Queen Mary
University of London

May Examination Period 2023

SOLM216 Media Law: Reputation Management
DATE: 19 May 2023
TIME: 10:00am (BST) (24hr submission window)

INSTRUCTIONS:

You are required to submit an answer to any TWO (2) of the following THREE (3) questions.

Delete any answers that you do not wish to be marked. EACH ANSWER HAS EQUAL WEIGHT FOR ASSESSMENT PURPOSES.

- Please put your **student number** (9 digit number) ONLY at the top of the paper
- **DO NOT** put your name on the paper and **DO NOT** use the HEADER AND FOOTER layout
- Please state the module name and date at the top of your answers
- The examination is designed to take **3 hours**, but we are allocating all students **24 hours submission window** within which to complete the paper. This acknowledges the time zone issues students may face, issues with their internet connections, as well as the requirements of any students with Examination Access Arrangements, such as extra time. This approach is a great example of inclusive practice, in line with Queen Mary's core strategic objective of being the most inclusive university of its kind.
- There is a word limit of **1650 words per question**
- **Total word limit: 3300 words**
- Footnoting is not required; in-text citations to references will suffice
- Submit your answers **in PDF format** via QMPlus **no later** than **20 May 2023, 10:00am (BST)**
- Indicate on the attachment the numbers of the questions you have chosen to answer.
- If you have any questions concerning this assessment, you may contact the module convenor (NOTE: the module convenor with be available for questions only for the first half an hour from the release of the paper).

Examiner: **Gavin Sutter**
Laura Edgar

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Question 1

Until early 2022, actors David and Bessie were members of the cast of *Marylebone*, a successful UK soap opera about a wealthy, dysfunctional family. In February 2022, it was reported that David and Bessie were being written out of the show after they upset the producers by asking to be given a much lighter filming schedule in order that they could stay in the *Marylebone* cast while also pursuing lucrative acting work in the USA. David and Bessie have made their disappointment at this very clear in several, high-profile television interviews. Yesterday, David and Bessie announced, via an interview with tabloid newspaper *Sunday Sizzle*, a tell-all book about their time as members of the cast of *Marylebone*. Entitled *Night-Mary*, the book makes a number of controversial claims about events behind the scenes of the show. They also make an allegation that a leading member of the cast made a number of anti-Semitic comments aimed at Bessie, who is of Jewish heritage, implying that this individual will be named in their book.

This morning, the *Daily Dirt*, a rival tabloid, published a front page attacking "The ex-*Marylebone* Liars". The front page article attacks David as "vain and hypocritical", and claims that he has had a "secret nose-job". The newspaper has published two photographs of David in profile as proof of this. The first photograph is of David at the beginning of his acting career in 2007, and was originally released by the producers of *Marylebone* as a promotional image when he first appeared on the show. The second image, showing David as he is now, with an apparently differently-shaped nose, was taken at a recent charity event hosted by David and Bessie. This event was reported with an exclusive photoshoot by *Hiya Magazine*. It is believed that the photo the *Daily Dirt* has acquired was taken covertly by the brother of one of their journalists, who had been working as a member of the event catering team. The *Daily Dirt* further notes that David's public InstaSpace account is full of posts about "body positivity" featuring slogans such as "love yourself how you are!" and "Cosmetic surgery is abuse!"

In a separate article on their website, the *Daily Dirt* provides an interview with members of Bessie's estranged family, criticizing her relationship history and other aspects of her personal life. Bessie is labeled a "greeny wokey hypocrite who regularly flies by private jet". The paper includes the details of six private flights Bessie has taken within the last two months. This is claimed to be taken from "publicly available information", though the newspaper had to put in quite a lot of work in collecting information from various sources to tally Bessie's identity to specific flights, as there is not one, single publicly available database which records the details of all flights and persons thereon.

David and Bessie are angry at what they feel are unacceptable breaches of their privacy. During a meeting with their lawyers to discuss potential actions against the *Daily Dirt*, they receive notification that the producers of *Marylebone* are threatening to sue them both in order to prevent their book from being published, claiming that they are still subject to a confidentiality clause that formed part of their contract of employment as actors on the show. Advise David and Bessie as to how best to proceed.

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Question 2

Gary Suture is an obscure Professor of Contemporary and Dimensionally Relative Law at the University of Stepney, in East London. Recently, after an unremarkable and obscure career, Gary became an overnight celebrity after he was approached by an intern working at the National Broadcasting Organisation to provide an expert opinion on a controversy surrounding a private takeover of the Tweeter social media platform by notorious oligarch Douglas Reynholm. Gary's newfound fame has resulted in much media attention, not all of it positive. Last month, Gary appeared on the NBO's *Interrogation Time*, a current affairs panel discussion show on mainstream television, with a large prime-time audience. Gary, having prepared well in advance, dominated the panel with his criticisms of several government policies, particularly a proposal that all children at school must be taught advanced calculus until the age of eighteen. The following morning, the *Daily Snipe*, a newspaper which is a strong supporter of the Continuity Party currently in government, ran a story attacking Gary. Under the headline "Woke Leftist Buffoon is danger to our kids", the paper stated:

"Suture is a revolutionary leftist, seeking to destroy our country. He even called for the King to be assassinated in a recent lecture, a recording of which we have obtained. Like all these wokists, he is only interested in using education as a way to spread his poison to young and impressionable minds, the sort of kids who should be going into real jobs through apprenticeships, and not wasting time on these pointless university courses which are more indoctrination than they are "degrees"."

The version of this story published on the *SnipeOnline* website also adds a link to a video-clip of this lecture, in which Gary's voice can clearly be heard saying "The king should be assassinated." This is a clip taken from a much longer lecture, in which Gary discussed the limits of freedom of speech, using the example of an online group calling for a public figure to be assassinated. *Insider Detective*, a current affairs website which styles itself as "holding the media to account" last week ran a story pointing this out, as well as publishing what is claimed to be records from the University of Stepney website showing the lecture recording being accessed by an IP address associated with the *Daily Snipe*'s servers.

Last week, The *Daily Meteor*, another newspaper which takes a dim view of celebrity academics, published a critical profile of Gary, which included a "top ten stupid Suture sayings". Most of these are uncontroversial, save for one comment which refers to "rich foreign kids who think they can buy a degree", which the paper has highlighted under the caption "Gary Suture: Racist.". The article states that "at this time, neither Suture nor his representatives have issued any denial." Gary was contacted about the allegations via an email sent to his institutional email address at 5.40pm, before the paper went to print that same evening. At this time, Gary was at a meeting at another campus. The meeting finished late, at 7.15pm, and Gary went straight home without checking his email until the following morning.

Gary, who has been rather enjoying his newfound fame and hoping that he can turn it to his financial advantage in a manner which will allow him to be able to afford to retire one day, is not happy about these negative stories in the press. Immediately following the claims made in the *Daily Snipe* about his lecture last month, Gary was subjected to a particularly invasive security check at Heathrow Airport. Airport representatives insist that this was "a coincidence – the passenger was pulled over for a completely random check", however Gary claims that one of the security team conducting the search specifically said "This is how we treat wokey leftist scum who want to kill our King." This morning, the Principal of the University has told Gary that the University must distance itself from the media furore in order to protect its brand image, and Gary has been fired.

Gary wishes to sue the *Daily Snipe* and the *Daily Meteor* for ruining his reputation. Advise Gary.

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Question 3

'The Court of Appeal's decision in *Fenty v Arcadia* [2015] EWCA Civ 3 does nothing more and nothing less than offer final, conclusive evidence that English law allows those in the public eye to protect their image perfectly well, without any need to have recourse to incorporating into law a 'personality right'. Personality rights are just one more way in which the rich and famous can control how they are perceived; to include a general right in personality in English law is as unnecessary as it would be unwelcome.'

Critically discuss this statement, indicating whether or not you agree with the view being expressed.

End of Paper

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