
LONDON LEGAL TRAINING

PRESENTS

**PRIVACY - SUPER INJUNCTIONS - PHONE HACKING
- THE PRESS COMPLAINTS COMMISSION**
The Seventh Annual Media, Entertainment
And Intellectual Property Law Conference

Thursday 29 March 2012

The Kingsway Hall Hotel, 66 Great Queen Street,
Covent Garden, London, WC2B 5BX
from 9.30 a.m. - 5.30 p.m.

6 HOURS CPD - LAW SOCIETY AND BAR STANDARDS BOARD ACCREDITED

LUNCH AND REFRESHMENTS FOR DELEGATES INCLUDED IN THE CONFERENCE FEE

See Booking Form for early booking discount

Conference Chairman - Professor Robert Pinker CBE
- International Consultant At The UK Press Complaints Commission

Conference Contents

**In Addition To The Speaker Presentations There Will Be A One Hour
Speaker Panel Session**

Privacy Law - A Summary

Speaker - Robert Deacon - 11 Stone Buildings

This presentation will examine the current principles governing applications for interim injunctions to restrain the publication of private information. The focus will be on how the balance is struck between the right to a private life and the right to freedom of expression (Articles 8 and 10 of the European Convention on Human Rights). Reference will be made to the distinction drawn between the types of information which it is legitimate to disclose in the public interest and the types of salacious detail which it is not always legitimate to disclose. Consideration will be given to recent decisions where this distinction has been drawn.

Mosley v United Kingdom will be looked at particularly with regard to the degree of latitude given to the press to publish private (and very intimate) aspects of individuals' lives ostensibly "in the public interest". The types of information that genuinely contribute to debate on matters of general public interest will be contrasted with the sort of information with little, if any, element of public interest. The chilling effect of any pre-notification requirement will also be considered.

The case where the right of freedom of expression prevailed over the England Football captain's right to privacy in respect of details of his relationship and communications with a woman (Rio Ferdinand v MGN Ltd) will be analysed. Consideration will be given to the precise types of information which were under consideration in that case and why they were not protected from disclosure. The extent to which individual hypocrisy (projection of false personal image) should undermine the right to privacy in respect of particular types of information will be considered and debated. There will also be debate over the extent to which the private lives of prominent individuals (particularly in the world of sport) are deserving of protection from press intrusion.

The Government's Proposed Libel Reforms ? A Change For The Better?

Speakers - Professor Alastair Mullis - University of East Anglia and Dr. Andrew Scott - LSE

The coalition government has pledged to reform our libel laws, with a revised draft bill pledged to be published in May 2012. Will the reforms make things better or worse? This presentation will deal with the following:

- The 'serious and substantial harm' test: does it set the bar too high?
- Statutory Reynolds qualified privilege.
- Protecting academic and scientific debate.
- Corporate libel claims.
- Missed opportunities? Eg cheaper alternatives to High Court litigation; should a claimant be able to sue for a declaration of falsity?

Press Regulation And The Leveson Inquiry

Speaker - Professor Robert Pinker CBE - Press Complaints Commission

This presentation will deal with some of the key issues that are likely to be reviewed during the course of the Leveson Inquiry. The issues on which the PCC is currently focussing include the effectiveness of its current range of sanctions; the scope of its jurisdiction in a rapidly changing media world; its current funding arrangements; the composition of the Editors' Code of Practice Committee and the Commission itself; and whether or not the membership of newspaper and magazine publishers should be legally enforced.

Privacy Injunctions ? A Vanishing Species?

Speaker - Justin Rushbrooke - 5 Raymond Buildings

Few, if any privacy injunctions have been granted since July 2011. This presentation will consider the impact of recent developments in this field on the procedure for and practical wisdom of applying for privacy injunctions and will deal with:

- The impact of recent case-law, in particular the decisions of the Court of Appeal in *Hutcheson v News Group Newspapers* [2011] EWCA Civ 808 and *Donald v Ntuli* [2011] 1 WLR 294.
- The impact of the Master of the Rolls' Practice Guidance: Interim Non-Disclosure Orders, in particular the requirement to notify third parties in advance of an application.
- The Twitter effect: can anything be done about it?
- Super-injunctions and 'contra mundum' injunctions: what are they and when can you get them?
- Settling the case after you've got an injunction: can you bind third parties with a final injunction?

Why The Legal Profession Should Leave The Press Alone

Speaker - Clive Wolman - 11 Stone Buildings

This presentation will deal with the following:

- The evolving culture and ethos of the British press and the strained journalist-lawyer relationship.
- The legal restraints on phone-hacking - how and why News International got it wrong.
- The legal restraints on payments by journalists to the police and investigatory authorities - and when they should be relaxed or ignored.
- The drawbacks and flaws of the current privacy law, and of any privacy law.

Conference Speakers

Robert Deacon - 11 Stone Buildings

Robert Deacon has broad experience in chancery, commercial and business related litigation with specialist knowledge in IP, media and entertainment. Primarily known as a litigator he has undertaken many heavily contested often high profile trials and devoted a substantial part of his practice to specialist advice work. His IP practice ranges from trademarks to copyright, patents and design right work. He worked on the libel team for the Times and Sunday Times newspapers in the early eighties and currently has a substantial defamation practice which includes the growing area of privacy. He lectures widely on contemporary privacy issues, including in relation to super-injunctions and anonymity. His practice has included working for various high-profile and well known sports and music personalities. He is co author of the major text book entitled: "Privacy and Personality Rights " (with Nigel Lipton and Professor Robert Pinker) (published by Jordans in 2010).

Professor Alastair Mullis - University of East Anglia

Alastair Mullis is a graduate of King's College London (1984) and Downing College Cambridge (1985). He currently holds a chair in law (and is Dean) at the UEA Law School, University of East Anglia. He also is the holder of visiting Chairs in Germany and Thailand. His main research and teaching interests lie in the areas of the law of defamation, international commercial law and torts. He has published widely in these areas and is currently the general editor of the new edition of Carter-Ruck on Libel and Privacy.

Professor Robert Pinker CBE - Press Complaints Commission

Professor Robert Pinker served as a member of the UK Press Complaints Commission from 1991 to 2004, as its Privacy Commissioner from 1994 to 2004, and as its Acting Chairman from 2002 to 2003. He currently serves as its International Consultant. He also served for three years as International Chairman of the Press Council of Bosnia-Herzegovina. His previous experience in the field of self-regulation includes Council membership of the Advertising Standards Authority from 1988 to 1995 and the Direct Mail Services Standards Board/Accreditation Centre from 1995 to 1998.

In his academic career, he has held Professorial appointments at Goldsmiths College, Chelsea College and the London School of Economics. During his tenure at the London School of Economics he served as Pro-Director of the School from 1985 to 1988, and as Pro-Vice-Chancellor for Social Sciences of the University of London from 1989 to 1990. In 1996 he was appointed Emeritus Professor of Social Administration at the LSE. His academic publications include Social Theory and Social Policy, 1971; The Idea of Welfare, 1979 and Social Work in an Enterprise Society, 1990. More recently he has published various articles on social policy issues and press self-regulation and is co author of the major text book entitled: Privacy and Personality Rights (co-authored with Robert Deacon and Nigel Lipton) (published by Jordans in 2010).

He was elected an Honorary Fellow of Goldsmiths College in 1999, a Fellow of the Society of Editors in 2004 and appointed CBE in the New Year's Honours List 2004.

Justin Rushbrooke - 5 Raymond Buildings

Justin Rushbrooke is a barrister specialising in defamation, media and entertainment law at the media law chambers 5 Raymond Buildings, Gray's Inn. He was called to the Bar in 1993. He has been involved in many of the leading libel and privacy cases over the years, including *Jameel v Wall Street Journal*, *Polanski v Condé Nast* and *Burstein v Times Newspapers Ltd*. He was junior counsel for the successful claimant in the recent privacy appeal in *Ambrosiadou v Coward* [2011] EMLR 21, and for the claimant in *OPQ v BJM* [2011] EMLR 23, where a 'contra mundum' privacy injunction was recently granted by Mr Justice Eady.

Dr Andrew Scott - London School of Economics

Andrew Scott is a graduate of Queen's University, Belfast (LLB Hons, MPhil) and the University of Wales (PhD). He held a senior lectureship at Norwich Law School, UEA before taking up a post at the LSE in 2006. His research interests lie in the fields of media law and regulation, constitutional law and competition law, and he has a particular interest in libel and privacy law. He is a co-author of the new edition of Carter-Ruck on Libel and Privacy.

Clive Wolman - 11 Stone Buildings

After graduating from Oxford, Clive Wolman worked as a financial journalist. He was employed by the Financial Times as its personal finance editor and then securities and investment banking correspondent for seven years. He then served for six years as City Editor of The Mail on Sunday, in charge of the Financial Mail on Sunday. Thereafter he founded and edited the Financial News, a weekly newspaper covering the City's investment banking industry, which was later sold to Dow Jones and Dice, another US quoted company, for £80m in 2006-7. He changed careers to become a barrister in 2003. His chambers are at 11 Stone Buildings in Lincoln's Inn and his practice covers media law, insolvency and financial services.

Conference Timings.

Registration for the conference will be between 9.30 - 9.45 a.m. The conference will commence at 9.45 a.m. and will last until 5.30p.m. The conference presentation will last for 6 hours. In addition, there will be one break for tea/coffee in the morning, a lunch break, and one break for tea/coffee in the afternoon. Refreshments and lunch are included in the conference fee.

The Conference Objectives.

The conference is aimed at media, entertainment and intellectual property lawyers, newspaper/magazine editorial personnel and journalists, radio/television broadcasters and presenters, and all other executives who work in the media, entertainment, intellectual property or internet field. The objective of the conference is to examine in detail the most important and topical legal issues which are of concern to those with an interest in media, entertainment and intellectual property law.

TERMS AND CONDITIONS.

1. Payment of the conference fee is due with the booking form.
2. A booked place is transferable between individuals at any time before the conference provided written notice is given to London Legal Training ("LLT") of the name and address of the delegate who was to have attended the conference and the name and address of the delegate who will be attending instead.
3. Written notice must be given to LLT if a delegate wishes to cancel the booking. A refund less a 20% administration fee will be made if notice of cancellation is received by LLT in writing by 5.30 p.m. on Thursday 15 March 2012. After this date no refunds will be made. A substitute delegate may attend at no extra charge provided written notice is given to LLT of the name and address of the delegate who was to have attended the conference and the name and address of the delegate who will be attending instead.
4. LLT reserves the right to cancel the conference and will in such an event make a full refund of any booking fee. No liability is assumed by LLT or the proprietor of LLT, N. C. Lipton, for changes in the programme date, content, speaker(s) and venue.
5. Conference material will be handed out on the day of the conference.
6. The speakers at the conference are not authorized to advise on specific client related matters under any circumstances. Any comments made by the speaker(s) which may relate to client matters are expressions of his/their opinion or suggestions only and must not be construed or relied upon as advice.
7. The material for the conference has been designed as an integral part of the presentation(s) by the speaker(s) solely for the benefit of delegates attending the conference. The material does not necessarily stand on its own and is not intended to be relied upon for giving specific advice. To the extent permitted by law, neither LLT nor the proprietor of LLT, N. C. Lipton, nor the speaker(s) at the conference will be liable by reason of breach of contract, negligence or otherwise for any loss or consequential loss occasioned to any person acting omitting to act or refraining from acting in reliance upon the conference material or presentation of the conference or, except to the extent that any such loss does not exceed the price of the conference, arising from or connected with any error or omission in the conference material or presentation of the conference. Consequential loss means any loss of anticipated profits, damage to reputation or goodwill, loss of expected future business, damages, costs or expenses payable to any third party or any other indirect losses.
8. No part of the conference material may be reproduced in any form without the prior written permission of LLT.
9. Audio and audio visual recording is not permitted at the conference.
10. Delegates attend the conference at their own risk. Neither LLT nor the proprietor of LLT, N. C. Lipton nor the speaker(s) at the conference accept responsibility or liability for any injury, illness or otherwise which may be attributable to the facilities or services provided at the conference venue.

London Legal Training can be contacted at: 9 Cygnet Close, Northwood, Middlesex, HA6 2SX, or telephone 01923 840586 or email nigel@londonlegaltraining.co.uk
www.londonlegaltraining.co.uk

BOOKING FORM.

PLEASE PRINT YOUR DETAILS. PLEASE PHOTOCOPY THIS BOOKING FORM FOR ADDITIONAL DELEGATES.

Conference Title: **PRIVACY - SUPER INJUNCTIONS - PHONE HACKING - THE PRESS COMPLAINTS COMMISSION - THURSDAY 29 MARCH 2012**

The Seventh Annual Media, Entertainment And Intellectual Property Law Conference

DELEGATE NAME: _____

POSITION: _____

FIRM'S NAME AND ADDRESS: _____

DX NUMBER: _____ E-MAIL: _____ TELEPHONE: _____ FAX: _____

DIETARY REQUIREMENTS: _____

Please enclose a cheque for £325.00 per delegate, or a cheque for £295.00 per delegate if booking by Thursday 22 March 2012, for the conference payable to **LONDON LEGAL TRAINING** and send it with this booking form to: **LONDON LEGAL TRAINING, 9 CYGNET CLOSE, NORTHWOOD, MIDDLESEX, HA6 2SX.**

Discounts available for multiple bookings. Please telephone for details.

Please note that London Legal Training is not registered for VAT. The conference fee does not include any VAT nor is VAT payable in addition to the £325.00 or £295.00 per delegate conference fee.

If you are unable to attend the conference but would like the conference documentation please send a cheque for £125.00 (no VAT) for each set of documentation required to London Legal Training together with your name and address. The documentation will be sent out shortly after the conference.

Occasionally London Legal Training's mailing list will be made available for its' own and other appropriate organizations' mailings. Please tick here if you do not want to receive such material.