

Computer and Telecommunications Law Review



2014 Vol.20 Issue 4
ISSN: 1357-3128

Table of Contents

Articles

LOUISE TAYLOR

Wearable Technology: The Regulatory Challenges 95

With the exponential rise of smart devices in recent years, the powerful combination of computing technology and internet connectivity has moved from our offices and homes to our bags and pockets. This progression towards “ubiquitous computing”—where computing and connectivity will be accessible anywhere as an integrated part of our environment—has led to the development of a new technology category, wearable technology.

OLIVER BRAY AND SUSAN PERKINS

The New Consumer Contracts Regulations: Key Changes and Implications 98

As part of the overhaul of consumer legislation under the Consumer Rights Directive, the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations come into force on 13 June 2014. These place an obligation on traders to ensure their online processes and terms and conditions reflect new requirements.

ALAN BAKER

EU Copyright Directive: Can a Hyperlink be a “Communication to the Public”? 100

In February 2014, the Court of Justice of the European Union handed down its judgment on the application of the Copyright Directive to hyperlinking (the provision of “clickable links” on one website that provide a user with access to material on another site). The *Svensson* case considered whether a hyperlink to copyright material can constitute an “act of communication to the public” of that material.

EMMA STOKER

Licence to Market an Emarket: Contractual Damages Cap has its Limits 104

In the context of an interim injunction application, the Court of Appeal considered whether damages would be an adequate remedy in circumstances where the parties had agreed to limit recoverable damages under the commercial agreement between them. The court concluded that the agreed damages would not be adequate as they did not reflect the actual loss to the appellant, and so granted an injunction to prevent the respondent from terminating a licence to market an online sales platform.

WILKO VAN WEERT AND DAVID HENRY

Assessing Technology Transfer Agreements under the EU Anti-Trust Rules: Revised TTBER—Assessment and Outlook 108

May 1, 2014, saw the entry into force of a new regime for assessing technology transfer agreements under the EU antitrust rules. Salient changes pertain to some of the most common clauses in such agreements, such as grant-backs and termination clauses. Other notable changes include further guidance on patent pools, and provisions dealing with settlement agreements.

DÉSIRÉE FIELDS AND KEO SHAW

UK High Court Considers Extent to which Retailers may Use Third-Party Trade Marks in Advertisements 113

In *Cosmetic Warriors Ltd v amazon.co.uk Ltd* (2014), the High Court has considered the extent to which retailers may use third-party trade marks to generate sponsored advertisements within search engine results and internally on websites to direct consumers to products that do not originate from the trade mark owner.

Special Briefing

TUSHAR KUMAR BISWAS

Cyber-Obscenity: Legal and Constitutional Issues from Indian Perspectives 115

Cyber-obscurity can be viewed as an existing offence where the computer and the internet are a tool used to commit the crime. The regulation of pornography on the internet has posed a serious challenge to governments and legislatures primarily on account of the nature of the medium. This article deals with legal and constitutional issues of cyber-obscurity from Indian perspectives.

QUENTIN ARCHER AND NICK WESTBROOK

EC Computing, Telecommunications and Related Measures N-63

