together with the clarifications brought by the publication of the Code indicate with sufficient clarity the procedures for the authorisation and processing of interception warrants as well as the processing, communicating and destruction of intercept material collected. The Court further observes that there is no evidence of any significant shortcomings in the application and operation of the surveillance regime. On the contrary, the various reports of the Commissioner have highlighted the diligence with which the authorities implement RIPA and correct any technical or human errors which accidentally occur ... Having regard to the safeguards against abuse in the procedures as well as the more general safeguards offered by the supervision of the Commissioner and the review of the IPT, the impugned surveillance measures, insofar as they may have been applied to the applicant in the circumstances outlined in the present case, are justified under Article 8, §2". Accordingly, the court ruled there had been no violation of Article 8. The court found further that there had been no interference with the applicant's Article 6 (right to a fair hearing) or Article 13 (the right to effective remedy before a national authority if rights and freedoms are violated) rights. (*Kennedy v The United Kingdom, Application No 26839/05, ECHR, 18 May 2010* - see <http://cmiskp.echr.coe.int/tkp197/viewhbkkm.asp?sessionId=53699927&skin=hudoc-en&action=html&table=F69A27FD8FB86142BF01C1166DEA398649&key=82181&highlight=> for the judgment).

### Law Society Announces Support for Privacy Rights Centre

The Law Society has announced its support for an initiative "which involves developing a co-ordination centre for pro bono privacy advice, advocacy and legal action to uphold the rule of law and the rights of the individual against injustices caused by the use of oppressive surveillance technologies in the UK and abroad" in response to the intensification of surveillance in recent years and the implications for the rule of law. The initiative is being developed to "strengthen privacy rights law in the UK and abroad and influence public policy debates". As a result, the Law Society will work with the Privacy Initiative to develop a Privacy Rights Centre, which "will help build a stronger culture of legal protection of rights and will work toward ensuring that those rights are brought to action through the courts and other mechanisms" - the Centre is expected to be operational by the summer. (*Law Society Press Release, 20 May 2010* - see [http://www.lawsocietymedia.org.uk/site.php?s=1&content=35&press\\_release\\_id=1287&mt=34](http://www.lawsocietymedia.org.uk/site.php?s=1&content=35&press_release_id=1287&mt=34); the point was made that Britain's reputation throughout the world has been damaged by a perception that privacy is a "disregarded and dying right" and the challenge for the Centre will be to change that perception through action - see <http://www.privacyrightscentre.org/> for details - a recent report in *The Times* said that the UK ranked as the third most monitored country in the world, behind Russia and China...).

## Broadcasting

### OFT Clears Project Canvas

The Office of Fair Trading (OFT) has announced that it has cleared the Project Canvas joint partnership between the chief terrestrial broadcasters, ISPs BT and Talk Talk and Arqiva, having concluded that the proposal does not qualify for investigation under the merger provisions of the Enterprise Act 2002 on the grounds that "none of the JV partners (including the BBC) is contributing a pre-existing business ('enterprise') to the Canvas JV". The OFT said "In the context of a start-up joint venture such as Project Canvas, the merger control provisions are designed to capture arrangements leading to the transfer of a pre-existing business. Our investigation has confirmed that the JV partners, including the BBC, do not intend to transfer an existing business into the JV. *Therefore, regardless of the potential significance of Project Canvas JV for the future of internet connected television, the notified proposals do not give rise to a merger qualifying for substantive investigation by the OFT*" (emphasis added). The OFT also said that it had also found that none of the JV partners would have "material influence" over the Canvas JV. It noted, "Material influence is the ability to materially influence the policy of the transferred business. It is the lowest level of control that may give rise to a relevant merger situation (section 26(3) Enterprise Act 2002). This is a further reason why the OFT does not have the legal power to review substantively Project Canvas under UK merger control laws". Not surprisingly, the decision was not greeted with universal acclaim - Virgin Media said "the Canvas proposals risk severely restricting competition and innovation in the UK's digital media landscape". (*OFT Press Release 51/10, 19 May 2010* - the OFT said a copy of the decision will be made available in due course).

### ASA to Investigate Marketing of Broadband Connections?

The Advertising Standards Agency (ASA) is reported to be considering investigating the marketing of broadband connection speeds. Commentators have suggested that as a result of a considerable number of complaints being made to the ASA, the ASA will look at the "unlimited" usage offers being made and the disparity between advertised Internet connection speeds and those actually being achieved. The ASA has apparently written to the broadband providers (ISPs) about the impending investigation. Interestingly, the Commission's latest Digital

Competitiveness Report (and see above for details) found "the average deployment of high-capacity broadband in Europe is currently limited: while 80 % of fixed broadband lines in the EU offer speeds above 2 Mbps, only 18 % of them are above 10 Mbps, with even slower effective speeds. Current speeds are sufficient for basic web applications (e-mail, web-browsing, slow music and film downloading, basic single-channel IPTV) but are not fit for the delivery of rich services such as high-definition TV, fast downloading of images, simultaneous use within households, etc").

## Corporate

### Application for Injunction to Restrain Removal of Director - Appropriate Remedy and Compensation

The applicant director had sole charge over the second respondent company's wholly-owned subsidiaries. The first respondent director obtained control of the board and proposed a resolution removing the applicant from his position. It was the first respondent's contention that the action had been prompted by the applicant's refusal to make proper, transparent disclosure of the affairs of the subsidiaries. The applicant issued an unfair prejudice petition and sought an interim injunction restraining the board from passing the proposed resolution. The applicant argued that there was a serious issue to be tried on the petition and that the balance of convenience weighed in his favour on the grounds that if the first respondent and a third party were put in control of the subsidiaries, there was a serious risk of grave dislocation to the business and therefore of damage to the company, including risk of its failure and that his alleged lack of transparency as regards the subsidiaries had not caused any harm to date and was not likely to cause any irredeemable damage in future. At issue was whether the court should grant the remedy sought. The court refused the application. It said there was clearly a serious issue to be tried on the unfair prejudice petition however, on the facts, and bearing in mind the likely outcome of the substantive unfair prejudice proceedings which he had brought, the applicant's real remedy was proper compensation for exclusion, not the interim injunction sought. The court said bad business judgment was not in itself the proper subject matter of compensation by way of unfair prejudice proceedings; the applicant's real remedy was not to be kept permanently in control of the company against the wishes of the majority shareholders, but to be properly compensated for his exclusion. (*Re Canterbury Travel (London) Ltd; Collins v Collins & Anor* [2010] All ER (D) 133 (May) - only a digest of the case is available, via LexisNexis).

### Disqualification of Director - Whether Conduct Fell Below Appropriate Standards of Probity and Competence

The Secretary of State for Trade and Industry applied, pursuant to section 6 of the Company Directors Disqualification Act 1986, for a disqualification order against the director of a company in respect of his conduct in relation to the company. The company had granted a debenture to bank to secure its liabilities and subsequently entering into lease with defendant's associated company with view to depleting the value of the bank's security. The bank subsequently appointed administrative receivers over company however, the defendant failed to fully cooperate with administrative receivers. At issue was whether the defendant's conduct had rendered him unfit to be concerned in management of a company. In support of the application, the Secretary of State highlighted the granting of the lease and the allegations in respect of lack of co-operation and the failure by the defendant to provide the receivers with the details of the offer to purchase the premises. The court granted the application. It said when it approached the question of whether a person was considered to be unfit to be a director of a company, the following propositions had been established by the authorities: (1) the words to be construed were the words of the statute and not judicial paraphrases of them; (2) the court had to decide whether the conduct specified by the Secretary of State, viewed cumulatively and taking into account any extenuating circumstances, had fallen below the standards of probity and competence appropriate for persons fit to be directors of companies; (3) although the standard of proof on the Secretary of State was the civil standard of a balance of probabilities, the more serious the allegation the more the court would require cogent evidence; and (4) the court was entitled to look at individual acts of misconduct and not merely to look at the conduct "in the round". On the facts, the defendant's conduct in relation to the lease had fallen below the standards of probity and competence appropriate for persons fit to be directors. Although the allegations of the defendant's non-cooperation were less serious than the allegations relating to the lease, viewing the conduct cumulatively, his overall conduct in relation to the lease (entering into it without the consent of the bank) was more than sufficient to merit a disqualification order of five years. (*Secretary of State for Trade and Industry v Woolf* [2010] All ER (D) 150 (May) - only a digest of the case is available, via LexisNexis).

## Film & TV

### HMRC Updates Guidance on Film Tax Relief

HMRC has announced that it has updated its guidance on film tax relief (FTR) to include information on interim and final certificates issued by the UK Film Council (UKFC) to film production companies (FPC). The guidance states "If any 'interim' claim for FTR has been paid by HMRC to the FPC, the FPC must apply for a 'final' British film certificate from UKFC, after the film has been completed. The 'final' certificate must be submitted to HMRC. If the FPC does not submit a 'final' certificate, then any FTR paid on the basis of the interim certificate is no longer due and will have to be repaid to the HMRC by the FPC". The guidance reiterates that no claim can be made without either an interim or final certificate. (HMRC Release, 18 May 2010 - see <http://www.hmrc.gov.uk/films/index.htm> for details).

## Gambling & Betting

### Stanleybet Files Claim for Damages in Rome Civil Court Over Effect of Market Access Restrictions

Stanleybet has announced that it has filed a compensation claim for €1.5 billion against the Italian Government with the Civil Court of Rome. The claim comprises €887.2 million for lost profits, €29.3 million for emerging damages (costs), €362.2 million for the loss of business opportunities (exclusion from new tenders) and €254.3 million for direct damages which were accrued between 1998 and 2006, during which time Stanleybet's access to the Italian market was "continuously challenged by measures of Parliament, the Administration and the Judiciary contrary to EU law". The company said that notwithstanding the landmark 2003 ECJ ruling in *Gambelli*, Case C243/01 which confirmed the company's legal right to offer cross-border betting services, Stanleybet has since then been repeatedly denied access to the market and has been forced to fight more than 2,000 cases through the Italian legal system. It said "On more than one occasion, Stanleybet's position has been endorsed by the ECJ and the highest domestic courts, including the Supreme Court and the Council of State" and the legal action was therefore necessary in order to enforce their legal rights. (Stanleybet Press Release, 18 May 2010 - the ECJ's decision in *Gambelli* made it clear that restricting gambling activities to state-licensed undertakings was unlawful if such a decision was based on purely financial grounds. Restrictions could only be justified on public policy grounds if there was an overriding public interest: any restrictions need to be justified, proportionate and applied in a consistent manner by the Member State across the board).

### CSA Announces Framework for Online Gambling Operators to Advertise on French Television

The Conseil supérieur de l'audiovisuel (CSA) has presented its framework for online gambling operators to advertise their services on French television and radio, with restrictions being placed on advertising only in programmes aimed towards children and young persons. The CSA began consulting on the arrangements in April this year and had invited comment ahead of the first online licenses being issued. The CSA had been looking at a range of options which included banning advertising and sponsorship on weekdays in the early morning, midday and late afternoon, access and prime time slots; banning advertising from 5:00am to 10:30pm; or banning advertising in those periods, but granting "exceptional authorisations" for sport events and horse races, five minutes before and after programmes.

## Litigation

### Striking Out Claim as Abuse of Process - Continuation of Claim After Objective Achieved

Two applications in a libel action came before the High Court - the claimant gave notice of its application to strike out of the defence, or obtain summary judgment upon the defendant's defence of qualified privilege, on the ground that it disclosed no reasonable ground for defending the action and the defendant applied to strike out the whole claim as an abuse of process, on the ground that it revealed no real or substantial tort and could yield no benefit to the claimant or alternatively, on the ground that it was brought for the dominant purpose of achieving some collateral purpose. The claimant, a substantial public company in the recruitment sector, brought a libel action against the defendant, who carried on a business as an independent news and press agency. Allegations of racism were brought against the claimant by former employees and proceedings were brought before an employment tribunal - the allegations were also communicated to the defendant who in turn communicated them to MGN, which subsequently published an article in the Sunday Mirror about the claims. The article did set out the claimants' side of the case, namely that "These allegations are completely untrue". The court struck out the

application by the claimant and granted the application by the defendant. It said one of the purposes for which the claimant had sued the defendant was to obtain evidence as to the publication of the words complained of by the employees, but such a purpose was not collateral or illegitimate - the main purpose was for the legitimate reason of vindicating its reputation, which it did so in good faith; the allegations against it were very serious, but the outcome of the proceedings were unpredictable however, in continuing the action after a settlement agreement had been reached it was clear that the claimant's main purpose was to limit or avoid that exposure and such a reason was not a collateral purpose but rather was an abuse of process once it had achieved its objectives against the employees. The defendant had clearly informed the claimant that he had no intention of publishing the allegations complained of, and there was no realistic prospect of him doing so. The court said there was nothing wrong in a claimant seeking an undertaking from a defendant not to repeat words complained of, but as a matter of law a claimant was not entitled to an injunction unless there was good ground for apprehending a wrongful repetition. It also noted "The court now recognises that the defences available to a defendant in defamation proceedings are not the only means by which the law gives effect to the principle of freedom of expression. As the court noted in *Jameel v Dow Jones* the Claimant must be pursuing the legitimate purpose of protecting its reputation. If it is not doing that, or if the means by which it is doing it are disproportionate, the court may have regard to the principle of freedom of expression in deciding whether or not the claim should be allowed to go forward at all". (*Hays plc v Hartley* [2010] EWHC 1068 (QB) - see <http://www.bailii.org/ew/cases/EWHC/QB/2010/1068.html> for the judgment).

## Music

### The Digital Agenda and the Music Download Business

Some of the specific measures which the Digital Agenda (see above) is proposing include action to "stimulate the music download business" (the Commission noted that levels in the EU are now only at 25% of the US level) by simplifying copyright clearance, management and licensing. The Commission said by the end of 2010, it intends to propose a framework Directive on collective rights management to enhance the governance, transparency and pan European licensing for (online) rights management. The situation will be reassessed in 2012, following a Green Paper, which is expected to be published later this year.

## Publishing

### PCC Publishes Latest Annual Report

The Press Complaints Commission (PCC) has published its latest Annual Review in which it summarises its work in 2009. The statistics included showed that in 2009 it received 738 complaints that raised a possible breach of the terms of the Editors' Code of Practice (compared to 678 in 2008); 609 of these complaints were "amicably settled when the newspaper or magazine in question took remedial action with which the complainant was satisfied" and of the remaining 129 cases, the PCC ruled that there had been a breach of the Code, although, in 111 of those, remedial action by the offending publication (even though not considered suitable by the complainant) was considered sufficient by the PCC thereby rendering public censure unnecessary. The vast majority of the complaints related to accuracy and the opportunity to reply (87.53%); the next highest category of complaints were related to privacy concerns (Clauses 3, 4, 5, 6, 7, 8, 9 and 11 of the Code) (21.41%). The PCC also noted that there were 196 cases that raised matters of taste and decency, with which the PCC does not deal. Figures for published apologies showed that 66.2% were published either further forward or on the same page as the original offending article and 12.1% were within five pages of the offending article - the PCC acknowledged that the issue of apologies was contentious and said that it would continue to work hard to improve its record in this area and noted that later this year it would be examining the issue of online corrections and what constitutes "due prominence" online. The Report also highlighted some of the PCC's "key rulings" for 2009, which included issues such as the appropriate prominence which should be given to an apology, the continuing harassment of the subject of an article even after clear requests had been made for privacy, reporting suicides, stories involving children, privacy at funerals, stories about celebrities' homes and stories identifying the relatives of criminals. See [http://www.pcc.org.uk/review09/downloads/Full\\_Review\\_2009.pdf](http://www.pcc.org.uk/review09/downloads/Full_Review_2009.pdf) for details.

### Article - Defamation and the Internet - Calls for Reform

The latest New Law Journal contains an article about the topical issue of Internet defamation. The article says that character assassination by Internet is "entirely possible in England and that the law rarely provides an effective remedy against the anonymous or pseudonymous Internet defamer". It suggests that in the field of internet communication, action is needed to make English defamation laws more, not less, stringent and suggests that without radical reform, the Internet will continue to offer an unjust freedom to ruin reputations and cause personal and financial devastation. ("*Closing the Net*" (2010) 160 NLJ 688 - the article is available via LexisNexis).

## Consultations & Reports

Ofcom Research Documents - UK Adults' Media Literacy - [http://www.ofcom.org.uk/advice/media\\_literacy/medlitpub/medlitpubrssi/adultmedialitreport/adults-media-literacy.pdf](http://www.ofcom.org.uk/advice/media_literacy/medlitpub/medlitpubrssi/adultmedialitreport/adults-media-literacy.pdf); the Adults' Media Literacy in the Nations - Summary Report [http://www.ofcom.org.uk/advice/media\\_literacy/medlitpub/medlitpubrssi/adultsmedialitnationssummary/adult-nations-summary.pdf](http://www.ofcom.org.uk/advice/media_literacy/medlitpub/medlitpubrssi/adultsmedialitnationssummary/adult-nations-summary.pdf); and the Children's Media Literacy in the Nations: Summary Report - [http://www.ofcom.org.uk/advice/media\\_literacy/medlitpub/medlitpubrssi/childrensmedialitsummary/childrens-media-literacy.pdf](http://www.ofcom.org.uk/advice/media_literacy/medlitpub/medlitpubrssi/childrensmedialitsummary/childrens-media-literacy.pdf) (Ofcom's third full media literacy report since 2005 gives an overview of media literacy among UK adults aged 16 and over - Ofcom's definition of media literacy is "the ability to use, understand and create media and communications" and the promotion of media literacy is a responsibility placed on Ofcom by section 11 of the Communications Act 2003 - the latest report looks at issues such as take up and media preferences, levels of interest and confidence, use of the Internet and security and privacy concerns).

Ofcom Notification under Section 107(6) of the Communications Act 2003 - Proposal to Modify a Direction Applying the Electronic Communications Code to Internal Communication Systems Limited - <http://www.ofcom.org.uk/consult/condocs/internal-comms-ltd/internal-comms-systems.pdf> (Ofcom is consulting on proposals extend powers given to Internal Communication Systems Limited under the Electronic Communications Code to deal with a number of so-called "not spots" - areas not supplied by broadband due to their distances from the serving exchanges in the counties of Hampshire and Kent).