



# Computer and Telecommunications Law Review

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#### **Regulatory Challenges of the Internet of Things 227**

Despite being a rather new phenomenon, the Internet of Things is already powering a fast-growing market of "smart" objects that are able to collect and assess huge amounts of data. This article outlines which regulatory challenges policy-makers have to overcome to ensure a sufficient protection of individuals and their data while still fostering innovation and competition in this sector. This involves more than a re-modelling of existing regulations. It requires new policies that go hand in hand with the new technology.

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Research funded under the Horizon 2020 programme is not research for research's sake. Participants in research projects preferably exploit the results of their research. Intellectual property rights generally facilitate result exploitation, but often a participant's result builds on technology over which another participant holds the IP rights. In order to prevent any problem in the clearance of rights, participants in Horizon 2020 which hold IP that is relevant for another consortium partner are, in such a situation, obliged to provide a licence under fair and reasonable conditions. However, it is all but clear what this commitment exactly means. In the context of standard setting, a similar commitment exists, namely to license on fair, reasonable and non-discriminatory terms, and this has been the subject of litigation. The litigation focuses on the question whether the IP holder can obtain a licence and the procedural setting in which the conditions for allowing an injunction are determined. This article investigates what Horizon 2020 can learn from the experience in the standard setting context. It proposes two types of approaches to facilitate knowledge exploitation after a project.

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The focus of this article is the acquisition of data from the cloud and social networks using mobile data, and without consent from the account owner in the context of criminal proceedings. In summary, investigating authorities can obtain data when the owner or suspect agrees to provide access, or where a judge issues a warrant; parties to the Convention on Cybercrime may obtain access to data under the provisions of art.32, which is highly contentious; and when the concept of "virtual presence" is accepted by the courts for the purposes of seizing data, as in the Belgian case of *Yahoo*.

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The Sports Broadcast Signals (Mandatory Sharing with Prasar Bharati) Act, 2007 mandates a broadcaster to share the live signals of any sporting event of national importance with Prasar Bharati for simultaneous transmission on the latter's exclusive network. The article is a critique to this provision of the Act, and points out the antitrust issues arising out of the current signal-sharing arrangement. Additionally, the article also deals with the rules of interpretation, and tends to point out the flaws in the current mode of interpretation of the aforementioned Act.

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QUENTIN ARCHER, MATTHEW IVES  
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