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M-marketing and Consumers' Right of Privacy: The Tanzanian Perspective 67

The rise of modern technologies has significantly altered advertising techniques. In Tanzania, mobile marketing (m-marketing) is progressively becoming an important element in advertising by both companies and individuals. The fact that mobile phones are widely used and are "mobile" makes them an ideal route for advertising. Unlike emails or any other means of advertising, m-marketing ensures spontaneous, direct and targeted communication at any time, anywhere. This article assesses the adequacy of the existing legal framework in protection of consumers' data and personal privacy in the context of m-marketing. The article has five main parts. The first part introduces m-marketing generally, followed by a part on the public outcry, which illustrates public irritation and the privacy concerns of m-marketing, especially through SMS. The third gives a description of the current legal and regulatory frameworks in controlling the actions of communications providers and protecting consumers. This is followed by a part on enforcement, which explains how the enforcement of laws protecting consumers against unwarranted acts of providers is performed in the absence of a data protection authority. The last part is a conclusion which also provides recommendations on dealing with the weaknesses observed in the legal and regulatory framework and in the enforcement sections.

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On January 14, 2014, the United States Court of Appeals for the District of Columbia Circuit, deciding a lawsuit brought by Verizon (*Verizon v FCC*, case No.11-1355) has struck down the Federal Communications Commission's net neutrality rules, which prohibited internet providers from blocking or prioritising Web traffic.

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Copyright Law: Rights of Reproduction, "Substantiality" and Fair Dealing Considered by the Supreme Court in *Robinson v Cinar* 83

In the last decade, the Supreme Court of Canada has canvassed many important issues in copyright law including the scope of the rights of reproduction and authorisation, what makes a work original, and how to apply the fair dealing defence. In the recent decision of *Cinar Corp v Robinson* a unanimous Supreme Court released an important precedent dealing with many other core areas of copyright, including the framework for how to assess whether a "substantial part" of a work has been reproduced, the assessment of damages for infringement including accounting of profits, non-pecuniary damages and punitive damages, the use of experts in a copyright case, the vicarious liability of directors for infringement, and whether copyright is protected by the Quebec Charter of human rights and freedoms. For copyright lawyers, this case is a goldmine—a treasure trove of important copyright holdings by the Supreme Court.

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