

# Computer and Telecommunications Law Review

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The majority of tweets, retweets and postings on social media sites generally are uncontroversial. However, as illustrated by a number of high-profile legal cases recently, some are not and can have damaging consequences. But is it really possible to regulate the use of social media sites like Twitter and Facebook?

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Following its consultation on a draft Anonymisation Code of Practice, the Information Commissioner's Office has now published the final Code—*Anonymisation: managing data protection risk*. The Code explains how to protect the privacy rights of individuals while providing rich sources of data. It comes at a time, the ICO says, when the United Kingdom is putting more and more anonymised data into the public domain, with the Government's open data agenda allowing people to find out more than ever about the performance of public services and holding public bodies to account. The Code contains guidance on how to anonymise data successfully, as well as how to assess the risk of re-identification from anonymised data that have been disclosed.

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At the end of 2011 the UK Government announced that it was working in partnership with a number of businesses and consumer organisations to enable consumers to have greater access to the personal data held by those businesses. The information would have to be provided to consumers in a standard, machine readable format. The proposal, known as "midata", is seen a key part of a wider government "empowerment strategy" for consumers, announced in April 2011. In making this information widely available, midata will facilitate empowerment by enabling consumers to "make better choices" and "get the best deals", thereby increasing competition and enhancing consumer protection. The proposed advantage for businesses and the wider economy is that the initiative will stimulate innovation in infrastructure, software and tools, thereby assisting economic growth. The Government has recently carried out a consultation into the likely effects of the proposal, and whether it should be made compulsory

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The article looks at the legal implications of cybersquatting and how companies can prevent it. Looking back at historic cases and recent developments, the article not only defines what cybersquatting is, but looks at the wider context of intellectual property and IT law. Finally, Dr Servian discusses the potential development of new top level domains and what these will mean for IT law.

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Provinces or "nations" within existing EU member states seek to secede, becoming member states in their own right. They must adopt the *acquis communautaire* and create the institutions of a regulatory state, participating in European regulatory networks. They must acquire new ccTLDs and telephone codes from ISO and ITU. They must manage carefully the separation of their telecommunication market from the present "national" markets.

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On granting summary judgment to an IT consultancy in a dispute over unpaid invoices under an IT services agreement, Mr Justice Burton has found that a "take or pay" clause requiring the defendant to take a "minimum" 500 days of consultancy did not constitute an unenforceable penalty. The judge accepted nonetheless that, regardless of whether the claim under the clause was a claim in debt, in principle such a clause could constitute a penalty. In the circumstances of this case, however, he considered the clause commercially justifiable.

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EU electronic communications law provides for multi-level and multi-objective regulation. Regulatory decisions adopted by national authorities pursuant to EU law are scrutinised by national judges. The latter should promote regulatory consistency in the interest of the single market. More action is needed to promote the development and dissemination of a sector-specific *acquis communautaire* among national courts.

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