

Research, analysis and opinion on international media law

TikTok in court over US ban it calls “unconstitutional”



US government sues TikTok following escalation that could ban social media used by almost half of Americans

The US government has filed a lawsuit against TikTok, accusing the social media platform of violating a law intended to protect children's privacy online.

The case went to federal court on 16 September where TikTok disputed the claims and said it was proud of its efforts to protect children, which include default screen-time limits and privacy guards for minors.

“We disagree with these allegations, many of which relate to past events and practices that are factually inaccurate or have been addressed,” Alex Haurek, a spokesman for TikTok, commented in a statement.

US-based TikTok and its Chinese parent company, ByteDance, have been subject to an escalation of scrutiny on account of the platform's ties to China.

US lawmakers and intelligence officials pushed a law, signed by President Biden in April, that requires ByteDance to either sell the platform to a non-Chinese owner by the 19 January 2025, or face a ban.

TikTok sued to block the law in May, stating that there are less restrictive ways to address security concerns. It argued that the potential ban would amount to a “radical departure” from the US supporting an open internet, ➤

Australia's landmark law to protect against digital defamation

Australia has introduced a landmark privacy law to address digital challenges and enhance privacy rights.

The Privacy and Other Legislation Amendment Bill 2024 is part of reforms relating to the publication of content across digital platforms.

The national regulation came into force on 01 July in New South Wales and the Australian Capital Territory - the first two jurisdictions in Australia to adopt the law that modernises defamation law for the digital age.

Commenting on the legislation, Attorney General Michael Daley said: “The previous defamation laws were passed at a time when the sort of digital access we now enjoy could not have been imagined by most of us.”

Mr Daley added: “It is essential our laws reflect the world in which we live, and these changes aim to address the challenges posed by the rapid spread of defamatory information online and clarify the legislation for complainants and publishers.”

The law establishes a simple process by which a person can submit a complaint to a digital intermediary, which must remove content from its platform within seven days.

Mr Daley also explained: “It was crucial, too, that freedom of speech was protected. This is a basic tenet of open democracy such as the one we enjoy in Australia and allows for the exchange of ideas and opinions.”

“However, it must be balanced with the right to protect one's reputation and people must also be able to seek redress if they believe theirs has been unjustly damaged.” ■

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Havas Media expands with acquisition of UK-based global digital data agency DMPG

Havas Media Network has announced its acquisition of DMPG, a global digital data agency based in the UK.

The deal, made public on 10 September, strengthens Havas' global data and tech capabilities. The acquisition is part of measures to accelerate a global strategy to deliver more effective omni-channel marketing solutions to its clients.

Founded eleven years ago, DMPG will join Havas under its data, tech and analytics consultancy, CSA Network.

The addition of DMPG to the CSA Network portfolio is the latest in data and tech-focussed investments for Havas. In 2023, the company

announced an expanded partnership with Adobe to enable effective use of Adobe generative AI by all of its agencies.

In 2021, Havas acquired Search Laboratory, a data-driven digital agency and Google Marketing Platform Reseller.

Darren Todhunter, Chief Financial Officer of Havas Media UK, commented: "Lewis Silkin's extensive expertise in the advertising and marketing sector made them the perfect legal partner for this acquisition. Their deep understanding of the industry, coupled with their strategic insight into complex corporate

transactions, ensured a smooth process from start to finish." ■

Vietnam's Beta Media launches USD200m JV with Japan's Aeon

Vietnam's Beta Media and Japan's Aeon Entertainment have agreed a joint venture that will invest USD200 million (VND5tn) into 50 premium cinema complexes in Vietnam.

The joint venture will also enter film production and distribution, setting in motion growth for the local film industry.

The first cinema complex under the Aeon Beta Cinema brand is expected to open in 2025, with 50 complexes to be built across Vietnam in the same year. All cinemas will deploy "a modern style harmonizing with the traditional values of Vietnam and Japan".

Established in 2013, AEON Entertainment is Japan's largest cinema chain by number of cinemas and screens, with 96 cinemas and 821 screens.

Vietnamese entrepreneur Minh Bui's Beta Cinemas chain has introduced a new concept of affordable but trendy cinemas in a fast-growing market.

Speaking about the deal, Mr Bui said: "This joint venture is the fruitful result of shared vision, aspirations, and core values to bring new experiences and sustainable values to the community." He added: "The combination of Aeon Entertainment, with their strong capabilities and extensive experience in the film industry, and Beta Media, with their local insights and innovative capabilities, will create groundbreaking development opportunities for both sides."

Beta will continue to operate its existing cinema chain as a separate brand intended for mass market consumers. ■

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and would set a "dangerous precedent."

In a July filing, the Justice Department stated that the concern "is grounded in the actions ByteDance and TikTok have already taken overseas, and in the PRC's malign activities in the United States that, while not reliant on ByteDance and TikTok to date, demonstrate its capability and intent to engage in malign foreign influence and theft of sensitive data."

TikTok has argued that the government's national security concerns are "speculative" and do not justify violating user rights to free speech. It added that a sale is not legally, commercially or technically feasible by the deadline set by the law.

During the hearing on 16 September, a panel of federal judges heard arguments from both parties in a case that decides TikTok's future and that of its 170 million US users. ■

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Lawyers asked judges for a decision in December, before the ban takes effect.

The lawsuit, filed with the Federal Trade Commission in California, is the result of a lengthy Federal Trade Commission investigation into TikTok's practices with minors. The complaint stated that millions of TikTok's US users were under the age of 13, citing research from an internal analysis conducted by the social media company. ■

MLI's Fourth Annual Global Conference Galicia Law Firm Session Summary



Galicia

Raúl Campos, Director, Writer and Co-CEO, The Original Content Society

Ana Cecilia Giorgana, Corporate Counsel, Google

Xavier Careaga, Counsel, Galicia Law firm

Felix de Valdivia, Director, Writer and Co-CEO, The Original Content Society

The New Frontier: The Use of AI in the Audiovisual Content

AI is quickly modifying and affecting our world in many ways. Panel members explored the way in which AI is changing the film industry as well as its legal and ethical boundaries.

Despite being a hot topic, AI has generated more questions than answers. There are some initial regulations that the tech industry is looking to for guidance as it continues to develop AI with great care. Contrary to the case with prior tech, users are given a creative tool with few boundaries, which is interesting but also scary.

In the entertainment industry, AI is changing the paradigm of how it works and how resources, including time, are managed. It provides many artistic and economic opportunities across multiple segments within the media industry, and outside of it. Amid this disruption, a central question arises. Is it a creative tool or a creator's tool?

Although the entertainment industry has been affected by a number of disruptive technologies in the past, AI is generating a set of questions that the market is grappling with. During the AGC4 session, panel members discussed legal and ethical questions that are challenging industry participants, including the question of AI parameters, input and output, privacy and copyright, as well as deepfakes.

MLI's Fourth Annual Global Conference

Dentons Panel Session Summary



DENTONS

Online safety has never been more topical, with regulators and providers worldwide working to adapt to a stream of new laws. Dentons lawyers highlight approaches taken by Ireland, Australia and the US, difficulties encountered and the marked contrast of traditional approach to broadcasting regulation.



Top Left:
Karyn Harty, Head of Litigation, Ireland

Top Right:
Lesley Caplin, Of Counsel, Ireland

Bottom Left:
Stephanie Abrutyn, Counsel, US

Bottom Right:
Sylvia Alcarraz, Managing Associate,
Australia

Online Safety Regulations: Challenges in Ireland, Australia, the US and Beyond

Leading lawyers at Dentons had a lively discussion about the approach in Ireland, the US and Australia to the challenges arising in the area of online safety. Karyn Harty opened the discussion by noting that online safety has never been more topical, with regulators and providers across the globe working to adapt to a stream of new laws.

Panel members spoke about the difficulties encountered on a national and global scale, and the marked contrast between the traditional approach to broadcasting regulation. The truly global perspectives of the international panelists provided an opportunity to really tap into what is happening on the ground in each jurisdiction represented.

Sylvia Alcarraz spoke about Australia having the world's first government-appointed role dedicated to promoting online safety and addressing issues related to digital technology and the internet. She explained the genesis and mandate of Australia's eSafety Commissioner and talked through a recent high-profile case that the Commissioner took against X, which is no longer being pursued.

Lesley Caplin spoke about Ireland's relatively new Media Commission and the challenges for multinational companies as well as other entities dealing with differing regulations across borders. Stephanie Abrutyn explained how the overlay of the First Amendment to the US Constitution creates an entirely different starting point for examining these issues and described the different routes being taken in claims seeking to establish causes of action for breaches of online safety in the US.

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