

Computer and Telecommunications Law Review

07 OCT. 2013

2013 Vol.19 Issue 7
ISSN: 1357-3128



Table of Contents

Articles

YAZAN MANSOUR

The Inapplicability of the Distance Selling Regulations to M-Content Transactions? 189

This article discusses whether the Distance Selling Regulations apply to mobile content transactions. It argues that they do not, as these types of transactions are more akin to vending machine type transactions, which are exempt from the Regulations. In order to reach such a conclusion an analysis of how m-content transactions are concluded is performed, and analogy is made with vending machine contracts. The article further considers an alternative protection method to protect consumers, and how this other protection measure could be more suitable for these types of transactions. The article takes an in-depth look at the requirements of premium rate services to provide consumers of mobile content transactions.

REBECCA WONG

Changing the Landscape of the Intellectual Property Framework: The Intellectual Property Bill 2013 195

The introduction of the Intellectual Property Bill is a response to the Hargreaves Review to reform the current intellectual property framework in the United Kingdom with the aim of simplifying and improving intellectual property in three main areas, namely design, patent and copyright law. In this article, the author will consider some of these changes and analyse how this is likely to affect the current intellectual property framework.

DR MUHAMMAD ABRAR

The WIPO Cablecasting Treaty: Enforcement and Regulation 199

Although cablecasting is not part of the Rome Convention, several countries have adopted domestic legislation in this area. It is submitted that there ought to be a global consensus on regulating cable TV. The Draft Basic Proposal for the WIPO Treaty on the Protection of Broadcasting Organisations (WIPO Proposed Treaty) recognises cablecasting at an international level. The article will describe the historical international and domestic development of cablecasting regulation and its enforcement in the context of the Pakistan media sector.

PIERRE-ANDRE DUBOIS

Search Engines and Data Protection: A Welcome Practical Approach by the Advocate General 206

In an Opinion issued on June 25, 2013, Advocate General Jääskinen took a practical approach to a number of issues of interest with respect to the application of the Data Protection Directive (Directive) to search engines in the case of *Google Spain SL and Google Inc v Agencia Española de Protección de Datos (AEPD)*. The Opinion deals with important questions for search engines, including the liability of search engines for compliance with data protection laws, whether a search engine is a controller of personal data on third-party source web pages and whether, under current law, a right to be forgotten exists.

DR NEHALUDDIN AHMAD AND DR
SAURABH CHATURVEDI

Copyright Law and Emerging Issues of Plagiarism of Musical Work: A Comparative Overview 209

The quest for originality and not imitation has always been the most important element in musical composition. In law, originality has become an important legal doctrine where creativity and innovation have been protected as copyrightable works. Some countries grant copyright protection based on how much labour and diligence it took to create a work, rather than how original a work is. This is referred to as the "sweat of the brow" doctrine. This doctrine has been recognised at various times in many countries such as the United States, United Kingdom, Canada, Australia, and elsewhere. In India, a copyright statute has been in existence for a long time, and moreover India is a member of various international intellectual property treaties and conventions, but the situation continues to be disappointing. The lack of protection allows high-profile music directors and domestic musicians in India to get away with copyright infringement. In what sense does a literary work need to be "original" to be protected by copyright in India? Is the law of originality in a satisfactory state? How, if at all, might it be improved? This article will examine the Indian position on the concept of "originality" in the law of copyright, determine whether this law is satisfactory and make suggestions for improvement if necessary.

Special Briefing

AKINTUNDE OTUBU

The Regulator and the Regulated: An Examination of the Legal Framework for Telecommunication in Nigeria 216

The prime objective of any technological revolution is to improve the quality of human life. This can be achieved by successfully assimilating these technological innovations into human society. Technological development in information and communication technology has found its way into modern human societies for good. However, in order to take full advantage of the benefits of this system there is the need to put in place a comprehensive legal and regulatory framework to engender the growth and development of the industry.

QUENTIN ARCHER AND EDWARD
SOUTHALL

EC Computing, Telecommunications and Related Measures N-125

DAVID E. HALLIDAY

US Federal Computing, Telecommunications and Related Measures N-140