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Goals of the CMCL

The CMCL is a centre for the research, discussion and teaching of all aspects of media and communications law and policy.

CMCL activities include:

- undertaking large scale research projects;
- holding public seminars about legal and regulatory developments;
- supporting research visits from Australian and international academics, lawyers and policy makers; and
- supervising teaching and learning in media and communications law in the Melbourne Law School.

The CMCL has a team of Directors from the Melbourne Law School, as well as Associates, primarily drawn from the wider University of Melbourne, and Research Staff.

It is assisted by an Advisory Board from the media and communications industries and legal practice, and receives support from the Melbourne Law School as well as external research partners.
Professor Andrew Kenyon

Director

Andrew Kenyon researches in comparative media law, including defamation, privacy, free speech, copyright and media policy. As well as legal doctrine, this work draws on a wide range of social, cultural and political research. Between 1999 and 2012 he edited the Media & Arts Law Review (with colleagues from 2009-2012). He has also been a Network Participant in the Australian Research Council Cultural Research Network, and is a former president of the Law and Society Association of Australia and New Zealand. He has law degrees from the universities of Melbourne and London, and his memberships include the International Communication Association, the European Communication Research and Education Association, and the Socio-Legal Studies Association.
Professor Megan Richardson

Megan Richardson has degrees from Victoria University of Wellington, New Zealand, Yale University, USA, and the Free University of Brussels, Belgium; and she is currently a Professor of Law at the Melbourne Law School. Her fields of research and publication include intellectual property, privacy and personality rights, law reform and legal theory. She has served on consultative panels for New South Wales Law Reform Commission and Australian Law Reform Commission privacy reviews. From 2009-2012 she was the Associate Director Law of the Intellectual Property Research Institute of Australia (IPRIA).

Jason Bosland

Deputy Director

Jason Bosland joined the Melbourne Law School as a Senior Lecturer in 2011. Prior to that he was a Lecturer in the Faculty of Law at the University of New South Wales. Jason has law degrees from the Melbourne Law School and from the London School of Economics, where he was awarded the Stanley De Smith prize in public law. Jason’s primary research interests are in the areas of media law, especially defamation and privacy, open justice and the media, contempt of court and freedom of speech.
CMCL Finances

The CMCL has three major sources of funding: support from the Melbourne Law School; research funding from the Australian Research Council and other research collaborators; and income from other research-related activities, such as publications and public seminars.

The centre’s main areas of expenditure in 2015 were related to its public seminars and the CMCL and IPRIA conference, hosting research visitors, and casual administrative and research assistance.

The CMCL’s accounts are incorporated in the University of Melbourne’s operations and are subject to University of Melbourne financial policies and procedures. Overall responsibility and financial management of the CMCL account lies with the Centre Directors and is subject to a financial governance framework overseen by the Manager of Finance, Planning and Strategy.

CMCL Staff

CMCL staff are faculty members of the Melbourne Law School, who research in the areas of media and communications law, as well as research fellows who work on specific research projects. The centre also has an Administrator and several casual research assistants.

Hamish Carr | Administrator

Hamish Carr joined CMCL and the Intellectual Property Research Institute of Australia (IPRIA) as an administrator in 2015. Prior to commencing work at the Law School, Hamish was an administrator in the Faculty of Arts, School of Culture and Communication.
CMCL Advisory Board

In 2015 the Advisory Board comprised:

• Elizabeth Beal, Network Ten
• Bruce Burke, Banki Haddock Fiora
• Warren Coatsworth, Seven Network Limited
• Julie Eisenberg, SBS
• Jon Faine, ABC Radio
• Stuart Gibson, Gibsons
• Jonathan Gill, Carrick Gill Smyth Lawyers
• Gail Hambly, John Fairfax Holdings
• Jim Holmes, Incyte Consulting
• Paul Kallenbach, Minter Ellison
• Richard Leder, Corrs Chambers Westgarth
• Peter Leonard, Gilbert + Tobin Lawyers
• Cheng Lim, King & Wood Mallesons
• Judge Michael Lloyd-Jones, Federal Circuit Court (Chair)
• Denis Muller, The University of Melbourne
• Hugh Northam, Septimus Jones & Lee
• Michael Pattison, Allens
• Nic Pullen, HWL Ebsworth Lawyers
• Michael Rivette, Chancery Chambers
• Greg Sitch, Macleay William
• Andrew Stewart, Baker & McKenzie
• Robert Todd, Ashurst

CMCL Associates

Associates of the CMCL are academics from the Melbourne Law School and elsewhere who share a research interest in media and communications law and policy. In 2015 they were:

• Katy Barnett, Associate Professor, Melbourne Law School
• Andrew Christie, Professor, Melbourne Law School
• Karin Clark, Senior Fellow, Melbourne Law School
• Arlen Duke, Senior Lecturer, Melbourne Law School
• Simon Evans, Professor, Melbourne Law School
• Richard Garnett, Professor, Melbourne Law School
• Jonathan Gill, Director, Carrick Gill Smyth Lawyers
• Tim Lindsey, Professor, Melbourne Law School
• Lawrence McNamara, Deputy Director, Bingham Centre for the Rule of Law, British Institute of International and Comparative Law, London
• Tim Marjoribanks, Professor, La Trobe Business School, La Trobe University
• Andrew Mitchell, Professor, Melbourne Law School
• David Nolan, Senior Lecturer, School of Culture and Communication, University of Melbourne
• James Parker, Senior Lecturer, Melbourne Law School
• Sam Ricketson, Professor, Melbourne Law School
• Andrew Roberts, Senior Lecturer, Melbourne Law School
• Peter Rush, Associate Professor, Melbourne Law School
• Saw Tiong Guan, Senior Lecturer, Faculty of Law, University of Malaya.
• Adrienne Stone, Professor, Melbourne Law School
• Joo Cheong Tham, Associate Professor, Melbourne Law School
• Tania Voon, Professor, Melbourne Law School
• Kim Weatherall, Associate Professor, Sydney Law School, University of Sydney
• Amanda Whiting, Associate Director (Malaysia) Asian Law Centre, Melbourne Law School
• Alison Young, Professor, School of Social and Political Sciences, University of Melbourne
• Sally Young, Associate Professor, School of Social and Political Sciences, University of Melbourne
Teaching
CMCL staff have teaching responsibilities across the Melbourne Law School’s programs in the Melbourne Law Masters, the Juris Doctor and Breadth subjects. The program in Communications Law was developed to provide students with an advanced understanding of the existing and developing law affecting the media and communication industries and its impact on the publication of information, ownership, services and technology. With the rapid and evolving development of communications technologies, the program provides a valuable insight into this vibrant area of law.

In addition, interstate and international academics and legal practitioners often combine research visits to the CMCL with teaching in the Melbourne Law Masters Program in Communications Law. Most subjects in the Melbourne Law Masters program are taught intensively across one week of seminars, which makes them attractive to visiting staff and to students, especially those who already practise in law or media and communications industries.

Melbourne Law Masters Subjects offered in 2015

Entertainment Law
Professor Megan Richardson
Professor David Caudill, Villanova University, USA

Free Speech, Contempt and the Media
Mr Jonathan Gill, Carrick Gill Smyth

Internet Law
Professor Megan Richardson
Mr Jonathan Gill, Carrick Gill Smyth

Privacy Law
Professor Megan Richardson
Ms Karin Clark, Senior Fellow, Melbourne Law School

Regulation of Communications
Mr Jonathan Gill, Carrick Gill Smyth

Juris Doctor

Media Law
Jason Bosland
This subject examines the core legal constraints imposed on the media in their publishing activities. The first part of the course requires students to analyse and evaluate broad principles relating to freedom of speech and public interest and their application to the media. It also examines the greater role that the legal protection of human rights, especially in the international context, has played in the development of media law. The second part of the course explores the constraints that are imposed on the media in their reporting of court proceedings, including contempt of court and the issuing of suppression orders by the courts. The third part of the course comprises a comparative, in-depth examination of the law of defamation across Australia, the United Kingdom and the United States. It also draws on case studies from other jurisdictions, such as Canada and South Africa. The final part of the course looks at privacy and the media. It considers the current state of privacy protection in Australia, and requires students to undertake a critical, comparative analysis of the position in Australia and recent developments in the United Kingdom and the United States.

Breadth Program

Law subjects offered as Breadth are designed to complement undergraduate curricula across the university, and to provide students with an insight into the law, legal language and legal processes, as well as to teach legal thinking and skills. Many Melbourne undergraduate students contemplating graduate legal study, and in particular those considering an application to the Juris Doctor degree, enrol in law breadth subjects.

These subjects explore the contemporary legal realms surrounding the regulation of media (particularly social media), intellectual property, free speech and the ‘right’ to privacy.

Free Speech and Media Law
Coordinator in 2015 Jason Bosland
This is a subject that investigates notions of free speech and censorship. With the rise of social media and online news, the traditional methods for regulating media are becoming quickly outdated. People are often in the dark about what constitutes libel, and many believe that words posted online on social media such as Facebook, or personal blogs is exempt from laws governing media. This subject will discuss the intersections of free speech, censorship, defamation laws, blasphemy, obscenity, privacy, hacking, trespass, the ‘right’ to protest and laws relating to social media.

Privacy Law and Social Networks
Coordinator in 2015 Megan Richardson
This subject explores social networks and the ways that online privacy is both constrained and protected by the law. It will detail the shift from traditional forms of media, protected by laws relating specifically to this, and the shifting landscape of social media, requiring new forms of these laws. The subject will consider controversies relating to surveillance, privacy and protection, and will ensure that students understand the legal treatment of privacy in the context of social networks.
Research

In 2015 staff associated with CMCL were involved in major research projects and a research infrastructure project.

Defamation and Privacy: ARC Discovery Project
Law, Media and Public Speech
Investigator:
• Professor Andrew Kenyon (Melbourne Law School, University of Melbourne)

ARC Linkage Project:
Testing Trade Mark Law’s Image of the Consumer
Investigators:
• Associate Professor Kimberlee Weatherall, University of Sydney
• Professor Michael Humphreys, University of Queensland
• Dr Sarah Kelly, University of Queensland
• Associate Professor Jennifer Burt, University of Queensland
• Professor Megan Richardson, Melbourne Law School, University of Melbourne
Free Speech, Confusion and the Marketplace of Ideas

Investigators:

• Professor Andrew Kenyon, Melbourne Law School, University of Melbourne
• Professor Megan Richardson, Melbourne Law School, University of Melbourne
• Professor Graeme Dinwoodie, University of Oxford, Faculty of Law
• Professor Jacob Rowbottom, University of Oxford, Faculty of Law

This is a project run under the Oxford Law Faculty - Melbourne Law School Research Partnerships scheme, funded by Allan Myers QC

A standard rationale for free speech is that truth will emerge through the ‘marketplace of ideas’, a rationale that some have associated with the 19th century liberal-utilitarian philosopher JS Mill but is also explicitly stated by Holmes J in Abrams v US (1919). Given this rationale, it is puzzling to observe how much truth-endangering confusion is tolerated in areas of media and communications law.

Consider, for instance, defamation law, trade mark law and the law of passing off. These areas of law are supposedly concerned with confusion (at least as indicators of legally cognizable harms). But in fact they delineate their scope for controlling confusion far from comprehensively, using tests such as the ‘ordinary reasonable’ person or average consumer to determine just whose confusion the law should seek to address (so persons whose conclusions are deemed ‘farfetched and fanciful’ appear to be left out of account under these standard tests). Further they erect a range of thresholds and defences that apply notwithstanding the likelihood that the communication will lead to confusion and even in the face of evidence of actual confusion (for instance the ‘actual malice’ standard for public figures in US defamation law and the ‘public interest’ defence under the 2013 UK defamation statute; the ‘use as a trade mark’ threshold in Australian trade mark law and the ‘fair use’ defence to trade mark infringement in the US and the UK).

This project funding enables us to interrogate closely the multiple ways in which Anglo-Australian as well as American media and communications law allows for confusion, the marketplace of ideas rationale notwithstanding – and also to consider the possible reasons for this divergence as well as some possible reforms.
CMCL Research Spotlight

Dr Catherine Easton, Senior Lecturer in Law, Lancaster University Law School

Research Visitor

Project overview: The overarching aim of this project was to provide international perspectives in the area of the law and policy relating to Internet regulation. In order to do this, the research undertaken on the visit focused upon a comparative analysis of online intermediary liability in the light of the protection of human rights and fundamental freedoms. This project provided critical insights into Internet governance and communications regulation through a comparative examination of case law and policy in the jurisdictions of the EU and Australia. In this way it examined the regulatory framework and the role of the State, self-regulatory bodies and co-regulatory initiatives from the perspective of the position of intermediaries and the need to protect fundamental freedoms. The work was strongly informed by the researcher’s involvement with the Internet Rights and Principles Dynamic Coalition of the United Nations’ Internet Governance Forum. It had an international focus, using initiatives at the level of the United Nations and the Council of Europe as an overarching framework.

Research Supervision

CMCL is committed to providing outstanding research training for our PhD and MPhil students. CMCL staff supervise doctoral candidates who also complete a three year Research Support Program, which assists students to develop the high level skills needed to complete an outstanding thesis.

2015 Candidates

Monitoring Laws: The Role of Privacy Law in Managing Public Surveillance by the State (PhD)
Jake Goldenfein
Supervisors: Andrew Kenyon & Megan Richardson

Empirical assessment of the theoretical justifications for intellectual property and information protection (PhD)
Vicki Huang
Supervisors: Megan Richardson & Chris Dent

Government Mass Surveillance and Law in the Five Eyes Countries
Alana James

Copyright Exceptions and Contract (PhD)
Adrian Aronsson-Storrier
Supervisors: Sam Ricketson & Megan Richardson

The Regulation of Generative Activities on Social Media (PhD)
Corinne Tan
Supervisors: Megan Richardson, Graeme Austin, & Sam Ricketson
Student Research Spotlight

Adrian Aronsson-Storrier
PhD Student

Adrian Aronsson-Storrier’s PhD is carried out under the supervision of Professor Sam Ricketson and Professor Megan Richardson, and he is expecting to submit in mid-2016. His research examines the relationship between copyright exceptions and inconsistent contractual provisions.

The thesis explores the uncertain doctrinal relationship between copyright exceptions (such as fair dealing) and contracts which seek to displace the operation of those exceptions. Finding that the current doctrinal relationship is unclear, the thesis reinvestigates commonly invoked theories of contract and intellectual property in an attempt to determine how the conflict should be resolved. The thesis argues that Lockean natural rights, law and economics efficiency, and freedom of expression based rationales for copyright each require some exceptions to be mandatory. In doing so the thesis interrogates the blurring boundary between property and contractual law regimes and the extent to which individuals should be permitted to utilise contract and technological means to expand contract into quasi-property entitlements.

During the period Adrian has been enrolled as a PhD candidate, he has presented papers at several overseas conferences; participated in the post-graduate International Copyright Course at the Institute for Information Law, University of Amsterdam; been a visiting researcher at the Centre for Commercial Law Studies, Queen Mary, London; and has worked on a project relating to Performers’ Rights at the University of Cambridge. His most recent publication, an examination of recent amendments to UK copyright exceptions, is being published in the Queen Mary Journal of Intellectual Property (2016 Vol. 6 No. 1. p. 111).

Adrian has taught a number of subjects while at the University of Melbourne, including tutoring in IP and media law subjects in the breadth program, teaching property law in the JD program and teaching IP law in the Melbourne Law Master’s program. Adrian currently lives in the UK where he works as a lecturer at the University of Reading, teaching commercial and intellectual property law.

Alana James
PhD Student

Alana James is writing her PhD on Government Mass Surveillance and Law in the Five Eyes Countries. Her work is an examination into the covert untargeted global surveillance conducted by an alliance of the United States, Australia, Canada, New Zealand, and the United Kingdom. The thesis investigates the domestic and international legal authorities for conducting mass surveillance and discusses the history of it, from WWII to the Cold War, to the European Parliament passing a resolution days before the terrorist attacks of 11 September 2001 stating that mass surveillance is a breach to the right to privacy and outlining steps to curtail it.

The thesis discusses the risks of mass surveillance, the governance and oversight of it, considers how effective it is, and questions whether it truly is a response to the risk of terrorism and serious crime. Overall the thesis considers the risk to democracy that mass surveillance poses and makes recommendations of a legal and technical nature.

Before starting her PhD research Alana worked as a Registered Nurse, practised as a barrister in private practice, and worked as a Senior Health Advisor for government in Canada. In Australia she worked as a researcher for the Cooperative Research Centre, CRC Data to Decisions – Big Data and National Security and was admitted as a legal practitioner in the State of Victoria.
Events

Round table seminar with Professor Wendy Gordon

Date: Tuesday 20 January 2015
Venue: Melbourne Law School

Wendy discussed two topics: the US Supreme Court’s approach to justifying copyright provisions that are challenged on Constitutional grounds, and US trends in protecting creative, attractive or distinctive products that are also functional. The presentation was followed by a lively discussion.

Professor Wendy J. Gordon has taught at Boston University since 1993, and was recently named to one of its ten William Fairfield Warren Distinguished Professorships. An advisor to BU’s Intellectual Property Concentration, she also tremendously enjoys interdisciplinary dialogue. Her scholarship utilizes economics as well as both ethical and analytic philosophy to understand copyright, trademark, and related forms of property and tort law. Although based in BU’s School of Law, she has developed and co-taught courses with philosopher Aaron Garrett, Shakespearean actor Jonathan Epstein, and literary critic Sir Christopher Ricks. She is increasingly turning to art (fiction, opera, poetry, and narrative nonfiction) as an additional source of insight.

Ticking Boxes and Telling Stories: Privacy, Data Sharing, and the Construction of Identity

Professor Ben Goold

Date: 31 March
Venue: Melbourne Law School

Over the last twenty years, we have all become subjects of increasingly pervasive and intense surveillance. Every time we go online, our activities are monitored and our personal information is collected, stored, and potentially shared. Our mobile phones track our movements, surveillance cameras watch us as we pass through public and semi-private spaces, and increasingly government agencies and private organizations asks us to provide more and more information about ourselves. How has this intensification of surveillance changed the way we think about identity? How do we reconcile the stories we tell about ourselves – our personal narratives – with the digital, categorical identities that have become an inescapable aspect of modern life? What happens when our narrative identity and our categorical identities collide or contradict each other? This lecture explored these issues through the lens of privacy, and suggested that we need to reconsider many of our ideas of identity and private space in order to make sense of a world in which identity is increasingly determined by the routine surveillance activities that now dominate our everyday lives.

Professor Goold holds degrees in law and economics from the University of Tasmania, as well as a BCL and doctorate from the University of Oxford, where he studied as a Rhodes Scholar. His major research interests include privacy rights, the use of surveillance technologies by the police and intelligence communities, and the rhetoric and language of human rights. He is the author of numerous works on privacy, surveillance, and security, including CCTV and Policing (Oxford University Press; shortlisted for the British Criminology Book Prize in 2005) and Security and Human Rights (Hart Publishing; edited with Liora Lazarus). Among his more recent publications are works on the social and political dimensions of privacy, the role of privacy enhancing technologies (PETS) in the regulation of public and private sector surveillance, and the relationship between human rights and constitutional responsibilities.
Data Privacy – Should We Worry? A Panel Discussion

Date: 30 September 2015
Venue: Melbourne Business School

Recent events including the Ashley Madison hack and Australia’s new data retention legislation as well as the continuing vocal disputes about the ‘right to be forgotten’ (including from those responsible for Google and Wikipedia) might lead us to think that data privacy is especially difficult to maintain in 2015. Should we be worried or is weak data privacy just a factor of a modern data-centric society? Might there even be upsides?

This seminar took the form of a practical and interactive workshop involving experts from business, computer systems, law and regulation debating the costs and benefits of current practices and legal standards.

Karin Clark was Special Counsel with Allens and practised for many years in the firm’s Communications, Media and Technology Practice Group specialising in advising on compliance with privacy laws. She is currently a Senior Fellow in the Melbourne Law Masters teaching Privacy Law.

Lars Kulik is an Associate Professor in the Department of Computing and Information Systems at The University of Melbourne. His current areas of research and expertise include sensor networks, mobile computing, location privacy, spatial algorithms and spatial data mining.

Ujwal Kayande is interested in how customers make decisions, and how firms can improve their marketing and business actions. He is a Professor of Marketing at the Melbourne Business School and Director of its Centre for Business Analytics.

Megan Richardson is a Professor of Law at the Melbourne Law School and Co-Director of its Centre for Media and Communications Law and the Intellectual Property Research Institute of Australia. Her research interests are centred especially on privacy and data protection.

Kwanghui Lim is an Associate Professor at the Melbourne Business School and Co-Director of the Intellectual Property Research Institute of Australia. He researches on the strategies used by firms to manage knowledge, both in tangible and intangible forms.

This discussion was a joint CMCL and IPRIA initiative.
Defamation: Drafting Imputations

Dr Matt Collins QC

Chair and commentary: Professor Andrew Kenyon

This seminar was conducted in Melbourne and Sydney at Gilbert + Tobin.

Date: Melbourne 25 August 2015, Sydney 26 August 2015
Venue: Gilbert + Tobin | Melbourne | Sydney

The imputations said by the plaintiff to be conveyed by allegedly defamatory matter have a preternatural importance in defamation litigation in Australia—much more so than in other common law jurisdictions. The imputations, as pleaded in the statement of claim, frame the battleground between the parties, and operate as a curb on the defences available to publishers. Worthy plaintiffs can fail at trial because of defects in their pleaded imputations; and a publisher’s fate can rest in the competence with which the plaintiff’s imputations have been drafted. The crafting of imputations is thus fundamental to the skillset of the defamation practitioner.

This seminar took the form of a practical and interactive workshop. As well as addressing precepts for the good drafting of imputations, and the implications of getting it wrong, there was a practical exercise that enabled participants to try their hand at drafting imputations and obtain feedback.

The seminar was particularly useful to practitioners involved in drafting and reviewing defamation pleadings, and also assisted academics and students to understand how pre-trial practices have come to shape important principles of Australian defamation law.

Dr Matt Collins QC is a member of the Victorian Bar and a Senior Fellow at the Melbourne Law School. He is the author of all three editions of The Law of Defamation and the Internet (OUP, 2001, 2005, 2010), the standard international text on the application of principles of defamation law to online publications, and of Collins on Defamation (OUP, 2014), a leading text on the law of defamation of England and Wales. He has acted as Counsel in several of the most high profile defamation and related actions in Australia in recent years.
More than 130 attendees heard papers from over 80 researchers and practitioners in law, media studies, IP and related fields for this international conference.

**Keynote speakers:**

- **Professor Graeme Austin** Victoria University of Wellington and University of Melbourne
- **Professor Joshua Gans** University of Toronto
- **Professor Sonia Katyal** University of California, Berkeley
- **Professor Beate Roessler** University of Amsterdam
- **Professor Julian Thomas** Swinburne University, Melbourne

**Panels included:**

- The future of IP research – Prof Andrew Christie, Dr Benjamin Mitra-Kahn, Prof Beth Webster, Prof Peter Yu
- Trademark confusion – Assoc Prof Chris Dent, Prof Jill Klein, Assoc Prof Kimberlee Weatherall
- The internet of things – Dr Rachelle Bosua, Assoc Prof Kwanghui Lim
- Sealed Section: Midnight Confessions of the Media Lawyers - Lynette Houssarini (ABC), Lesley Power (SBS), Katherine Giles (ABC)

**Topics covered:**

- Amateur media and user-generated content
- Broadband futures
- Competition
- Content creation, use and re-use
- Convergence
- Copyright and speech
- Data and surveillance
- Defamation and public debate
- Design cultures and practices
- Digital publics
- Free speech
- Intermediaries, responsibility, control, neutrality
- Journalism and popular media
- Measuring and valuing IP
- Media representations of law
- Networks and networking
- Patents and economy
- Privacy and publicity
- Privacy by design
- Public knowledge
- Public media
- Reporting courts
- Strategic uses of IP
- Surveillance and security
- Technology and IPRs
- Trademarks
- and more…
Visiting Scholars

As part of the Melbourne Law School’s Research Visitors Program, short-term fellowships are awarded to academics, practising lawyers and media industry professionals. Fellowships enable visitors to spend time, usually between two and four weeks, in Melbourne devoted to research.

CMCL hosted the following visitors during 2015:

CMCL Visiting scholars

Professor Beate Roessler
The University of Amsterdam

Dr Yaniv Benhamou
International Hellinic University

Dr Catherine Easton
Lancaster University, Law School

Professor Ben Goold
Allard School of Law
The University of British Columbia
Selected Publications

Edited Book

Research Book Chapters

Journal Articles Refereed


Media and Arts Law Review
The *Media & Arts Law Review* is a quarterly, refereed journal examining all areas of media and arts law, including: communications, contempt, copyright, cultural heritage, defamation, digitisation, entertainment, free speech, IP, journalism, privacy, and the public interest.

The Review has a distinguished Editorial Board and publishes independently refereed articles, from Australian and international authors. It also includes regular update reports about media and arts law developments from a team of International Contributing Editors. The updates offer a snapshot of matters such as case law, legislation, law reform, international conventions, and changes in industry self-regulation. Reports include the US, the UK.

Editors
• Jason Bosland, Senior Lecturer, Melbourne Law School, Australia
• Melissa de Zwart, Professor, The University of Adelaide, Australia

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*Privacy and democracy in the digital age*
Steven I Friedland

‘Tweeting from court’: *New guidelines for modern media*
Anne Wallace and Jane Johnston

The scope and content of a ‘publication’ on the internet for the purposes of defamation law
Dinika Roopani

*Moral rights in the ballpark: Banksy and the right of integrity of authorship*
Jennifer Kwong

*Risks and opportunities in big data – how well adapted are Australia’s privacy laws?*
Jarrod Bayliss-McCulloch

Case Notes
*Trade marks, globalisation and foreign language: Cantarella Bros Pty Ltd v Moderna Trading Pty Ltd*
Jenny Ng
Posting sexually explicit images on Facebook: The action for breach of confidence expands further into the privacy space
Susan Gatford

Book Review

A Copyright Masquerade: How Corporate Lobbying Threatens Online Freedoms by Monica Horten
Angela Daly

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Introduction
Introduction to the special issue
Melissa de Zwart

Articles

Engagement, authenticity and resistance: Using Game of Thrones in teaching law
Mary Heath and Sal Humphreys

You will never walk again ... but you will fly*: Human augmentation in the known world
Catherine Easton

Nothing burns like the cold* — except for wildfire: How patents could win the game of thrones
Catherine Bond and Stephanie Crosbie

And the gods will judge: Trial by combat in Game of Thrones
John G Browning and Amanda C Brown

Arbitration by combat
Michael Smith and Raj Shah

Exploring imaginative legal history: The legalism of the House Stark in the Game of Thrones
Jaakko Husa

When you play the game of thrones, you win or you die*: Concepts of justice in George R R Martin's A Song of Ice and Fire
Alyce McGovern, Jenny Wise and Nathan Wise

Media and Arts Law Review

Issue 3

Articles

A ‘serious’ response to trivial defamation claims: An examination of s 1(1) of the Defamation Act 2013 (UK) from an Australian perspective
Phoebe J Galbally

The implied freedom of political communication: A basis for journalists to challenge Australian Security Intelligence Organisation Act 1979 (Cth) s 35P?
James Nunez

‘Bad faith’ and ‘rights or legitimate interests’ under domain name law — emerging themes from the UDRP and auDRP
Alpana Roy and Althaf Marsoof

Refusing defeat: A final call for the revival of the Polly Peck defence
Nicholas Sinanis

Open narrowcasting radio: A worthwhile niche
Professor Michael Fraser and William Renton
Issue 4

Articles

‘Their evil lies in the grapevine effect’: Assessment of damages in defamation by social media
Michael Douglas

An awkward situation: The courts’ approach to a judicial officer suing for defamation
Aarushi Sahore

Defamation: Drafting imputations
Matt Collins

Constitutional rights and truth and fair comment defences in Chinese right to reputation lawsuits
Yik Chan Chin

Korean Media Law Update
Balancing online freedom of speech with reputation in South Korea
Ahran Park

United States Media Law Update
Lyrissa Lidsky and Rachael Jones

Case note
Australian Communications and Media Authority v Today FM (Sydney) Pty Ltd: The royal prank call’s implications for the broadcasting industry and administrative decision-makers
Irene Nikoloudakis

Book review
Law and Creativity in the Age of the Entertainment Franchise by Kathy Bowrey and Michael Handler (eds)
Melissa de Zwart
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