

31st Annual Conference

11-12 April 2016

Future, law, education and technology:
WoW, have we forgotten something?

#bileta16

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Contents

>	Welcome	3
>	General Information	4
>	Keynote Speakers	5-6
>	Conference Programme	7
>	Sunday 10 April	7
>	Monday 11 April	7-11
>	Tuesday 12 April	12-15
>	Conference Dinner	16
>	Google PhD Workshop	17
>	WoW	18
>	Publication Opportunities	19
>	Conference Sponsors	19

Welcome to Bileta 2016

The 31st Annual BILETA conference promises to be a highly stimulating, challenging and enjoyable event. With over 100 delegates, from all over the world, and distinguished American and UK keynote speakers (Prof Eric Goldman, Prof Lilian Edwards and Prof Daniel Martin Katz), it promises to be a truly internationally-flavoured event coupled with cutting-edge academic discussion.

For new-comers to the 'BILETA family', BILETA is one of the premier international forums for intellectual debate between researchers, practitioners, academics and students on the relationship between current and future technologies, legal advances and educational considerations. Indeed, BILETA is internationally renowned for being at the cutting-edge of IT law and forefront legal education.

This year's conference theme 'Future, law, education and technology: WoW, have we forgotten something?' was chosen in response to the developments relating to the right to be forgotten in particular, as well as the School's very successful co-curricular programme 'War of Words – WoW'. WoW will feature as one of the special events at BILETA 2016. Our other very special events include: Panel on surveillance, Google supported workshop on the right to be forgotten, Google PhD workshop, and Open forum on Research Excellence Framework and IT law.

Some of the questions we will aim to consider during the conference include: Do we need greater, fewer or even no laws to regulate the digital environment? Is legal regulation the only viable way to regulate 'cyberspace'? Is the regulation of the Internet by the market, together with subsequent enforcement of that regulation, acceptable? Can law, regulation and politics keep up with the pace of change of evolution of future technologies? Is legal education balanced with regards to the use of new technologies both within and outside the classroom? Does technology actually enhance legal education and access to knowledge, or is it simply a distraction?

The highlight of any event is the conference dinner, which this year will be held at historic Hatfield House in the style of a medieval banquet. It promises to be quite a unique event - period attire is welcome, but not compulsory!

Finally, we would like to thank our sponsors (Google and Oxford University Press) and publishers (Taylor and Francis and The European Journal of Law and Technology) for their support for this conference.

The School of law is delighted to welcome you to Hertfordshire and we hope that you will relax and enjoy the conference!

Prof Charles Wild – *Dean, School of Law and Conference Convenor*

and the BILETA 2016 Organising Committee

Ms Edina Harbinja – *Chair*

Mr Kevin Rogers – *Member*

Dr Felipe Romero – Moreno – *Member*

Ms Lorraine De Souza – *Member*

General Information

Conference Registration and Enquiry Desk

The desk will be located in the foyer area of the Law Court Building. This will be manned throughout the entire conference and can provide initial assistance for any conference or practical queries.

Conference badges

Delegates will be issued name badges and are encouraged to wear them so that others can identify you.

Conference sessions

The conference sessions will all take place at the Law Court Building. The keynote talks will be given in Weston Auditorium, located approximately 5 minutes from the Law Court Building, in the main building on de Havilland campus.

Annual General Meeting

The BILETA AGM will be held at the Law Court Building, Room W040 at 5pm on Sunday, 10th April. This marks the beginning of the conference. It will be followed by a Google-supported wine reception in Club de Havilland.

Postgraduate Awards

Winners of BILETA PhD award and Google PhD award will be announced at the conference dinner.

Internet access and social media

Wi-fi has been arranged for the duration of the conference via The Cloud. Please contact the registration desk for more information. UH is a part of EduRoam network, as well. Twitter users are encouraged to use #BILETA16 for their tweets.

Parking

Parking at the University requires a permit. You will be provided with a permit prior or during the conference on request.

Taxi and Buses

Student volunteers will have numbers available on the registration desk for local taxi companies should you wish to book a taxi. Taxis to Hatfield train station take approximately 10 minutes and normally cost less than £5. University UNO buses and buses 300, 301 run regularly from campus to the train station. A bus journey takes 10-30 minutes, and costs less than £2.

All other information is available on our website: www.bileta2016.co.uk

Keynote Speakers



Professor Eric Goldman

Eric Goldman is a Professor of Law at Santa Clara University School of Law. Before he became a full-time academic in 2002, he practiced Internet law for 8 years in the Silicon Valley. His research and teaching focuses on Internet, IP and advertising law topics, and he blogs on these topics at the Technology & Marketing Law Blog [<http://blog.ericgoldman.org>] and the Tertium Quid blog at Forbes [<http://blogs.forbes.com/ericgoldman/>]. Managing IP magazine has twice named him to a shortlist of North American “IP Thought Leaders,” and he has been named an “IP Vanguard” (in the academic/public policy category) by the California State Bar’s IP Section.



Professor Lilian Edwards

Professor Edwards is a leading academic in the field of Internet law. She has taught information technology law, e-commerce law, and Internet law at undergraduate and postgraduate level since 1996 and been involved with law and artificial intelligence since 1985. Her current research interests, while broad, revolve around the topics of online privacy, intermediary liability, cybercrime, Internet pornography, digital assets and digital copyright enforcement.

She is Associate Director, and was co-founder, of the Arts and Humanities Research Council (AHRC) Centre for IP and Technology Law (now SCRIPT). Edwards has consulted inter alia for Google, Symantec, McAfee, the EU Commission, the OECD, and WIPO. Edwards co-chairs Gikll, a annual series of international workshops on the intersections between law, technology and popular culture.

Since 2012, Edwards has been Deputy Director of CREATE, the Centre for Creativity, Regulation, Enterprise and Technology, a £5m Research Councils UK research centre about copyright and business models. She is also a frequent speaker in the media and has been invited to lecture in many universities in Europe, Asia, America, Australasia and most recently, South Africa.

Keynote Speakers



Professor Daniel Martin Katz

Daniel is known as a rebel in the legal world and the American Bar Association Journal made it official when Dan was named to the 2013 Class of “Legal Rebels,” a prestigious group of change leaders in the legal profession. Dan believes that many of today’s law students and practicing lawyers can benefit from hard, tech-savvy skills. He applies an innovative polytechnic approach to teaching law, meshing litigation and transactional knowledge with emerging software and other efficiency enhancing technologies to create lawyers for today’s challenging legal job market. Both his scholarship and teaching integrate math, science, engineering and technology in order to further his goal of building an institution that’s not your parents’ law school.

His forward-thinking ideas helped to earn him acknowledgement in the 2013 Fastcase 50, an award which “recognizes 50 of the smartest, most courageous innovators, techies, visionaries, and leaders in the law.” In 2014, he was named to the external affiliated faculty at CodeX – The Center for Legal Informatics @ Stanford University. In addition to teaching and researching, Dan is an Editor of the International Journal of Law and Information Technology (Oxford University Press) and a member of the Editorial Board of the Journal of Artificial Intelligence & Law (Springer Scientific). He serves on the Editorial Advisory Board for Law Technology News and is a member of the ABA Task Force on Big Data and the Law.

Dan is an Associate Professor of Law (with Tenure) at at Illinois Institute of Technology’s Chicago-Kent College of Law. He is also the CSO of LexPredict Consulting.



Conference Programme

Sunday 10 April

17.00 BILETA AGM - Room W040

19.00 Post-AGM Reception and dinner - Club de Havilland

Monday 11 April

8.30-9.15 Registration (with refreshments) - Auditorium Foyer

9.15-10.30 Welcome and Keynote Address

Weston Auditorium

Welcome

Dean of School of Law, Prof Charles Wild

Keynote Address

Prof Eric Goldman (Santa Clara University) and

Prof Dan Katz (Chicago-Kent College of Law) Legal Education and IT law – the US experience

10.30-11.00 Refreshment Break - Auditorium Foyer

Monday 11 April

11.00-12.30 Parallel Streams

Room W125: IP infringement and reforms

Chair: Abbe Brown



Romero – Moreno, F (University of Hertfordshire) *Striking a balance between enforcement tools to tackle commercial-scale online copyright infringement and an effective human rights protection system*



Jondet, N (University of Edinburgh) *A soft stick and a bitter carrot? Assessing France's two-pronged strategy against copyright piracy*



Lodder, A R & Polter, P (VU Amsterdam) *Blocking of The Pirate Bay: what constitutes an effective measure?*

Room W128: 3D intermediary liability

Chair: Abhilash Nair



Angelopoulos, C (School of Advanced Study, University of London) & Smet, S (Ghent University) *Notice-and-Fair-Balance: The Law of Fundamental Rights in European Intermediary Liability*



Sunner, L (Maynooth University) *Liability for intermediary service providers for user actions in Ireland and the UK*

Griffin, J (University of Exeter) & Li, P (University of Sussex) *A sui generis right for 3D printing?*

The Courtroom: Panel on Surveillance and IP Bill

Chair: Prof Lilian Edwards (University of Strathclyde)

Panellists: Prof Ross Anderson (University of Cambridge), Graham Smith (Bird & Bird), Andrew Cormack (Jisc), JIm Killock (Open Right Group) and Eric King (ex Privacy International)

W025: Privacy, consent, big data...in the cloud

Chair: Kevin Rogers



Basu, S & Munns, C (University of Leeds) *Consent and Healthcare*



Bholasing, J (KPMG) *Privacy in the big data era: Has the time arrived to say goodbye to 'privacy as human right'?*



Vranaki, A (University of Oxford) *#Learning Lessons from Cloud Investigations in Europe: Bargaining, Enforcement and Multiple Centers of Regulation in Data Protection*



Chan ONG, R (City University of Hong Kong) *One Step Closer to A Right to be Forgotten in Hong Kong?*

12.30-13.30 Lunch - Auditorium Foyer

13.30-15.00 Parallel Streams

Room 125: Privacy, dignity, reputation, death...

Chair: Subhajit Basu



de Hingh, A (VU Amsterdam) [*Data and dignity*](#)



Harbinja, E (University of Hertfordshire) [*Post-mortem Privacy 2.0: Reconceptualising the phenomenon in the light of the recent changes in law and technology*](#)



Klasiček, D (University of Osijek) [*Some open issues concerning digital inheritance*](#)

Room 128: Trademarks and tech. Sustainability and education

Chair: Dinusha Mendis



Brown, A (University of Aberdeen) [*Looking after the future? The digital environment, intangible cultural heritage and sustainable development*](#)



Maharg, P (ANU College of Law) [*Learning / Technology*](#)



Barker, K (University of Wolverhampton) [*Taking the biscuit – KitKat and Distinctiveness?*](#)



Shannag, S (University of Leeds) [*Trade Mark Dilution in Jordan and its Effect on Technology*](#)

The Courtroom: Free speech, encryption and work

Chair: Paul Bernal



Laidlaw, E (University of Calgary) & Mac Sithigh, D (Newcastle University) [*Testing a framework for freedom of expression in copyright law*](#)



Kirley, E (Osgoode Hall Law School Toronto) [*Trashed Online: Is Law Still Relevant to Reputation?*](#)



Murphy, M H (Maynooth University) [*Encryption as privacy messiah and public menace: an assessment after the Paris attacks*](#)



Mangan, D (The City Law School) [*Online speech and the workplace: public right, private regulation*](#)

Monday 11 April

13.30-15.00 Parallel Streams *continued*

Room W025: Privacy and tech, reforms

Chair: Abhilash Nair



Easton, C (University of Lancaster) [Regulating for privacy? A critical assessment of the EU Data Protection Regulation and its provisions to embed the assessment and prediction of risk in technological design processes](#)



Rauhofer, J (University of Edinburgh) [Casually escaping the shipwreck of time? - Consent to cross-border data transfers post-Schrems](#)



Diker, A (Anglia Ruskin University) [A Critical Review of the Data Portability Rules](#)



Košik, M & Myška, M (Masaryk University) [Open Research Data: Missing Pieces in the Database Directive](#)

15.00-15.30 Refreshment Break - Law Court Building Foyer

15.30-17.00 Parallel Streams

Room 125: On parody, caricature and copyright infringement

Chair: Dinusha Mendis



Lauterbach, T (Robert Gordon University) [The concepts of caricature and copyright – uneasy bedfellows?](#)



Bosher, H (University of Bournemouth) [Copying in Any Material Form: Is it an infringement of Copyright to Access Protected Material Online?](#)



Sabapathy, S (University of Nottingham Ningbo China) [The treatment of parody under the copyright regime in Hong Kong](#)

15.30-17.00 Parallel Streams *continued*

Room W025: Google PhD workshop

Authors:

Diver, L (University of Edinburgh) *The lawyer in the machine: towards the automation of privacy by design*

Commenter: Catherine Easton

Mair, C (Leiden University) *Intel, ARM and the Internet of Things: the role of IP licensing strategies in establishing platform dominance*

Commenter: Daithí Mac Síthigh

Lai, A (University of British Columbia) *The Right to Be Forgotten and What the Laws Should/Can/Will Be: Comparing the United States and Canada*

Commenter: Paul Bernal

Room 128: CyberTurfing, journalists and youth

Chair: Subhajit Basu



Leiser, M (University of Strathclyde) *'CyberTurfing' and other forms of online persuasion*



Hancock, H (University of East Anglia) *The camera and the citizen journalist – a force for good?*



Nair, A (University of Strathclyde) *No Child's Play: Mandatory Online Age Verification and Child Protection*



Kirley, E (Osgoode Hall Law School Toronto) *Cart before the horse? Internet exceptionalism is really about digital speech*

17.00-18.00 War of Words

(Delegates present 1 minute on tech law and legal education topic, followed by a battle of words) -
The Courtroom

18.45 Coaches leave for Conference Dinner

22.30 Approximate return (alternatively midnight)

Tuesday 12 April

8.30-9.15 Refreshment Break - Auditorium Foyer

9.15-10.00 Keynote Address

Weston Auditorium

Prof Lillian Edwards (University of Strathclyde) *The right to be forgotten*

10.00-11.30 Parallel Streams

Room 128: Tech: AI, ad-blocking, PbD

Chair: Kevin Rogers



Zatarain, J M N (University of Edinburg) *The Role of Automated Technology in the Creation of Copyright Works: The Challenges of Artificial Intelligence*



Urquhart, L (University of Nottingham) *Privacy by Design and the Internet of Things: From Rhetoric to Practice using Information Privacy Cards*



Clifford, D & Verdoodt, V (University of Leuven) *Ad-blocking: The dark side of consumer empowerment - a new hope or will the empire strike back?*

The Courtroom: Legal education

Chair: Abbe Brown



Berger, D & Wild, C (University of Hertfordshire) *Refining the traditional flipped-classroom model: Teaching students HOW to think, not WHAT to think*



Scott, J (University of Bristol) *Legal translation training – A way forward for aspiring lawyers in a clogged job market?*



Voyatzis-Hernandez X P & Gervassis N J (Plymouth University) *Back to (Con)Textuality: Using Chat Services to Teach Legal Reasoning*



Tripathy, S (O. P. Jindal Global University) *Methods to digitalize and create sustainable disability friendly educational environment in India*

10.30-11.30 Parallel Streams *continued*

Room 025: Seals, shaming and sovereignty

Chair: Edina Harbinja



Mantelero, A (Polytechnic University of Turin) [*The “medieval” sovereignty on personal data. Considerations on the nature and scope of the EU regulatory model*](#)



Laidlaw, E (University of Calgary) [*Online Shaming and the Right to Privacy*](#)



Kamara, I (Vrije Universiteit Brussel) [*Certification and seals for protection of the right to personal data: a reflection on the readiness of the existing evaluation and certification landscape in view of the new EU data protection legal framework*](#)

Room 125: Regulation, scholarship and networks

Chair: Paul Bernal



Marsden, C (University of Sussex) Not fudging nudges: [*What Internet law can teach regulatory scholarship*](#)



MacSithigh, D (Newcastle University) [*Studying and understanding present-day media and IT laws*](#)



Marco Colino, S (Chinese University of Hong Kong) [*The Future of Telecommunications Regulation in Emerging Competition Regimes: the Case of Hong Kong*](#)



Gillen, M (UWE Bristol) [*The Network and Information Security Directive: Opening the Gates of AHN'QIRAJ or Preparing for Battle.net*](#)

11.30-12.00 Refreshment Break - Law Court Buidling Foyer

12.00-13.30 Parallel Streams

Room 128: Data, information or something else

Chair: Daniel Berger



Douilhet, E (University of Bournemouth) [*A focus on “information” instead of on “data”*](#)



Abu Bakar, M (University of Malaya) & Siti, H M Y (Universiti Teknologi MARA) [*The Right to be Forgotten: Is it Spreading?*](#)



Chen, J (University of Edinburgh) [*The Right to Hide and the Right to Lie? The Dangers of Accuracy and the Limitations on Data Quality*](#)

Tuesday 12 April

12.00-13.30 Parallel Streams *continued*

Room 125: IP, TTIP and surveillance

Chair: Abhilash Nair



Naim, N (University of Hertfordshire) [*Transatlantic Trade and Investment Partnership \(TTIP\) and the spill overs effects*](#)



Swain, V (University of East Anglia) [*The use of non-covert forms of surveillance and the regulation of those activities*](#)



Keenan, B (London School of Economics) [*Where is privacy protected? A media history of secret interception warrants*](#)



Goulton, S (University of Hertfordshire) [*Skynet - is it happening?*](#)

Room 025: Language, information retrieval and brokerage

Chair: Felipe Romero-Moreno



Mendis, D & Boshier, H (University of Bournemouth) [*Swings and Roundabouts: The Impact of Legal Drafting on the Language and Understanding of Copyright Law and the Need for Educational Materials*](#)



van Noortwijk, C K (Erasmus University Rotterdam) [*Integrated legal information retrieval – new developments and educational challenges*](#)



Dahiyat, E A R (United Arab Emirates University) [*Brokerage Disclosure in UAE: A Call for Transparency and Governance*](#)



Kuehnel-Fitchen, K (Robert Gordon University) [*“Once more unto the breach, dear friends, once more...” – A Review of the Relationship between Hyperlinks and Copyright with a Focus on CJEU and German Case Law*](#)

The Courtroom: Google workshop – The right to be forgotten

Facilitators: William Malcolm and Harjinder Obhi (Google), Edina Harbinja (University of Hertfordshire)

Commenters: Jef Ausloos (KU Leuven), Paul Bernal (UEA), Lilian Edwards (University of Strathclyde), Giancarlo Frosio (Stanford University)

13.30-14.30 Lunch - Auditorium Foyer

14.30-16.00 Parallel Streams

The Courtroom: Open Forum: REF, IT law and legal education

Chair: Catherine Easton (University of Lancaster, BILETA Chair)

Room 128: Botnets, Bitcoin and crime

Chair: Kevin Rogers



Silva, K (Tilburg University) [*How industry can help us fight against botnets*](#)



Balajanov, E (University of Leeds) [*Age of criminal responsibility for cybercrimes: an insight into approaches adopted in Azerbaijan in comparison with UK*](#)



Johnson, M (University of Hertfordshire) [*State Justice – Janus or Hydra?*](#)



Immaculate, M (University of Warwick) [*Between Scylla and Charybdis ‘Laissez-Faire’: Lessons on the Regulation of New Technologies from a Comparative Analysis of the Regulation of Bitcoin in the United States and the United Kingdom*](#)

Room 125: Hyperlinks, infringement, orphans and rights

Chair: Felipe Romero – Moreno



Papadaki, E (University of Bournemouth) [*Hyperlinking, making available and copyright infringement: Lessons from European national courts*](#)



Faturoti, B (Robert Gordon University) [*Mapping the scope of secondary copyright infringement in Nigeria: Much ado about ‘cause to do’?*](#)



O’Sullivan, K (NUI Galway) [*The Orphan Works Directive: A Missed Opportunity and the Educational Context*](#)



Verdoedt, V (KU Leuven) & Lievens, E (UGhent) [*Self-regulation and children’s digital rights: in harmony or out of tune?*](#)

16.00 Close of Conference - Law Court Building Foyer

All accepted abstracts are available at: www.bileta2016.co.uk/papers/accepted-papers/

Conference Dinner



Hatfield House

The BILETA 2016 Conference Dinner will be held at Hatfield House in the style of a medieval banquet on the evening of Monday 11 April 2016. We have organised coaches for the Conference Dinner, which will pick up and return you to the campus.

The Hatfield Banquet offers a sumptuous four-course dinner and excellent entertainment, set within wonderful surroundings. It is guaranteed to be a thoroughly enjoyable evening, and a unique dining experience.

The Hatfield Banquet takes place in the magnificent 15th Century Great Hall of the Old Palace of Hatfield House, which is a wonderful Grade 1 listed building previously home to Queen Elizabeth I. Dressing in the period attire is optional, although not compulsory!

There will be a delicious dinner, which makes the most use of fresh local produce and the finest ingredients. The menu showcases traditional English fare with a contemporary twist. Wine will be served throughout your meal.

During the evening, the Hatfield Players will treat you to authentic Elizabethan period music, song and theatre. King Henry VIII and Queen Elizabeth I, together with their Courtiers, will amuse and entertain you.

Please be advised that denim or trainers may not be worn for this event, and vegetarians and some other special dietary needs can be catered for.

Hatfield House website: www.hatfield-house.co.uk

Google PhD Workshop

Three papers have been nominated for the Google award PhD Workshop. Each paper will be presented by a different “commenter” whom will generate a discussion among participants on every author’s paper. Authors will be encouraged to participate by answering questions.

Leading up to the workshop, there have been a significant amount preparation for participants who will be expected to read the three papers in advance and be prepared to discuss throughout the workshop. Participants will vote for the best paper at the end.

All conference delegates have been invited to take part in the PhD workshop. Workshop places are limited and will be awarded on a first come, first served basis. To enable preparation, papers have been sent to the selected participants at least 2 weeks in advance of the conference.

The workshop will take place on Monday, 11th April in Room R025 at 15.30. Authors and commenters are the following:

Diver, L (University of Edinburgh) *The lawyer in the machine: towards the automation of privacy by design*
Commenter: Catherine Easton

Mair, C (Leiden University) *The Internet of Things’ Infrastructure: Intel, ARM and Intellectual Property*
Commenter: Daithí Mac Síthigh

Lai, A (University of British Columbia) *The Right to Be Forgotten and What the Laws Should/Can/Will Be: Comparing the United States and Canada*
Commenter: Paul Bernal



WoW

War of Words (WoW) is a unique co-curricular programme offered to all students at the School of Law, University of Hertfordshire.

WoW places individual student candidates in front of a live audience of student judges to argue a one minute defence of a controversial topic, such as 'whether the UK should abolish its monarchy'. The student volunteers for the position by commenting on 'I volunteer' on a blogpost which advertises a number of positions per session, and the position and student is paired-up at random (see examples on the 'UHWoW' blog at: <https://uhwarofwords.wordpress.com/>). The candidate will then have a few days to prepare their argument.

On the day of WoW, the candidate presents their one minute defence from the front of the courtroom/classroom, in complete silence from the audience, and is then subjected to questions from the audience, who have prepared impromptu responses while the speaker is presenting, designed to throw the candidate off-balance and test the student's preparation and resolve.

After around 10 minutes of questioning from the audience, the Chairperson (normally Dr Daniel Berger, who developed the programme) calls a halt to proceedings and asks the audience for feedback on the candidate's performance on the following grading criteria; (i) content; (ii) presentation; (iii) popularity. The judge's decision is based on (a) his/her own assessment of the candidate; (b) the feedback on the first two grading criteria; and (c) on the public vote outcome – (a)-(c) are weighted equally.

At BILETA 2016, on the first conference day, we will organise a delegates WoW session on topics related to BILETA's research areas.

The delegates have been asked to volunteer for the positions advertised on the conference website in advance. These are as follows:

1. That government surveillance reduces terrorism
2. That individuals do not 'own' their internet identity
3. That online piracy is killing the music industry
4. That there is no such thing as 'teaching excellence'
5. That China is correct in banning Western social media platforms

Publication Opportunities

Authors of paper accepted and presented at the conference are invited to submit their full paper for consideration for publication in special editions of the following peer reviewed journals:

- International Review of Law, Computers and Technology
- European Journal of Law and Technology

More details will be circulated to the delegates during conference.

Conference Sponsors



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