



# Computer and Telecommunications Law Review

2013 Vol.19 Issue 5  
ISSN: 1357-3128

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#### **Don't be Cagey with Your Tweets: the UK and US Regulators' Approach to Transparency of Paid Promotions via Twitter** 131

Celebrities need to appreciate the marketing power that they yield through being a respected Twitter user in terms of the revenue and goodwill that interactions via such microblogs can generate. However, there are risks associated with "covertly" endorsing products in return for payment, and this is an area which across various jurisdictions is increasingly becoming subject to more stringent regulation. The latest regulatory body to issue new stringent guidance in this area is the Federal Trade Commission (FTC). This article will look at the contrasting requirements between the United States and the United Kingdom and consider what this may mean for celebrities looking to exploit their global brand power.

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**Don't Say it with AdWords: *Interflora Inc v Marks & Spencer Plc* 152**

This article examines the High Court decision in *Interflora Inc v Marks & Spencer Plc* on whether the defendant had infringed the applicant's trade marks by registering "Interflora" (and variations) as Google AdWords. It reviews the background to the case, including the effect of Google's policy change, and considers whether the adverse effect on the origin functions of the marks was sufficient for a finding of infringement. The article also notes how the use of trade marks as keywords could fall within the purview of comparative advertising. In the latest but perhaps not final round of the ongoing spat between Interflora and Marks & Spencer (M&S), Mr Justice Arnold has ruled that the use by M&S of "Interflora" and variations as keywords on the Google AdWords referencing service infringed Interflora's trade marks under art.5(1)(a) of the Trade Marks Directive (89/104) and art.9(1)(a) of the Community Trade Mark Regulation (207/2009). In the opinion of Arnold J., a significant proportion of customers who searched for "interflora" and the other signs, and then clicked on M&S's advertisements that were displayed in response to those searches, were led to believe, incorrectly, that M&S's flower delivery service was part of the Interflora network. Therefore the use of the signs by M&S had an adverse effect on the origin function of the trade marks.

DR CHUKWUDIEBUBE BEDE AND  
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**Regulatory Convergence: Reflections from Nigeria 156**

The new draft ICT policy which was adopted by the Government of the Federal Republic of Nigeria in October 2012 sought, inter alia, to reflect communications convergence. This is a laudable step towards achieving a longstanding policy objective of the Government. It provides for communications convergence by prescribing regulatory convergence, but there are, however, a number of issues arising from this policy paper. First, it is questionable whether post ought to be scheduled for inclusion in the converged regulator. Secondly, there appear to be three blind spots with regard to the ICT policy. These pertain to the question of independence, the question of ownership and the issue of data protection. Finally, it is argued that the new ICT policy represented a missed opportunity to address the problem of inter-agency bickering over the siting of masts and base stations in the country.

QUENTIN ARCHER AND EDWARD  
SOUTHALL

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