



PRICE MEDIA LAW MOOT COURT COMPETITION 2017-18  
COMPILED CLARIFICATION QUESTIONS AND ANSWERS  
ALL ROUNDS

*Scoops and its Operations*

1. Does SCOOPS, which is a Turtonia based social platform, have international presence or not? *Scoops is accessible globally. Scoops also has sales offices located in countries around the world.*
2. Is Scoops' platform and content accessible on the web or is it strictly accessible only on mobile apps? *Both.*
3. What kind of ISP intermediary is Scoops? *Scoops is a social media platform.*
4. Does Scoops receive financial benefits from its user-generated posts? *Scoops does not earn revenue directly from user-generated posts like Peaps' post.*
5. What are the sources of Scoop's annual revenue? *Revenue is generated when users pay to have their posts boosted and also from advertisements.*
6. On Scoops, is the user-generated content viewable by members only or also by non-members? *The image is widely viewable by anyone on the Web. The fact pattern confirms that the post went viral on Scoops, reaching more than 10,000 on Scoops within the first hour. People can also screenshot the image and upload it to other websites and social media.*
7. In para 5.1 of the case it is mentioned that a post on Scoops can be shared, or declined. When a post is shared, is the author of the post indicated, or does a user only see who shared it with them? *Both the original author and the last person to share the post would be viewable.*
8. What is the extent of human review employed by Scoops in paragraph 5.1? *Human reviewers look at accounts that have unusually high or unusually low rates of sharing content related to their topics of interest. Based on their review, the human reviewer may adjust the algorithm so that a particular account is more or less likely to see content related to a specific topic of interest. Humans also review content that is reported through the online form for reporting terms of service violations.*
9. While the human review helps the algorithm in reaching the right users, is it aware of the content of the shared post, or just the topic of interest? *A team of*

humans views and classifies randomly selected posts in order to assist the algorithm. These humans are aware of the specific content they view. The algorithm is making data-driven predictions based on patterns related to posts and their contents, but the algorithm is not “aware” of content like a human.

10. Does the human review assist the algorithm when a post first gets posted on Scoops or when a post becomes viral? [The algorithm affects whether non-friends of the poster see the content \(regardless of virality\).](#)
11. Does something similar to a "verified badge" on popular social media sites like Instagram, Facebook, etc. appear when a post from an official account is shown to a Scoops' user? [No. Scoops does not have any tool that certifies the authenticity of accounts.](#)
12. How did Scoops verify the identity of XYZNews12? [Scoops does not verify the identity of account-holders prior to their account creation. Scoops can see user data on the backend, which it shared with Turtonian authorities after being served with the search warrant.](#)
13. Has Scoops adopted and implemented any repeat infringement policy? [Yes. This is outlined in the Terms of Service. Consequences vary depending on the severity of the specific infringement and the user's history of past infringements. Multiple or repeat violations may result in disabling a user's profile or temporarily restricting the profile's ability to share.](#)
14. Does Scoop's terms of service allow it to remove content without takedown notice? Please clarify Scoops' terms of service. [Scoops' Terms of Service does not preclude Scoops from removing content without takedown notice](#)

### Peaps' Post and Responses

15. Please provide the specific year of the actions described in Sections 7.1 and 12.3.4 regarding what year Peaps posted the photoshopped picture on the Scoops account XYZ News12, and what year Turton Power website user 'PowerPlayer' posted and subsequently removed the photoshopped picture from the Turton Power website. [The actions were all in 2016.](#)
16. Can the angle of the picture be viewed as depicting the real situation? How detailed was the picture? [The photoshop of the picture is reasonably well done. The female pubic area and nipple are visible.](#)
17. Was the Turton Power Website (Paragraph 12.2 and 12.3.4) where the photograph was initially posted, an open access website or only accessible to members or limited persons? [The website's content is publicly accessible.](#)
18. Paragraph 9.1 of the Compromis states "...Kola's office released a statement..." Does "released" mean they published that statement on their Scoops account? [No.](#)

19. When KOLA's legal counsel sent a letter to SCOOPS notifying them to remove the content, is the "letter" an actual paper letter (regular mail) or an electronic letter (e-mail or other electronic means)? [Both](#).
20. Did Item 9.2 of the Case provides that on May 3, at 11:00 a.m., Kola's legal counsel submitted a letter to Scoops. What exactly did he submit? Could it be understood to be his submission that Peaps' post contained the nude image of Kola shared without her consent? [The letter to Scoops threatened a civil action for defamation and violation of privacy. The letter contained screenshots and a URL to the post at issue.](#)
21. KOLA ask for removal of the picture by logging in with her (a) personal account, (b) her political representative account, or through a (c) regular, free access non-SCOOP's user form available on the website? [Option \(c\)](#).
22. Did Scoops server receive an inappropriate image report on May 2 7pm, when Kola's staff reported the image without completing the verification step of the online complaint form? [Yes](#).
23. Regarding para 5.1, please clarify the role of human review in Scoops - did the human reviewer(s) review Peaps's post before it was posted or after it was shared? [Scoops employees saw the post after it was reported by Kola's staff.](#)
24. In paragraph 9, the case reads that 'Scoops responded with an electronic message that...' Was this electronic message an automatic reply or was it sent through manual operation? [An employee of Scoops manually sent the message.](#)
25. Are the text and picture comprising a post indivisible or are they two separate parts, where one can be deleted and the other remains? [When a post is reported, Scoops' reviewers will see the text caption and the image. It is possible to delete the image and have the text caption remain. However, it is not possible to delete the text caption without also deleting the image.](#)

### Prosecution of Peaps and Scoops

26. Regarding para, 13.1 2, please clarify for which offence Scoops was prosecuted and convicted - is Scoops convicted for the breach of article 1(a) para(s) i, ii and/or iii of (F)IA? [Article 1\(a\), paras i, ii, and iii of the Information Act.](#)
27. While the prosecution of Peaps under para 12.1(2) calls his conviction a violation of the Information Act of 2006 (IA), para 13.2(3) uses another terminology for the same, calling it a violation of the False Information Act (FIA). Is there a reason for this difference? [No. The references are to the same legislation.](#)
28. Whether prosecution of Peaps under the Information Act as given in Para 12.1(2) is with respect to just the text of the post or including the image as well. [The post as a whole, including the text and the image.](#)

29. Has the truth or falsity behind the sex-for-visa scandal been proven during or outside of the trial? **No.**
30. Was the criminal search warrant to obtain the identity of “XYZNews12” subscriber issued by a court? **Yes, the search warrant was issued by a competent officer of the court.**
31. The search warrant issued to identify Mr. Niam Peaps was under which of the two Acts i.e, ODPa or IA? **Both the ODPa and the IA.**
32. Was Peaps prosecuted for defamation by the trial court of Turtonia under the ODPa or the False Information Act? **No.**
33. How was XYZNews12's identity revealed? Did Peaps disclose these pieces of information during registration and was Scoops compelled to disclose the information or was it turned over voluntarily? **Scoops was compelled to disclose account registration information that led law enforcement to identify Peaps. Peaps does not contest his identity as owner of the account.**
34. Was there any finding by the Turtonian court with respect to the written content of Peaps' post? **The factual findings by the Turtonian court with respect to Peaps are located in Paragraph 12.3.**
35. In the trial court proceedings, was the veracity of the caption discussed? **Yes. The Prosecution introduced Kola's statement described in Paragraph 9.1 as evidence.**
36. Can the findings of the court based on the evidence be questioned or should it merely be regarded as a fact of the case? **You may not challenge the facts found by the trial court.**

#### Online Digital Protection Act and (False) Information Act

37. Paragraphs 10.1 and 11.1 state these Acts (the Online Dignity Protection and the Information Act) were “passed”. Did they pass through the democratic process of parliament? **Yes**
38. Para 11.1 of the Compromis provides the context for the incorporation of Information Act and gives the impression that it is an election specific Act which will only be applicable in that particular context in light of purposive interpretation. However, the text of the act does not have a context clause. In light of this conflict, is the Information Act an election specific Act or a broad Act applicable in all scenarios? **The Information Act is broadly applicable and not limited to the elections context.**
39. Does ‘Information’ under Information Act include only text or does it extend to pictures also? **The term “information” is not defined in the statute.**
40. Should the Information Act (IA) of 2006 section (3) be read as an exhaustive list - meaning that in order to qualify for immunity, an OSP needs to meet all of the

criteria listed, or is it sufficient that the OSP meets just one of the criteria? [All must be met.](#)

41. Is there a definition of “online service provider” under the Information Act of 2006? [No.](#)

### Turtonian Law and Society (General)

42. Is Turtonia a signatory to any other covenant or convention or declaration or treaty other than the ICCPR? [No.](#)

43. The facts state that Turtonia is a civilian system. What is the significance and relevance of this? [It is a code-based legal system.](#)

44. Does ‘codal in nature’ mean that Turtonian laws are codified? [Yes, caselaw is non-binding.](#)

45. What is the population of Turtonia? [Approximately 17 million people.](#)

46. Also in paragraph 9, the case states that ‘Turton Times newspaper is affiliated to the political party that opposes Kola’s party’. Which party was the governing party in Turtonia at that time? [Kola’s party.](#)

47. What is the ‘civil unrest’ per paragraph 11.1? [While public protests following the 2005 Turtonian General Elections were largely peaceful, there were isolated incidents of vandalism and violence, and in one instance, a person was killed.](#)

48. Where did the previous attacks and attempts by True Religion happen, which are mentioned in para 3 of the Case? [In Aquaria.](#)

### Miscellaneous

49. In paragraph 3.2, the leader of True Religion is called ‘Prinsov Parta’, while in paragraph 8.3 the name is ‘Princev Parta’. Is this one a typo? [No, this is not a typographical error in the fact pattern.](#)

50. Clause (b) of Rule 5.4 of The Competition Case 2017-2018 establishes jurisdiction of Universal Court of Expression as dealing in cases under Article 19 of UDHR, whereas the competition case refers to Article 19 of ICCPR; So whether Universal Court of Free Expression has been formed under ICCPR or not and if not then under which statute this Court has been established? [Teams are directed to address the issues as framed.](#)

51. Considering that it is only stated that Turtonia is a signatory of the ICCPR, is there an expectation that issues being raised before the Universal Court of Free Expression must include other international human rights instruments such as the UDHR? [Teams are directed to address the issues as framed. Teams may refer to other legal materials as necessary in accordance with Rule 5.4.1.](#)