



**MODULE CODE: SOLM216**

**MODULE TITLE: MEDIA LAW: REPUTATION MANAGEMENT**

**MODULE CONVENOR: GAVIN SUTTER**

**DATE OF FINAL ASSESSMENT: 16 – 17 MAY 2022**

**INSTRUCTIONS:**

- 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
- **You must answer any TWO of the THREE questions provided**
- **There is a word limit of 1500 words per answer**
- You have **24 hours** to answer these questions.
- Footnoting is not required; in-text citations to references will suffice
- Submit your answers via QMPlus no later than 09:59 am **UK time by 17 May 2022**
- Indicate on the attachment the numbers of the questions you have chosen to answer.
- If you have any questions concerning the exam paper, you may contact Mr Gavin Sutter at: [g.sutter@qmul.ac.uk](mailto:g.sutter@qmul.ac.uk)  
(NOTE: the module convenor will be available for questions only for the first half an hour from the release of the paper)

**Question 1**

Tony Clifton, a long-established, comedy lounge-singer act, was last year interviewed on a chat-show alongside Bufton Tufton, MP for Walmington on Sea, and member of the Establishment Party. The two took an instant dislike to each other, and began a social media feud. Some weeks later, Tufton left the Establishment Party over an internal dispute, and instead joined the Reactionary Party group in Parliament. In order to make a statement, and believing it to be an easy win as he had held the seat since 1997, never receiving less than seventy percent of votes cast, Tufton chose to call a by-election to ask for his electorate's endorsement of his change in allegiances. Clifton at once declared that he was going to stand for election against Tufton. Initially, Tufton brushed this off as a poor taste joke, accusing Clifton of being "a novelty act, mocking democracy." Very quickly, however, Clifton's campaign began to gain momentum, especially with younger voters and those fed up with Tufton's support for a new, edge of town shopping development which he claimed would "Bring jobs and prosperity", but which very quickly proved to be hurting local businesses within Walmington on Sea.

With one week to the vote, private polls were suggesting that Tony Clifton was on course to pull off a shock victory. At this point, the *Walmington Wailer* newspaper, a long-time supporter of Bufton Tufton, chose to run an attack piece on "The charlatan Tony Clifton: Who is he really?" This front-page article reveals that Tony Clifton is not a real person, but rather a character act by local comedian Latka Gravas. While Tony Clifton is loud, confident and abrasive, Latka is said to be a quiet, softly-spoken individual, who "mostly keeps himself to himself". The article criticizes Latka for "being dishonest about who he really is" when running for election, further attacking him for "trying to make a joke of democracy". Alongside the text of the article, there are a number of photos of Latka's house in an expensive and exclusive area of Walmington on Sea. Tony Clifton claims to be from the "Walmington Shoreline", a notably working class part of town. Whereas Clifton makes much of claiming to be working class, Latka had a comfortable, middle-class childhood and went to private school. There are photographs of Latka starring as Hamlet in a school production during his A-level year, which appear to have been reproduced from another local newspaper. Also included are a series of photographs of Latka in a supermarket with his wife and young son. The child's face is pixelated out of the photograph, but Latka and his wife are clearly visible.

The *Walmington Wailer* article caused something of a stir, bringing national attention to an otherwise ignored by-election. Yesterday morning, the day after polling day, it was announced that Tufton Bufton had managed to retain the seat, though only by a narrow margin of one percent of votes on a greatly increased turnout. Several local television channels carried Bufton's victory speech in which he made scathing criticisms of all his opponents, especially Latka Gravas. The *Daily Sizzle* this morning published the first part of a serialised interview with Simka Dahblitz, an ex-girlfriend of Latka's. This first part tells Simka's story about how she was with Latka when he first created the character of Tony Clifton, and how he used extensive prosthetics to give Tony

his characteristic appearance, which is very different from Latka's own. The article closes with a promise of "further revelations to come!"

Latka is an intensely private individual. He has never appeared in public as himself, only the Tony Clifton character, and takes great care at all his public appearances to arrive and leave as Tony. The photos published in the *Wilmington Wailer* article are the first time that photos of him as himself have been associated with Tony Clifton. His wife and child have never been seen at any of his shows, and have always lived privately. Latka is furious that his privacy has been invaded in this way, and wants to bring a court action against both newspapers. He is further concerned about what other revelations may come out in the promised, future *Daily Sizzle* articles. The Tony Clifton person was originally invented as a joke when he was still with Simka, and she had complained that Latka was insufficiently dominant in the bedroom. Latka does not want this coming out as this is not something he has told his now wife. He is also aware that Simka may have retained digital photographs of these encounters, and he is concerned that she will allow them to be published, embarrassing him and damaging his long-term relationship with his family. He is also worried that Simka will reveal other kinks that he enjoyed during their relationship, such as being made by her to wear a dog collar and lead while she dressed up in a replica of the 1930s British Union of Fascists uniform and shouted verbal abuse at him. Latka believes that Simka may also have video footage, as well as a series of love letters he wrote to her during their relationship, in which he outlined these fantasies and suggested a script for her to 'perform'.

Advise Latka as to what course of action he should pursue in order to address his privacy concerns.

## Question 2

The Defamation Act 2013 was designed to bring English libel law into the internet era. Discuss whether or not you consider it to have succeeded.

**Question 3**

*Television Revolution* is a popular documentary series available in the UK on several streaming platforms and broadcast channels. Each episode looks at the creation and making of a famous television show, with extensive interviews with the writers and performers involved in making it. The show has also made something of a star of a previously unknown academic, one Gary Suture, Professor of Media Law and Content Regulation at London's University of Stepney. Gary has caused great amusement to viewers of *Television Revolution* ever since he appeared in the first episode, which recounted the history of a young people's soap opera called *Jollyfolks*. Gary is a middle-aged man who dresses in a style reminiscent of a schoolmaster in the 1940s, very much opposite to the *Jollyfolks* target audience, and yet when he is interviewed for *Television Revolution* it becomes clear that not only can he speak authoritatively on the media significance of *Jollyfolks*, but he is also a very big fan. The positive reaction to Gary's appearance on *Television Revolution* has since seen him interviewed for several further episodes. Gary has long made video-casts on WeTube.com in which he discusses media law history and development, but the exposure on *Television Revolution* has significantly increased his online audience and Gary is on the verge of a new career in the media.

*Television Revolution's* two main hosts, Mimi Chien and Greta Feline, have also become cult pop-culture figures as a result of the show. Unfortunately, while the second series is being broadcast, rumours emerge that Greta has refused to be involved in a third series because she is jealous that Mimi has been getting more fanmail and has many more followers on social media than she does. As these rumours emerge in the press, fans of the show begin identifying themselves as being either 'Team Mimi' or 'Team Greta'.

Around the time of Mimi and Greta's falling out, the following events occur:

- A meme appears on social media, using a picture of Gary taken by an independent photographer as Gary was leaving the recording studio at the end of a long day of filming. In the picture, Gary looks confused and bleary-eyed. The meme adds to this picture the caption "Me watching *Jollyfolks*", an ironic comment on the simplistic plotlines of the soap opera, though the meme quickly gets adapted and used in relation to many different television shows both ironically (suggesting some shows are overly simplistic) and sincerely (suggesting other shows are indeed overly complex). After several months of the meme being popular, website [Inindumentisvero.com](http://Inindumentisvero.com), which has purchased the copyright in the original photograph, begins selling a t-shirt with the photo on it, the meme's caption being changed to "Me watching YOU!". This t-shirt, under the product name GaryMeme Shirt, is on sale at £19.99 plus shipping. It proves to be popular, selling close to 100,000 units during the first six weeks of release.
- Following the release of a publicity photograph for series three of *Television Revolution* which features only Gary and Mimi, no Greta, FashionFirst, a

popular clothing retail chain, release for sale a t-shirt bearing the slogan “#TeamGreta” in bright red on a plain black background.

- Punk band MAD Cretinz recently released a download MP3 single entitled “Mimi B Goode”, a parody of an old Chuck Berry song with re-written lyrics. The digital artwork, downloadable with each copy of the mp3 sold, features a photo of Mimi posing with an electric guitar. This photograph was an outtake from an independent photoshoot Mimi did for her portfolio when she was seeking work as an actress ten years ago. The photographer retained the copyright in this shot, but has since sold it to MAD Cretinz’ record label. The record label have also pressed five hundred limited edition copies of this single on 7” vinyl, ready to go on sale next month. The artwork for this physical version is the same, with the addition of text at the bottom which reads “Not Official Television Revolution Merchandise!”

Gary, Mimi and Greta are all unhappy about these developments. Gary is not happy about the T-shirt featuring his image as he feels that it diminishes his standing as a serious academic. Greta, who in reality never left the show, her supposed feud with Mimi being a publicity stunt they were both involved in, is upset because she has been told that with the #TeamGreta t-shirt having been such a big seller, the production company behind *Television Revolution* have decided against printing and selling their own Greta-themed t-shirts as they are worried the market for these has already become saturated. Greta is bitterly disappointed by this as she has always viewed being featured on official merchandise as a mark of success in the media industry. Mimi is equally unhappy about the use of her image by MAD Cretinz, without her permission. All three decide to take legal action against these unofficial products.

Advise each as to their likely chances of success before the English courts.

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