

Schulich School of Law, Dalhousie University

Schulich Law Scholars

Articles, Book Chapters, & Popular Press

Faculty Scholarship

2020

Editorial

Lucie Guibault

Dalhousie University, Schulich School of Law, lucie.guibault@dal.ca

Follow this and additional works at: https://digitalcommons.schulichlaw.dal.ca/scholarly_works



Part of the [Health Law and Policy Commons](#), [Intellectual Property Law Commons](#), [International Law Commons](#), [Law and Politics Commons](#), [Law and Society Commons](#), and the [Science and Technology Law Commons](#)

Recommended Citation

Lucie Guibault, "Editorial" (2020) 11:3 J Intellectual Property Information Technology & E-Commerce L 241.

This Editorial is brought to you for free and open access by the Faculty Scholarship at Schulich Law Scholars. It has been accepted for inclusion in Articles, Book Chapters, & Popular Press by an authorized administrator of Schulich Law Scholars. For more information, please contact hannah.steeves@dal.ca.

Editorial

by **Lucie Guibault**

© 2020 Lucie Guibault

Everybody may disseminate this article by electronic means and make it available for download under the terms and conditions of the Digital Peer Publishing Licence (DPPL). A copy of the license text may be obtained at <http://nbn-resolving.de/urn:nbn:de:0009-dppl-v3-en8>.

Recommended citation: Lucie Guibault, Editorial, 11 (2020) JIPITEC 241 para 1.

- 1 This issue marks the tenth month into the COVID-19 pandemic. Since March 2020, we have learned to live with the more or less strict public health measures put in place to ‘flatten the curve’ of infection from the virus. Words like ‘social distancing’, ‘mask wearing’, and ‘lockdowns’ have taken an entirely new meaning. In spite of these measures, the human toll is huge, most clearly among frontline workers and vulnerable people. While the curve is far from flat in most countries, the pandemic has brought to light the long time unacknowledged persistence of systemic inequalities: figures show that poorer, often racialized, communities are affected in a disproportionate way by the virus.
- 2 The positive news is that, at the end of 2020, three vaccines received the approval of health authorities in most countries of Europe, Canada, the United States and elsewhere. Several challenges await, however. Among them are the need to ensure an equitable distribution of vaccine doses among the countries of the world, to organize the logistics behind the transportation and handling requirements of the vaccines, as well as to convince people to actually get vaccinated.
- 3 Amid a global rise in COVID-19 cases and deaths, the last few weeks of 2020 saw the simultaneous conclusion of the Brexit process and the meltdown of the Trump administration. While the deal reached between PM Boris Johnson and the European Commission is certainly going in the books as a major historic event, it pales in comparison to the events that took place in the United States following the Presidential elections on November 3rd. Nothing shocked the world more than the violent and lethal siege of the Capitol in Washington D.C. on January 6th 2021 by Trump supporters. This led to a second vote by Congress within a twelve month period towards the impeachment of the President, this time under the heading “willful incitement of insurrection.” Democracy in America has never been so fragile.
- 4 It will take experts years to unravel what led to the catastrophic year of 2020. One clear contributor to the general upheaval is the role Big Tech played in the spread of online misinformation. Wild ideas and lies swirled on Twitter, Facebook, Parler, Instagram and others, ranging from COVID-19 denials, to Brexit manipulation, anti-vaxxer misconceptions, QAnon conspiracy theories and white supremacist propaganda. Once Trump and his supporters were banned from social media sites, researchers observed a seventy percent decline in online misinformation. The recurring call for the regulation of Big Tech companies deserves increased attention in the wake of the recent events. More research is critical to understand the complex workings of powerful, integrated disinformation ecosystems and develop ways to address competing rights and freedoms in a global economy.
- 5 While these events rage outside our windows, normal life continues as much as COVID-19 restrictions allow. This issue contains captivating articles on issues close to our daily lives, dealing more specifically with data protection, online copyright and patent protection. Two articles investigate the relationship between the General Data Protection Regulation and the Enforcement Directive, looking respectively at the notion of joint control (Radtke) and the right of access (Vogiatzoglou, Fantin and DeWitte). On a related topic is the article by Hoffman and Otero Gonzalez on the role of data interoperability in the access and sharing debate. Lasota wrote on the rarely considered issue of net neutrality as seen from the perspective of router and modem users. While Klobunick explores ways to facilitate the online licensing of musical works, Hanuz examines whether hosting platforms could be held directly liable for the illegal copyright content uploaded by their users. Last but not least is Rantasaari’s article on the abuse of patent enforcement actions. Enjoy the read!

Lucie Guibault