

SCHOOL OF LAW 2023-2024: LLM MODULE SYLLABUS

Teaching in A23 and B23 is in two 5 week blocks with study week between them.

30 credits are taught within a single semester (10 weeks) 15 credits: Semester
A23– Blocks A **or** B (5 weeks) / Semester B23 - Blocks C **or** D (5 weeks)

Study Week falls within the two
blocks (limited teaching/events/tutorials etc.)

Semester C23 – 5 week block only (15 credits only)

Module Code:	SOLM216
Module Title:	Media Law: Reputation Management
Number of Credits	15
Semester and Block Taught:	Semester: 2 Block: D
Module Convenor:	<i>Name: Gavin Sutter</i> g.sutter@qmul.ac.uk <i>LIF2.4 Office Hours by appointment</i>
Assessment:	On Campus Exam (TBC)
Assessment period:	See Module Description Book
Time and/or venue of taught classes:	See teaching timetable
Additional Module Information:	

Teaching Team and Contact Details

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Module Overview

Media Law: Reputation Management covers the key areas of law used by those who seek to build and protect a media 'brand' for commercial gain. Several key areas of law can affect how an individual is perceived in the public eye, not least information about that individual's private life. Are they a hypocrite? Is the image they seek to cast public radically different than who they really are behind the proverbial closed doors? Does the public have a right to know about their private behaviour? Beyond whether an individual is permitted to control whether information about their private life becomes public knowledge, there is also the question of how to respond to untrue stories published about an individual. This is where libel law can offer some assistance. Whereas laws used to protect both privacy and reputation are to some extent inevitably re-active, intellectual property laws are increasingly being used internationally in highly creative ways to help craft the image that many in the public eye wish to maintain, and to control both its value and who may benefit economically therefrom. This can vary from the purchase of the copyright in an embarrassing photo in order to try to prevent its publication, the use of trade mark law to grant a level of common law 'goodwill' in the ownership of one's image, to, in some jurisdictions, an all-out right in personality.

The module will open with a detailed consideration of the developing area of privacy. While traditionally English law has not offered direct protection for privacy, a wide range of laws have been used in effect to prevent or at least compensate individuals aggrieved by private elements of their lives being published to the masses. Sometimes this has simply been about the privacy of an individual, while in other circumstances it has been about the protection of a direct commercial relationship (such as that between the Douglases and OK Magazine in *Douglas v Hello*). The development of the tort of Misuse of Private Information, a result of the application of the Human Rights Act 1998, has arguably created a de facto common law privacy protection which continues to explore new nuances at the discretion of the courts. In the last several years, the courts have increasingly begun to raise data protection law in the privacy context, with regards to the publication of private information which is clearly "personal data" and such innovations as the GDPR's 'right to be forgotten'. The continued existence of the tabloid press, the fallout from the phone-hacking scandal, and the apparently unending appetite on the part of the general public for 'celebrity' gossip indicates that this is an area of law which will continue to see development for some time to come.

The second aspect of law which the module will look at is libel law, and how that protects the public image of an individual (or, indeed, an entity with legal personhood). Whereas perhaps three decades ago the law in this area seemed well settled, the challenges of the internet combined with much of the Defamation Act 2013 remaining to be refined through interpretation by the courts makes this an important and ongoing focus for study by the commercial media lawyer.

The final area of law to be covered in this module focuses on intellectual property in a media context, in particular the use of IP in personality rights and, more broadly, as a means of controlling an individual's brand. As of yet, English law does not recognise personality rights, instead protecting only those who choose to actively merchandise themselves via a form of passing off ('false endorsement'). The course will open up the debate on this issue and consider the potential for this to be expanded, as well as other ways in which IP may be used to protect personal reputation (or not - see, for instance, the application of *Hubbard v Vosper* in this regard).

Module Weekly Syllabus

Week 7:	Privacy & Confidentiality: Part I Dr Robin Callender Smith
Week 8:	Privacy & Confidentiality: Part II Dr Robin Callender Smith
Week 9:	Libel Law I: Bringing the Libel Action
Week 10:	Libel Law II: Defending the Libel Action
Week 11:	Personality Rights & the protection of image via Intellectual Property

Reading List

Harrison [2022] *McNae's Essential Law for Journalists* (26th Edition), OUP

Various articles from relevant journals, including *Entertainment Law Review*, *Journal of Media Law*.

Students will be given a detailed reading list for each session, clearly delineated between core and further reading so that they are clear exactly which pieces will be discussed in depth during class.