

# Editorial

**Paul Maharg & Abhilash Nair**

Welcome to the third and final issue of 2014. The themes of this issue cover a range of topics including transmedia and the law, meta-regulation and self-regulatory behaviour in technology, domain names and legal risk management, and legal educational curricula.

The games industry is one of the UK's few industrial success stories in recent years. Daithí Mac Síthigh analyses it in the context of transmedia and the law. He focuses on the impact that three areas of legal regulation has had upon the games industry, namely tax, consumer and intellectual property law. He notes the problematic questions that arise as regards the cultural status of games in the creation of tax credits for video game development expenditure. Under consumer protection law, he analyses the development of regulation on in-app purchases which, while requiring regulation, may nevertheless constrain lines of development within the industry. He concludes with a critique of the methods by which 'the emerging business model of F2P non-console games' is treated by regulators and others.

We continue the regulatory theme with an analysis of the European Commission's Recommendation on a Code of Conduct for Responsible Nanosciences and Nanotechnologies Research. The Code contains both Commission recommendations and Council conclusions, and in the document's Forward claims to be 'the most advanced existing model of regulation and governance of nanotechnologies'. Daniele Ruggiu describes the Code, with its emphasis on responsibilities, as an 'instrument of meta-regulation aimed at fostering self-regulatory behaviours and as an example of the distribution of responsibilities among stakeholders within the *Responsible Research and Innovation (RRI)* framework'. His analysis points up the role that the three major consultations, held between 2007 and 2011, played in the development of the Code, as well as the crucial importance of the communication of principles for self-regulation and for meta-regulation.

Names are profoundly important: through them, our identity is presented to the world, and the adamic process of naming reveals much about our memory and expectations, our culture and motivation. Tobias Mahler analyses this process with regard to top-level domain (TLD) names, and particularly generic TLDs. As he points out, names and business models can be closely linked; and the possession of a valuable name is a crucial business asset, the acquisition of which can be costly and therefore also a critical business risk, given that 'ICANN's internal decision-making procedures are both complex and subject to change'. Mahler's article illustrates concerns that lawyers have about the use of conventional operational risk management for the management of legal risk. His case study is an intriguing instance of risk regulation applied to the subject of new internet TLD names. As he observes, on a cautionary note, we know little about how lawyers adopt and adapt risk management practices in general. This is also true of their behaviour on ICANN issues. Mahler takes the conventional kernel of an ISO risk management process and shows how it can be adapted for legal risk management.

In his article on legal education, Maharg analyses the effects that fragmentation and convergence have upon our law school curricula. He focuses on the three fields of legal information literacies, legal informatics and legal writing, arguing that the sum of the convergence of all three would significantly improve the educational effects of the

individual parts in our curricula. He explores how studies in New Media on media convergence may give us models for such convergence, and how such studies can reveal the educational effects that the process may bring about. He exemplifies these effects in two brief case studies, the first a legal writing project stemming from a wider curriculum innovation in legal education simulation, and the second consisting of examples from legal informatics. He concludes with practical guidelines for the design of law school curricula.

Finally, in his review of a collection of special lectures sub-titled *Employment Law and the New Workplace in the Social Media Age*, David Mangan comments on the analysis of the effects of social media in Canadian employment law. He focuses not only on those chapters that deal directly with the effects that Canadian employment law has had on social media, but on wider-ranging chapters and issues as well. Concluding, he notes the potential for adjudication in this area to 'police behaviour in a way which has not been undertaken previously', and the challenges that this presents for employment law.

This has been our first complete year as editors of the journal, and in the spirit of New Year, Abhilash and I have some resolutions in hand. We are planning new features for 2015, which will include at least one annual Special Issue of the journal on an aspect of law and technology. We have set aside the first issue of 2015 for the legal education papers from the BILETA Conference, held at the University of East Anglia in 2014. That will be published in time for the 2015 BILETA Conference which will be hosted by the University of the West of England in early April. Should you have ideas for other such Special Issues please do contact us. In addition, and working with our Desk-Editor, Simon Thomson, we shall be changing some of the functionality of the journal. We shall continue to strengthen our links with BILETA (British and Irish Law Education Technology Association), and with other professional associations.

We wish all our readers a happy and productive New Year.