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COMMERCIAL AWARENESS SEGMENT

BY MARY FRANCIS & FARHIYA HAJI | LLB LAW

Apple is set to face a €500 million (£427m) fine from the EU for restricting other music streaming services, a claim originally brought to the EU by Spotify in 2019. The focus of the investigation is whether Apple prefers its services over those of its competitors on the App Store platform. Specifically, it investigates whether:

1. Apple prevented apps from informing iPhone users of cheaper alternatives, found outside of the App Store.
2. Whether Apple limits competition on its App Store by charging a 30% fee on all purchases.

The European Commission claims Apple's actions are illegal and violate anti-trust laws, accusing the tech giant of abusing its position. This may lead to a ban on the ability to block music services from advertising cheaper subscriptions outside of the platform. One of the main issues the EU perceives here is the 30% commission

Apple takes. This is known as 'app-tax' and applies to all third-party developers, including rival music streaming services. Similarly, in 2020, France imposed a €1.1 billion fine on Apple for its anti-competitive agreements with two wholesalers. Apple was accused of abusing dependence, which is a violation of French competition law. The fine was later reduced to €370 million after an appeal. Ultimately, this claim represents a significant step by the EU against big technology companies, signalling their desire to maintain close regulation of the digital markets, and the enforcement of competition rules. The fine is a consequence of the implementation of more obligations within the EU's Digital Marketing Act 2022, to companies who satisfy the "gatekeeper criteria" such as Apple and Amazon. This fine, as well as the legislation, could further shape the competitive landscape in digital markets and impact how companies conduct business in the future.

The EU's €500 million (£ 427 million) fine on Apple is a notable step in its regulation of Big Tech, emphasizing the EU's commitment to enforcing competition laws. This fine, while relatively small for Apple, sends a clear message to major tech firms about the EU's stance against practices that limit competition and consumer choice. It reflects the EU's broader regulatory efforts, particularly against "gatekeeper" companies with significant market influence, to ensure a fair digital marketplace.

This regulatory action against Apple aligns with the EU's broader scrutiny of Big Tech's market behaviours. A notable example includes Google, which was fined £ 2 billion in 2017 for leveraging its dominant market position to accommodate its shopping services unfairly. These interventions by the EU signal to gatekeeper firms the absolute need to comply with competition regulations, emphasizing the dismantling of any anti-competitive barriers that could hinder innovation or market entry. For companies with considerable market power, this situation underscores the necessity of re-evaluating their practices to comply with EU standards, promoting an open, innovative, and consumer-friendly digital environment.

The fine against Apple, alongside previous actions such as the one against Google, illustrates the EU's evolving approach to digital market regulation. It shows a clear intent to foster a competitive digital economy where all companies, regardless of size, can thrive. The EU's ongoing efforts to regulate the tech industry, focusing on stopping behaviours that hinder fair competition, highlight how important it is for companies to follow antitrust laws. This strategy is key to keeping the online market open, competitive, and fair for everyone, emphasizing that fair play is crucial for the digital economy's well-being.

ASK THE CAREERS DIRECTOR

A SPECIAL FEATURE WITH SOAS LAW SOCIETY'S VERY OWN
EYMAAN ZUBAIR | 2ND YEAR LLB LAW

OUR QUESTION THIS WEEK:

How helpful is visiting law firms for my vacation scheme and training contract applications?

EYMAAN'S ANSWER:

Here's the thing, law is a profession that thrives on human interaction. Studying a law degree is not just about doing well on the course, but training yourself for conversations with colleagues and clients which you, in the course of your everyday job, will have to engage in. That's where networking events come in. These are, single-handedly, the most effective opportunity we have as students to observe the way trainees, associates and partners give presentations and interact with each other, all whilst gaining first-hand insights and expertise.

Delving into conversations with them, you understand better what a particular law firm is looking for beyond your achievements, grades, and demeanour in an application. You get to envision yourself working at the firm based on their culture and area of practice – which you can only fully experience and examine once you visit. As for the kind of questions you should ask the lawyers, stay tuned for Legal Lens next issue where I'll answer exactly that!



FEBRUARY OSBORNE CLARKE DIVERSITY PRESENTATION

Earlier this month, one of our sponsors, Osborne Clarke, hosted their annual OC Reach and OC Social Mobility seminar which provides a comprehensive overview of their commitment to diversity and playing a vital role in bridging the gap in our communities. Their work ranges from being a responsible employer to being sustainable in their business practice which in turn has a positive domino effect in our socio-economic landscapes across the globe.

Yet, when it's your first event – you may not always feel confident to directly engage with professionals, but sometimes, just being an ardent listener at the presentation works wonders too!

Speaking to a passionate and focused first-year LLB Laws student, Tasmia Hossain, regarding the importance of networking at events such as this, I asked her a couple of questions on how her first-ever visit to a law firm has been for her and I hope our quick chat gives you a feel of how the events go.

Eymaan: Did your visit provide any insights into how Osborne Clarke leverages its network and resources to support individuals from underrepresented backgrounds in the legal field?

Tasmia: The presentation evening by Osborne Clarke was extremely informative as it exposed me to many different networks and organisations they support for people from underrepresented backgrounds, such as UK Youth and Z2K. It inspired me as a woman of colour myself, that the legal field is definitely evolving to encourage people from many different backgrounds.

Eymaan: Were you able to learn about any mentorship or sponsorship programs offered by Osborne Clarke that aim to support the professional development of diverse talent?

Tasmia: OC Social Diversity has many partnerships that appealed to me such as the 93% Club which represents state-school attenders and Vision Path that represent disadvantaged young talent.

I do hope this encourages you to take full advantage of such opportunities, keep an eye out on @soaslawsociety for opportunities and deadline reminders! Working step by step is the cheat code to profound success in future.

WHAT YOU MAY NOT HAVE KNOWN ABOUT...

BY SELMA ALKHAYAT | 2ND YEAR LLB LAW

...THE MILITARIZATION OF SPACE AND RUSSIA'S SATELLITE EXPLOSION

The "Space Race", and early space exploration, emerged as a result of military advancements in the post-WWII era. Developed during the political contexts of the Cold War, and following the launch of Sputnik I in 1957, it oversaw the Soviet Union and United States' battle over hegemony extend to beyond the skies. These vast technological advances, and fears of degradation on both sides, naturally necessitated international conventions that aimed to avoid direct confrontation in space. The key legal instruments are contained in the Outer Space Treaty 1967, the Rescue and Return Treaty 1968, the Liability Convention 1972, the Registration Convention 1976, and the Moon Agreement 1979. Nonetheless, the research and legislation regarding the militarization of outer space remains limited. In fact, only one provision of the OST 1967 directly pertains to military activity, "States shall not place nuclear weapons or other weapons of mass destruction in orbit or on celestial bodies or station them in outer space in any other manner", and even then, this extends only to nuclear weaponry. This void in policy, when faced with the probable reality that space may soon become militarily exploited, creates uncertainties.

On November 15th 2021, Russia deployed an A SAT (Anti Satellite Weapon) ground based missile, destroying one of its own satellites. This scattered thousands of pieces of debris into Earth's orbit - the US has identified more than 1,500 trackable pieces from the event, and thousands of smaller pieces that cannot be traced. Furthermore, it left astronauts on the International Space Station needing to take shelter from the impending debris cloud. This naturally caused outrage and condemnation - with the US State Department's Ned Price calling it "dangerous, reckless, and irresponsible."

This incident reignited previous fears over the militarization of space. Missiles are an extension of a state's military and nuclear capabilities. If they are capable of exploding a satellite of their own with such ease, that threat equally extends to satellites belonging to other states. For this reason, ASAT tests are often considered political moves that showcase a nation's capability of taking out other satellites. ASAT technology has long been associated with fears of space militarization and nuclear supremacy. After all, they have existed for as long as satellites have, and were created by the United States as a response to Sputnik and fears of the Soviet Union developing nuclear armed satellites. The 1963 Partial Test Ban Treaty prohibited nuclear weapons testing in outer space, and the 1967 OST prohibited any military activity on celestial bodies including stationing weapons of mass destruction in space. Though both treaties are still in effect today, there are still no international regulations banning other weapons, including ASAT missiles.

A more recent incident during the Russia Ukraine war saw an American company being subjected to a cyber attack, resulting in the immediate loss of communications for the Ukrainian military an hour before the Russian invasion of Ukraine. The degradation of satellite functionality through a cyber attack is a form of non kinetic ASAT technology - non physical attacks are employed such as cyber attacks, jamming and even blinding satellites with lasers. These attacks can all be carried out from the air, low orbit, or even ground installations.

Though the United States outwardly denounced Russia's misconduct, legally there is little they can do to counter these 'attacks'. Furthermore, numerous issues emerge from this incident, regarding the safety of civilians in space being threatened, or the lack of regulation of missile deployment, as well as the damage caused by the explosions in space.

WHERE DOES THIS LEAVE US ?

Though it seems like a far-fetched, distant idea - straight out of the pages of a Sci Fi book - the reality of a battlefield in space is a lot more real than we'd think. Our slow migration/colonization into space is unregulated and as a result, a legal script to set out what is permissible and what is not, or to hold anyone accountable, ceases to exist. The United States has already erected the United States Space Force, a branch of the US Armed Forces, but its executive power on the outer space 'stage' is questionable. What are the legal parameters applicable to an attack on a military facility in space? Currently, approximately 60 states own and operate active satellites, and 11 states are capable of launching objects into space using their own launch vehicles.

There are several issues posed, and many more questions left unanswered. The damage to the environment, as seen by the debris fallout during the Russia incident, highlights fears of the Kessler Syndrome - 'spoiling' areas of space with debris and objects subsequent to consistent deployment of missiles. Maintaining the protection and lives of humans in space is incredibly important, as the lives of the astronauts were threatened by the explosion of the satellite. Importantly, satellites provide GPS signals, which are essential and relied on throughout daily life with their use in navigation, communication, banking, surveillance etc. This is a service that must be efficiently sustained and untampered with for obvious reasons, without the threat of their sudden destruction. The territorial disputes that arise from treating space as an open ground without boundaries or borders, as space is infinite, is also up for debate. As per the Concept of the Common Heritage of Mankind, Joyner states "common" space areas would be legally regarded as regions owned by no one, yet, managed by everyone; where sovereignty would be absent." Therefore, could one nation 'invade' another's space or property in space? How can national security be maintained both on Earth and on space? Lastly, laws regarding what constitutes 'weaponry' must be reworked - ASAT missiles are not considered within the criteria, and yet have caused considerable concern and damage.

The potential that space advancements could provide for the betterment of human civilization are endless. Naturally, until we have physically ventured into space enough and adopted it as a daily part of our lives, is it unlikely we will be able to legislate any new policies or statutes. However with the current issues at hand, especially regarding future military uses and conflict, this void in law is in dire need of attention and research - before it is too late.

"I feel that, in the future, whoever has the capability to control space will likewise possess the capability to control the surface of the earth."

— General Thomas D. White, USAF Chief of Staff, 1957



BAR DIGEST

BY YAËLLE LAWSON | 2ND YEAR LLB LAW

CHANGES TO FAMILY LAW IN 2024

Amongst the consistent changes and refinements within the law, family law will also undergo significant developments in 2024. In an effort to make family law simpler, fairer and more cost effective, there are two main changes:

- The transparency reporting pilot
- Carer's Leave Act 2023

The difference between reality and print media, when reporting on family court cases, has made coverage on case reports less reliable than in other areas of law. This is why there have recently been transparency reporting pilot schemes in England, with a new one to start at the end of January 2024 in Birmingham's Central Family Court.

Reporters will be vetted and accredited before being admitted to the courtroom. Once in, the judge must weigh up whether to let them report on the case, with caveats of anonymity and confidentiality in place. If granted, the reporter will be given copies of position statements and electronically stored information (ESI). The judge can, however, deny this right if they believe the circumstances call for it. Launched last year in Cardiff, Leeds and Carlisle the transparency pilot allows reporters to enter family courts and report on cases with anonymity.

A right to Carer's Leave is an issue that Carers UK has campaigned on for a long time. Last June, this took a firm step forward with the introduction of a Private Members' Bill on Carer's Leave, by Wendy Chamberlain MP, the Liberal Democrat MP for North East Fife. Carers UK has worked closely with Wendy in the passing of the Bill, which gained Royal Assent and became the Carer's Leave Act on 24 May 2023. The Carer's Leave Act will come into force in April 24th, allowing employees who have caring responsibilities to take at least one week's leave in any 12 month period. To be entitled to the provision, employees need to be providing long term care and the leave will be able to be taken in half or full days, up to and including taking an entire week' period of leave at once. Importantly, employees taking Carer's Leave will have the same employment protections as associated with other forms of family related leave. This includes protection from dismissal or detriment as a result of having taken the leave.

THANKS FOR READING

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