

Research, analysis and opinion on international media law

Media Law International launches third annual edition



Enhanced coverage, new jurisdictions and articles by leading lawyers shape the latest edition, which is described by experts as “a valuable resource”

Media Law International (MLI) launches its third edition, which features enhanced editorial coverage, four new jurisdictions and insightful articles written by some of the world’s leading lawyers.

Launched on 10 April, the guide includes rankings of media law firms in countries around the world, regional analysis of market trends and developments and editorial descriptions of firms that include case and client information.

MLI’s exclusive focus on media law allows for industry-specific examination and rigorous legal market structure review.

Managing editor Zineb Serroukh-Ouarda said: “The latest edition of Media Law International is vastly improved. The enhanced coverage demonstrates our industry commitment and progressive approach to market representation. The publication highlights legal and business market trends while featuring some of the world’s leading media law practitioners.

“MLI is used by media corporations, law firms and academic institutes and covers a market that is being fundamentally reshaped through convergence and consolidation.”

MLI began with its first edition published →

UK launches biggest DAB radio multiplex

Sound Digital, a joint venture company formed by Arqiva, Bauer Media and UTV Media in 2014, launched 18 new digital radio stations in March this year.

The national DAB digital radio commercial multiplex was officially launched on 01 March by the Secretary of State for Culture, Media and Sport, Rt Hon John Whittingdale MP, and represents a significant expansion of digital radio coverage with stations reaching over 20 million households.

Mr Whittingdale described the venture as “a tremendous step forward for digital radio. It means listeners around the UK have a greater choice of stations than ever before”.

The multiplex network is the UK’s second DAB multiplex. The landmark switch-on represents a substantial increase in choice of radio stations in the UK.

Services launched include radio stations Absolute 80s, Mellow Magic, Magic Chilled, Kisstory, Heat Radio, Planet Rock, talkRADIO, talkSPORT2, Virgin Radio, Share Radio, Sunrise Radio, Awesome Radio, UCB2, Premier Christian Radio, Premier Praise!, Panjab Radio, Fun Kids, Jazz FM.

In total, there are eight specialist music stations, three talk stations, three Asian stations, three Christian stations and one dedicated children’s radio service.

The multiplex carrying these stations is managed by Sound Digital and covers around 75 per cent of national households.

The multiplex is the biggest expansion in radio choice for a generation. Dee Ford, group managing director radio at Bauer Media described the launch as “a significant moment in radio’s digital development”.

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Contributors



la Repubblica

LA STAMPA

Two of Italy's leading daily newspapers merge operations

La Repubblica and *La Stampa* will merge editorial groups in a transaction between Fiat Chrysler and Compagnie Industriali Riunite (CIR) that will lead to joint production of the third and fourth best-selling newspapers, which will keep their titles.

According to a statement by CIR on 02 March, the deal will create 'a leading European group in the daily and digital information industry'. The transaction is expected to be completed on 30 June 2016.

Fiat Chrysler controls 77 per cent of Itedi, which publishes Turn-based *La Stampa* and Genoa-based *Il Secolo XIX* newspapers. CIR's Gruppo Editoriale L'Espresso includes popular daily newspaper *La Repubblica*.

The deal will lead to one of the most significant consolidations since the digital

revolution. The combined group will control 20 per cent of the national newspaper sector and will have total revenues of around EUR 750 million.

Although Italy's media sector is often described by market participants as "rich and complex", print media has been rapidly overtaken by digital advance that has escalated its "struggling sector" status.

Both companies must enter into definitive agreements no later than 30 June this year in order for the agreement to be binding. Regulatory approval is expected to take place in the first quarter of 2017.

Once the merger is completed, Fiat Chrysler will exit the publishing business, where it is present with stakes in Itedi and in publishing company RCS MediaGroup. ■

Poland's TVP and Polish Radio under state supervision

The Polish President, Andrzej Duda, signed controversial laws that allow the right-wing government to appoint heads of public television and radio.

The controversial legislative changes allow ministers to appoint the management of TVP and Polish Radio. Public television broadcaster TVP has the largest television audience share for its national channels and operates regional services and satellite network TV Polonia. Public Polish Radio reaches just over half of the population.

Presidential spokeswoman, Malgorzata Sadurska, said there have been instances of "subjective reporting" that represents the opinion of journalists rather than objective analysis. Ms Sadurska also said Mr Duda wanted state media to be "impartial, objective and reliable", making media reform necessary.

The law faced opposition nationally and abroad with critics claiming it could undermine press freedom. The European Broadcasting Union (EBU), a public service broadcasters' alliance, wrote to Mr Duda urging that changes to the country's media law be abandoned.

EBU Director General Ingrid Deltenre wrote: 'The haste with which this new law has been rushed through parliament strikes a discordant note about Poland and its respect for the rule of law and the democratic process.'

Legislative reforms have increased the polarisation of society, with tens of thousands of people taking to the streets in support and in opposition to the government. ■

Media Law International launches third edition continued from page 1

← in 2014 and featured 43 jurisdictions. In 2015 the publication represented 48 markets and now features 52 jurisdictions.

The guide is recognised around the world for the quality of its research and sector specialisation. Below are examples of feedback on MLI:

"This is the best review of media law firms for the prospective client. In contrast to similar resources, its reviews do not merely

parrot the happy-face PR from the firms' web page. There is a big difference between law firms that is difficult to ascertain from the firms' published materials - every client choosing between firms should read MLI's guide." Linklaters, Poland

"An excellent publication and brilliant idea to create such a database - the online version makes it easy to read and find the information sought." Dr. Anna Beke-Martos, Hungary.

"Media Law International is a quality publication. It is clear that great care is taken in assessing the strength of every firm's media practice. It is a valuable resource." Minter Ellison, Australia

"From our point of view your research in the market has been very solid and the rankings mirror the players in the market in an appropriate way. Your website is structured very clearly." Lausen, Germany. ■

Morocco bans VoIP services Viber, Skype and WhatsApp

Jaafar Laidi



One of Morocco's leading lawyers reviews the legitimacy of the country's ban on VoIP calls

In early January Morocco moved to limit access to select voice-over-internet-protocol (VoIP) services such as Viber, Skype, WhatsApp and Facebook.

In a press release published on 07 January 2016 the Moroccan telecom regulator ANRT (Agence nationale de Réglementation des Télécommunications) stated: 'Only operators of public telecommunications networks can carry telephone traffic to the final customer in conditions fixed by the licenses' specifications they abide by.'

Simply said, ANRT considers VoIP to be providing voice communication services for which a telecommunication license is required. In the same press release ANRT mentions, in the course of a sentence, "the shortfall in terms of revenue for the national telecommunication market resulting from

the use of free telephone over IP services."

Commentators are challenging ANRT'S decision from two angles:
Are VoIP calls classic telephone calls?

The steps and principals involved in originating VoIP telephone calls are similar to traditional digital telephony and involve signaling, channel setup, digitisation of the analog voice signals, and encoding. Instead of being transmitted over a circuit-switched network, however, the digital information is packetized and transmission occurs as IP packets over a packet-switched network.

Based on the above, some commentators argue that VoIP calls are only transmitting voice over the internet as any other data and therefore this would not be telephone services under the classic definition.

Both positions are defensible. Law No.

24-96 was published in 1997 at a time when the internet was still at its early stages and telephone calls were still widely based on the classic technology. Using the definition of classic telephone calls and applying it to VoIP calls may not be as simple as ANRT claims. Nevertheless, the definition of telephone services under Law No. 24-96 is very broad. It includes commercial exploitation involving voice transport in real time through commuted public network allowing any fixed or mobile user to use connected equipment to an end point to communicate with another fixed or mobile user using connected equipment to another end point.

Strictly speaking, the definition of telephone services under Law number 24-96 seems not to apply to VoIP services as far as technical aspects are concerned.

What about free competition?

Local commentators consider that ANRT is a regulator and not a law maker and cannot take decisions aiming to protect operators or markets against others. Again this is questionable. While ANRT cannot limit free competition, it is empowered to grant licenses and control the telecommunications market to protect license holders from operators that would enter the market without a license.

What next?

VoIP services in Morocco seem to be in a grey area from a legal point of view. Once again technology seems to have outdistanced laws. Legal claims against ANRT decisions are more than probable and there are reports of legal claims already started against ANRT before Moroccan courts. Case law may bring new developments but the matter is highly technical and Moroccan judges may need external expertise to rule. Another possibility is for lawmakers to update Law No.24-96 to include specific provisions governing internet services, the lack of which raises the current debate. ■

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social media best practices for attorneys



Bringing together a three-person panel, Ken Herron at Unified Inbox outlines the best global practices for professionals in the legal industry

To pull together the global social media best practices for attorneys in April 2016, I convened a three-person panel of people who are successfully using social media. Please meet Sunil Rupasinha of kenttrafficlew.co.uk, Rupert Connelly of dialabrain.com, and Florian Demmler of winheller.com.

With so many attorneys now successfully using social media to market themselves and their firms, why did I select

these three people? Sunil is a solo practitioner, Rupert runs a website where attorneys can bill by the minute, and Florian directs the marketing efforts for his global law firm. I also wanted people with diverse academic and professional experiences, who are based in different countries.

Below are six questions I asked each of them, along with their answers (note: answers are edited for length and clarity).

1. What would you advise an attorney who wants to begin using social media – or, is not happy with the results they are getting from their social media?

Sunil: Don't spend time on social media until you work out your strategy. Do this first, or you'll spend countless hours tweeting, blogging, and posting, only to discover you're not maximising the return on your time.

Rupert: Be the "good guy." Don't just write to be the expert in your field, but to share something of value without expecting anything in return. Remember, anyone can repeat the headlines. Your audience will respond positively to receiving a professional's perspective, your perspective.

Florian: The most important task before you start using social media is to identify who it is you want to reach. This may sound obvious, but attorneys need to understand who their audience is. Your audience will not just determine your content, but how best to engage with them on each of your social media channels. As the saying goes, you can't win the race if you can't find the finish line.

2. What do you wish you had known about social media before you started?

Sunil: No matter how much time you spend learning about social media, there is always more to learn. Because of this, consider paying for the best advice you can find to sort out the right strategy for your business. Trying to go it alone can not only be frustrating, but end up wasting time and money.

Florian: You've heard the term "earned media"? Well, social media is earned media. Your audience won't just automatically share, like and comment on everything you post. It has to be worth sharing, liking and commenting on – you literally have to earn it.

3. What types of content, posts on social media, have been the most effective for you?

Sunil: Longer is not better. Don't write overly long posts. Shorter blog posts are more likely to be read all the way through.

Rupert: The best-performing attorneys on DIALaBRAIN post about what's topical, trending topics and what's in the general and legal news.

Florian: Name-dropping. Our best-performing content mentions influencers, organisations and individuals with large audiences who are active on social media. For example, one of our WINHELLER attorneys recently held a guest lecture at the Washington University in St. Louis. →

Featured Firm: Baker & McKenzie



Information Technology & Communications

The growing interaction among smart devices (fixed and mobile), as well as their ability to operate and send information across multiple platforms and countries are impacting all business sectors. Digital convergence has redefined many innovation models and has resulted in new industries emerging and in the dramatic increase of productivity of human resources.

Baker & McKenzie understands these challenges as well as the rewards of keeping a profitable and innovative stance in times of rapid change. We were the first global law firm to offer services specific to the IT and communications industries and with over 580 lawyers in 47 countries, we continue operating the farthest reaching and most comprehensive IT and communications practice in the world. In Mexico, our solid team of IT and communications lawyers assist clients in a vast range of transactional, regulatory and commercial matters. By assisting in defining new ways to comply with laws and regulations and setting forth new contractual standards for these industries, we often inspire the creation of policies and laws that transform the Mexican legal system.



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About our services:

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- Privacy, Data Protection and Transfer Projects
- Telecommunications
- Internet and Online Media
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Unified Inbox: Social Media Best Practices



← Just by [correctly!] tagging the university in the post, the post's reach increased dramatically compared to posts with similar content which had not tagged the university.

4. Do you have any specific tips for your fellow attorneys to increase their audience growth (follower management), audience engagement (audience management) and/or creating content (content management)?

Sunil: When you find what works for you, stick with it! Accept up-front that it's going to take a certain amount of time each day.

Rupert: The sweet spot content-wise is to post about changes in laws and about cases receiving heavy media attention. Then follow-up on your post with a related article (typically on LinkedIn), where you can explain a point of law that would not be obvious to a layperson.

Florian: From our experience, the easiest way to grow your audience is to add value in your posts. The audience should always "get something" from your content. Appropriate uses of humor, on an occasional basis, can also be well-received.

5. Which social media tools do you use?

Sunil: My website captures the identities of people who respond to my content. I also make sure that my social media is integrated – not duplicated – across the different networks that I use, and that each channel links back to my website.

Florian: WINHELLER uses Outbox Pro (<http://outbox.pro>) to create, review, and approve our posts, and Fanpage Karma (<http://fanpagekarma.com>) to monitor our Facebook pages. For us, Outbox Pro is the best way to handle a team of multiple editors and attorneys.

Our attorneys simply create posts, which are sent to our marketing executive, who makes the necessary edits and posts them to our networks. If there isn't already an image with the post, we'll add it here. Fanpage Karma is a great tool for Facebook page analytics so we know which posts have been the most successful.

6. Social media has become a visual medium, what is your marketing strategy for using visual content in your posts?

Sunil: It's no longer enough just to write great posts, they also have to look great, and it's your image(s) that grab people's attention and get them to read your post.

Florian: This is something that does not come as naturally for us. In addition to using quality stock photography and illustrations, we have begun making it a habit to always take photos at company events, conferences, and meetings, whether they're held in the office or off-site.

Do you have advice on social media you would like to share with your peers?

I welcome differing opinions which can help contribute to the dialog of the best social media practices for attorneys in different countries and legal specialties. Please share your experiences with us.



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{ Featured Firm: Gugushev & Partners

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L A W O F F I C E