

## Media Law International launches sixth annual edition



## The 2019 edition of MLI outlines changes to rankings, industry developments and legal-market insight from leading lawyers

Media Law International (MLI) has launched the sixth edition of its flagship annual guide. MLI 2019 was published on 11 April with updated rankings and content from leading lawyers in Europe, Asia and Africa.

The annual guide includes rankings of media law firms in 56 jurisdictions and highlights legal industry practitioners with extensive experience in media law.

Zineb Serroukh-Ouarda, Managing Editor at MLI, said: "It's been a good year for MLI. We have achieved first-time coverage of industry trends in Albania and Colombia and have maintained coverage of multiple jurisdictions.

We have strengthened our position globally and are proud to feature world leaders in media law practice."

Over the past year, MLI launched a presence on social media platforms including Twitter, Facebook and LinkedIn.

MLI is also working on the launch of conferences in Europe and Asia, and will be partnering with law firms and media clients around the world to deliver quality conferences dedicated to media law.

Our exclusive focus on media law allows for rigorous legal market structure review and industry-specific regional examination. →

## Singapore introduces anti-fake news law

Singapore's government has announced an anti-fake news law that will allow the authorities to remove content found to be in breach of regulations.

The proposed law was announced in parliament on 01 April and spurred concern about the country's authoritarian government gaining further control in an already tightly controlled media environment.

According to Singapore's Prime Minister Lee Hsien Loong, the law is intended to address the growing problem of online misinformation. The proposed legislation follows an analysis of fake news in Singapore by a parliamentary committee last year. The committee concluded that the country was a "target of hostile information campaigns".

Mr Lee addressed the proposed law in a speech on 29 March, posted on the Prime Minister's office website.

He said: "We are open and English speaking, our mobile and internet penetration rate is high, and being a multiracial, multi-ethnic society, we have enduring fault lines that can be easily exploited."

Mr Lee added: "If we do not protect ourselves, hostile parties will find it a simple matter to turn different groups against one another and cause disorder in our society."

The new law is expected to hold online outlets accountable for false news found to be deliberately delivered.

Facebook, Twitter and Google have their Asia headquarters based in Singapore and are expected to face increased pressure as the law undergoes implementation. ■

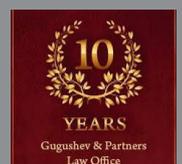
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# FINANCIAL TIMES

## Financial Times acquires majority share in Dutch firm The Next Web

The Financial Times (FT) has acquired a controlling share in The Next Web (TNW), a Dutch events and media business focussing on new technology and startups in Europe.

The deal was announced on 05 March and is part of the FT's corporate development strategy to diversify its business operations. Both companies have announced content partnerships for TNW's flagship technology conference, TNW2019, in May.

The FT will programme one of the 12 event tracks and co-host The Assembly, an exclusive event for technology industry leaders.

The deal is the FT's first strategic investment in Europe. Financial terms of the transaction were not disclosed.

Angela Mackay, Live Global Publisher at FT, commented: "TNW is an established and

profitable business that produces one of the largest and most critically acclaimed tech startup events in Europe."

Ms Mackay continued: "There are clear synergies between TNW and FT Live, in sharing audiences and delivering the FT's world class journalism on live stages in Europe. We look forward to delivering first class programs with our new partners."

TNW started in 2016 as a small technology conference in Amsterdam and has since grown to become a major European event. The global digital brand "inspires and connects people who love tech".

The deal follows the FT's investment in January this year in Sifted, a new media and data platform that targets Europe's innovators and entrepreneurs. ■

## Media Law International launches sixth edition

← The guide includes legal and business trends written by leading lawyers, and highlights practitioners with expertise in some of the most complex areas of law.

MLI published its first edition in 2014, featuring 43 jurisdictions. In 2015, the publication increased its representation of law firms in 48 markets and now features 56 jurisdictions. MLI has continued to expand with the launch of sister publications that

include exclusive products featuring regional media law experts.

International law firm Linklaters has described MLI as "the best review of media law firms for the prospective client". The firm added: "Every client choosing between firms should read MLI's guide."

Minter Ellison, Australia, noted: "From our point of view your research in the market has been very solid and the rankings mirror the

## MEPs approve copyright law

Members of the European parliament have approved controversial changes to copyright law, which critics say could fundamentally alter how the internet works.

The European Parliament voted to pass the new copyright regulations on 26 March. The reform includes changes to Articles 11 and 13 that could force technology companies to install filters to prevent protected content from being uploaded.

The legislative reform is aimed at ensuring the creative industry is fairly remunerated for works, and is the first update in 15 years.

Critics say the new law would restrict internet freedom and normalise censorship. In a statement, German MEP Axel Voss commented that he was pleased the law was approved 'despite the very strong lobbying'.

Changes to Article 11 relate to what critics are calling a "link tax". It requires online platforms, such as Google News, to pay news organisations for articles they link to.

Article 13 makes online companies responsible for reviewing content for copyrighted material and ensuring that rights holders are paid a fair fee.

Dieter Frey, Founding Partner of FREY, said: "Ground-breaking copyright changes might be driven by the discussed EU copyright directive and its implementation into national laws. Online platforms might be obligated to provide measures to prevent unlicensed copyrighted content from being uploaded."

Professor Frey added: "Adoption of the EU SatCab-Regulation will have considerable impact on the cross-border distribution of content and further OTT offerings." ■

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players in the market in an appropriate way. Your website is structured very clearly."

In 2018, MLI introduced Legal Practice Guides. These products are vastly distributed to industry clients and media practices of law firms worldwide.

As an essential reference resource, the guides act as a specialist tool, allowing firms and lawyers to connect with target clients in their jurisdiction and internationally. ■

# Vietnam introduces changes to regulation of TV OTT services

Dang The Duc



## Leading lawyer Dang The Duc, Indochine Counsel, outlines guidance on Draft Decree

Decree No. 06/2016/ND-CP on management, supply and utilisation of radio and television services in Vietnam, dated 18 January 2016 (Decree 06), is one of the policies ensuring that many types of internet service may be transmitted. This includes cross-border transmissions to internet users in Vietnam.

Modifying Decree 06, the Ministry of Information and Communications (MOIC) issued a draft decree for public consultation between July and September 2018 (Draft Decree).

The Draft Decree makes a fundamental change in the scope of television and radio services by covering OTT services with on-demand content such as pictures, sound and content that can be produced and communicated locally or overseas via the internet.

The proposed extension is disproportionate and can restrain the growth of Vietnam's digital

economy. The Draft Decree also imposes various obligations to online service providers since a list of licensing requirements must be obtained prior to the provision of paid OTT TV services, which apply to foreign and domestic companies alike.

The consequences of this new licensing requirement would be establishing a local presence in Vietnam and submission of on-demand content of such services, along with relevant copyright agreements.

The Draft Decree states that built-in advertisements cannot be included on free foreign programmes in paid OTT TV services, rather that the advertisements (if any) must originate from Vietnam.

A press agency that is licensed to edit content will be in charge of the installment of advertisements and will be responsible for the duration and content advertisements.

Taking into account the content to be introduced by OTT services, more requirements have been set out to ensure the quality and/or compliance of on-demand services.

In particular, on-demand content must be edited and translated, applied for foreign content, by news agencies having a license in accordance with Vietnamese law, while the content provided on a number of programmes must be completely translated into Vietnamese.

Furthermore, the proportion of foreign content for broadcast in every domestic channel with regard to on-demand internet TV services must not be more than 30% of the total programming on that channel. The draft law also requires that certain sports programmes have social impact to be rebroadcast over free broadcasting services for certain periods. And, in some cases, the MOIC will decide the number of domestic and foreign programme channels based on development plan targets for the broadcasting sector stipulated in the broadcasting development plan.

On the whole, this draft paper presents legal problems of regulating OTT services by the MOIC and government agencies when they face new media in the regulatory environment.

Regulators have made an attempt to close gaps outlined above by amending Decree 06 with traditional broadcasting regulations to include licensing requirements for OTT services, which may distract Vietnam from its journey into the digital economy era.

It is predicted that, if passed, the Draft Decree might set a precedent for other countries to impose reciprocal regulations on online services. The impact of this could be lead to difficulties for Vietnamese digital content and information technology providers in exporting or expanding internationally, and Vietnamese businesses trying to expand beyond Vietnam's borders.

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## Featured Firm: Gugushev & Partners

# Gugushev & Partners

L A W O F F I C E

### Leading Bulgarian Law Firm

“Gugushev & Partners has developed an established position in the market and is rising as one of the region’s most widely respected practices. Founding partner Stefan Gugushev has exceptional experience advising a broad range of clients and leads the team in its advice on broadcasting, programming and regulation. Working with peers, leading lawyer Petko Angelov advises on advertising, sponsorship and licensing matters.”

#### Media Law International 2017

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