

French government passes landmark law on hate speech



Social media networks will have 24 hours to remove “obviously hateful” content or face fines up to EUR1.25bn

French MPs have passed a landmark law to address online hate speech that requires social media networks to remove offensive content within 24 hours, a law modeled on German legislation that took effect last year.

The new law was passed on 09 July and requires social media companies to create a new button to enable users to report abuse.

Sites that do not comply with the law could be fined up to EUR1.25 million. The legislation will be examined by the senate and is subject to amendment. The bill could be fast-tracked to become effective in autumn.

Online platforms have been criticised by governments for not doing enough to address hateful and violent content, leading to calls for tougher regulation.

Laetitia Avia, the MP who drafted the bill, said: “We must ensure the safety and protection of people online, especially the most vulnerable.”

Ms Avia told parliament in the same week that she receives so many racist insults on Twitter that she once thought an abuse-free day was due to a technical problem, highlighting the needs to address the →

New Zealand’s interactive media to reach NZD1bn

New Zealand’s interactive media industry is worth NZD million and is one of the fastest growing segments of the country’s digital economy, according to a new report published on 19 August.

The Ministry of Business, Innovation and Employment and NZTech supported the New Zealand Game Developers Association in developing the report, *Interactive Aotearoa – Driving growth and wellbeing through interactive media*.

Findings show that the sector has grown by 39% annually over the past six years, creating a \$143 million industry.

Phil Twyford, Economic Development Minister, said: “The opportunities in interactive media are significant and our Government wants to see the sector continue to strengthen and grow.”

“Whether it’s through game development, digital story-telling, augmented reality, education technology or health applications, interactive media is one of the fastest growing parts of the digital economy both here and around the world.”

Cassandra Gray, chairperson of the New Zealand Game Developers Association explained that interactive media combines the technology sector and creative industries, which are two of the countries strengths.

She commented: “Our aspirational, yet achievable, goal is to see New Zealand become a billion-dollar exporter of interactive media, sitting alongside our successful film and software sectors. We’ve made a strong start, but our sector is still young and growing.” ■

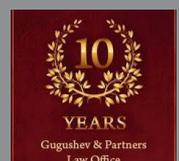
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UMNO sells 11.09% share in Media Prima to Malaysian business tycoon Syed Mokhtar

Political party United Malays National Organisation (UMNO) has sold its 11.09% share in Media Prima Bhd Malaysia's largest media group, to business tycoon Syed Mokhtar Albukhary, according to national reports published on 03 July.

The deals makes Mr Albukhary the third-largest shareholder in Media Prima. The politically-connected billionaire already owns equity interest in Malay-language newspaper Utusan Melayu Bhd and The Malaysian Reserve, a business news and information outlet.

The sales leave UMNO with a remaining 7.96 share in Media Prima, held through

Altima Inc, National reports state that UMNO intends to sell the party's remaining shares.

Media Prima's business interests include control of six terrestrial television channels, four radio stations and three newspapers. It also own digital assets acquired following its acquisition of Rev Asia.

According to Malay Mail, UMNO's sale of shares in Media Prima was intended to ensure the party's financial viability, as part of its restructuring following the review of its investment portfolios to generate funds.

The deal allows Mr Albukhary to consolidate Media Prima with his other media business interest and expand nationally. ■

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← issue of "obviously hateful" content.

Critics say the law places too much control with online media platforms, making them arbiters of online speech. Critics believe decisions on what constitutes illegal content should be the preserve of the courts.

Terrorist attacks in Christchurch, New Zealand, in March, which killed 51 people and injured dozens led to renewed concerns about extremist material and hate speech,

highlighting the urgency for social media platforms to take responsibility for content shared on their sites.

Macron and New Zealand Prime Minister Jacinda Ardern, as well as other global leaders and high-profile social media executives, pledged to curb the spread of hate speech and incitement to violence.

During a summit in Paris in May, world leaders called for measures that allow hate

Rising concern over Albania's new media law

The Albanian government has introduced a series of legal changes to the country's audio-visual law to regulate an 'epidemic' of fake news in online media.

Albanian Prime Minister Edi Rama announced the draft law on 05 July, which could impose fines close to USD10,000 on online media outlets for defamation or breach of privacy.

Media outlets would have to pay the fine before their case can be heard in court.

The government aims to create a register of online media companies to be kept by the national regulator, the Audiovisual Media Authority.

The Albanian Deputy Minister of Justice, Fjoralba Caka, explained: "Only when a web portal refuses to withdraw the material based on made-up facts, the individual has the right to go to AMA."

Ms Caka added: "AMA gives 48 hours to the publication to submit its counterpoints."

Elvin Luku of the Tirana-based local media watchdog, Medialook, said: "The proposed defamation law establishes what I would call an AMA court, which means an institution that issues verdicts without due process."

The Albanian Reporters Union issued a statement commenting that the law amounts to an attack on free speech. The union stated: "Such an act not only compromises the rights and fundamental principles of a free press, but, to a certain degree, strips a person penalized by the law of the right to send the case in a court of law." ■

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speech to be "immediately and permanently" taken down by platforms such as Twitter, Facebook or YouTube.

Speaking to the Guardian, Ms Avia, who also receives online hate speech, commented: "We cannot tolerate on the internet what we won't tolerate in the street." She added: "This law will mean that blatantly hateful content must be taken down from a social network site within 24 hours." ■

Regulatory uncertainty around media ownership rules remains

Chérie R. Kiser



Managing partner Chérie R. Kiser highlights challenges to foreign investment

In September 2016, the Federal Communications Commission (FCC), in a 5-0 bipartisan vote, extended to broadcast licensees its streamlined rules for obtaining permission for foreign ownership to exceed the statutory limits.

Three of those five commissioners remain on the FCC -- and one is now chairman. The common theme among the commissioners in support of relaxing the restrictions on foreign investment was to give broadcasters greater access to capital similar to that enjoyed by other segments of the communications industry, and to promote investment in the United States.

In 2019, several petitions for Declaratory Ruling were filed by broadcasters to take advantage of the new process, which permits petitioners to request approval of varying degrees of foreign ownership and investment, up to and including 100 percent foreign ownership of the controlling

US parent of a broadcast licensee. Among the petitioners are Cumulus Media, Inc., the second largest radio broadcast company in the US with nearly 450 full-power radio broadcast stations in 90 markets; Hemisphere Media Group, Inc., the leading TV station in Puerto Rico, which operates broadcast television stations and cable networks serving audiences in US and Latin America; and Univision Holding, Inc., the leading media company serving Hispanic audiences in America.

The petitions offer differing reasons for the need to increase their foreign ownership, including to satisfy claims as part of a bankruptcy proceeding, to spur future foreign investment and encourage reciprocity by other countries, and to permit a wholly owned subsidiary to hold a greater foreign interest without diluting the overall foreign interest cap previously approved by the FCC.

All petitioners assert the requested increased foreign interests presented for approval are in the public interest, which is the governing standard.

The FCC's public interest analysis for increased foreign ownership evaluates national security, law enforcement, foreign policy and trade policy issues. The FCC also coordinates with executive branch agencies (including the Departments of Justice, Homeland Security, Defense, State, Commerce, Offices of Science and Technology Policy and US Trade Representative) to evaluate whether or not to approve the foreign investment.

Since 2017, the FCC has approved at least four such petitions for foreign ownership interests of up to 100 per cent in companies that include US broadcast licensees. One might expect the 2019 petitions also would be approved with little controversy. However, the current international political environment includes rising tensions over trade and immigration, as well as heightened concern over possible foreign influences in US media and communications. Washington is a buzz with reports and indictments concerning Russia's extensive use of US social media platforms in connection with the 2016 presidential election and fears that such activities may be continuing.

More recently, in May of 2019, the FCC denied China Mobile USA's application to provide telecommunications services within the US, concluding that granting the application would raise serious national security and law enforcement risks.

Will the commitment to permit greater foreign investment in broadcast licensees continue, or do recent events suggest the winds have shifted? It

is impossible to predict, but these petitions and the pending FCC matters covered in the 2018 and June 2019 International Media Law articles "Are the FCC Media Ownership Rules Still Relevant in the Digital Age?" and "The Future of FCC Media Rules in the Age of Netflix," highlight that the regulatory uncertainty surrounding FCC media ownership rules remains for now. ■

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