

PRICE MEDIA LAW MOOT COURT COMPETITION 2018-19  
COMPILED CLARIFICATION QUESTIONS AND ANSWERS  
INTERNATIONAL ROUNDS IN OXFORD

***Magentonia (Laws)***

1. Does any other act of Magentonian legislation (e.g. Code of Civil Procedure) regulate imposition of measures for online infringements? [No](#).
2. Were the Magentonian High Court's orders on the payment of fine (paragraph 6.3) and interim injunction (paragraph 5.5) against UConnect grounded solely under Sections 3 and 5 of the PIDPA, or some other legislative provision stipulating criminal sanction and enforcement powers? What were the High Court's grounds in granting the interim injunction order on 2 June 2018, and did UConnect appeal against the order and seek for a stay of execution? [See answer to Question 37 below](#).

***Unger Ras***

3. Are the contents of the Cyanisian Times article factually true? [The claims in the article that a warrant had been issued against Ras for alleged misappropriation of university funds during his previous tenure as a professor, and that the Director of State Police issued instructions for Ras's immediate arrest, are factually true.](#)
4. Was a warrant actually issued against Ras for alleged misconduct? [See answer to Question 3.](#)
5. In para 4.2 of the Moot Problem, should the sentence be read as "Ras therefore wrote to the *Magentonian Mail* requesting..." instead of "Ras therefore wrote to the *Magentonian* requesting"? Kindly confirm. [Yes, it should read as 'Magentonian Mail'.](#)
6. Did the article made by the Magentonian Mail, or the online version of the story published in 2001 in The Cyanisian Times, include the fact that Ras had been exonerated? [No](#).

7. Did the Supreme Court decline to consider Ras' appeal based on sec. 31 PIDPA?<sup>1</sup> The Supreme Court has discretionary powers to review any decision of a lower court, including the Hight Court of Magentonia. But the Supreme Court decided (in its discretion) not to review the present appeals.

### **UConnect**

8. Does UConnect have any other source of income apart from advertisement revenue? No.
9. Does UConnect's search function allow for the searching of any content on the internet, or just content on UConnect? UConnect's search function allows for searching any content on the Internet.
10. Regarding the functions of UConnect, do the search results appear in the same queue or page on which the posts written by users appear? Are users redirected to a search engine or are the results populated by UConnect? The search results will appear on a new page on the UConnect platform.
11. Are posts on UConnect searchable through other search engines? Or posts from elsewhere through the UConnect search engine? UConnect posts may appear in the search results of other search engines. UConnect's search function does not, by default, distinguish between UConnect posts and content from other sources.
12. Concerning UConnect's search functionality, will the posts from UConnect have priority over those from other Internet domains in deciding users' preference? For example, would the statements of Unger Ras and his former university be equally accessible as the disputed story itself to UConnect's users? UConnect's search function does not, by default, distinguish between UConnect posts and content from other sources.
13. Does the order of the search results on UConnect also depend on the general popularity of posts?<sup>2</sup> Are user's search results affected by what is trending and being promoted on UConnect? Trending content may appear higher on the list of search results. A search result will not be directly affected by what is being promoted. The search result will only be affected if the promoted content also begins to trend.
14. Does UConnect's algorithm of identification and dissemination of "trended" posts involve human input of any kind? No.

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<sup>1</sup> Competition case 4.5, 7.1.

<sup>2</sup> Competition case 3.4, 4.3.

15. Does UConnect delink searches only on the order of the Commission as provided under Section 30 of the PIDPA or does the PIDPA allow for UConnect to unilaterally decide to delink searches? [UConnect may remove from search results any content that violates its Community Standards.](#)
16. Did the search results contain allegations of a similar nature as the post by *TakeBackMag200*, or the exposé by the *Magentonian Mail* on 1 April 2018? Did they contain depictions of *The Cyanisian Times* article only, or did they also contain Ras' exonerating statement on *Magentonian Mail* article on 3 April 2018? [The original Cyanisian Times article appeared in search results. Search results also showed Ras's statement.](#)
17. What is the meaning of 'Integration' of search results into a user's posts? [Integration of search results means posting something discovered through UConnect's search function as a separate post. For example, if a user searches for the term 'Ras', and an article on Unger Ras appears in the search results, the user may share that article in a separate post on his or her personal page.](#)
18. Would search results that have been integrated into users' posts (para 3.3 of the Competition Case) also be removed if UConnect blocked/removed search results depicting a particular story? [Integration of search results allows a user to post something \(e.g. an article\) discovered through UConnect's search function as a separate post on his or her personal page. A post that has previously intergrated a blocked/removed search result will not be automatically taken down by UConnect. However, the said post will not appear in future search results.](#)
19. Does the following paragraph: "However, these results can be integrated into a user's posts, which then become visible to other users (either to all users if the post is labelled as 'public', or only to followers of the user concerned if the post is not labelled as 'public')" imply that people can deliberately make their search results public by "sharing" them as a separate post? For example, will a deleted search result still show up in other users' previous posts? [See answer to Question 18 above.](#)
20. Would deleting the search results imply that the link to the 2001 article no longer showed up when searching the topic? [Yes.](#)
21. Does UConnect itself have any technical ability to block a specific topic, or UConnect's own operation in Magentonia, or in any other country? [UConnect has the ability to block search results on a specific topic, and to suspend access to its platform in any country.](#)
22. What is the average ranking of the link to The Cynasian Times article on UConnect's search result pages when the search terms 'Ras' and 'Unger Ras'

- are entered by a Magentonian user, as compared with the ranking of links to other related articles (such as the University's clarification in April 2001, the Magentonian Mail's article in 1 April 2018, and Ras' subsequent statement of clarification)? Do such rankings fluctuate significantly for different users over different periods of time due to the search algorithm's sensitivity towards user preference and behavior? What details appear in each individual link of the search result (e.g. title header, brief description, URL link)? [The rankings would depend on the date of the search, on user preferences and behaviour, and on whether a post intergrating a specific article was trending at the time.](#)
- 23.** What is UConnect's stance on anonymous posting? Does it violate its Community Standards? If so, what is UConnect's standard procedure in regard to non-compliant posts? [UConnect permits anonymous posts, and applies its Community Standards to anonymous posts in the same manner as it would to non-anonymous posts.](#)
- 24.** What activities do UConnect Community Standards consider offensive and what are the monitoring obligations in relation to promoted content (if any)? [UConnect Community Standards only refer to reviewing and taking down posts that \(a\) incite violence, \(b\) amount to defamation, or \(c\) violate any law in the country concerned. UConnect will review a post \(including a promoted post\) only in the event of a complaint.](#)
- 25.** On which date did users report the post of 26 May 2018 as a violation of UConnect's community standards? Has any violence occurred due to similar posts in the past? [Users reported the post on 26, 27, 28, 29 and 30 May 2018, i.e. on each day the post was visible, it was reported by at least one user.](#)
- 26.** Was TBM6000's post, 'bottom feeders should be swimming with the fishes' reported by the users of UConnect or was it removed by UConnect on its own discretion? [The post was reported by several users as violating UConnect's Community Standards.](#)
- 27.** What is the date of the post posted by *TBM6000* in paragraph 5.3? [The post was posted on 30 May 2018.](#)
- 28.** Are the accounts 'TBM' and 'TBM6000', mentioned in points 5.1 and point 5.3 of the case, completely anonymous, or does UConnect have information about the person(s) behind these accounts? [These are anonymous accounts.](#)
- 29.** Were the posts of 15 April, 26 May and 30 May in paras 4.3, 5.1 and 5.4 respectively promoted? [No.](#)
- 30.** What were the grounds of decision to remove, but not suspend or terminate, the TBM post made on 26 May? [UConnect decided that suspension or termination of the account was an excessive response to the said post.](#)
- 31.** Was Ras's reply statement published on UConnect? [No.](#)

32. Has that statement published on 3 April 2018 ever trended on UConnect? **No.**
33. Are users allowed to modify content already published? **Users may edit their own posts at any time.**
34. What was the mechanism of suspension of UConnect operations in Magentonia (e.g. through the host provider, by the platform itself)? **UConnect made its platform unavailable to Magentonian users, in compliance with the interim injunction issued by the High Court.**
35. What was the reasoning of the court when it issued the interim injunction on 2 June 2018? **The court reasoned that irreversible harm would be caused to the public, including UConnect users, if an interim injunction was denied.**
36. Regarding paragraph 5.5, did the High Court of Magentonia give UConnect any opportunity to provide undertakings to stop the injunction of suspending all its operation in Magentonia? Was there any return hearing held by court to hear argument and evidence from both sides? **The trial (at which parties were heard) took place on various dates between 2 June and 10 July 2018.**

### ***Public Information and Data Protection Act 2016 (PIDPA)***

37. Are there any express provisions under the PIDPA 2016 which state the repercussions for violation of Section 3 and Section 5 of the Act committed by any person? **Section 6 of the PIDPA sets out the penalties for offences contained in the Act. Penalties include imprisonment (where the convicted party is a natural person) for up to a period of five years, or a fine of no more than a sum of USD 200,000, or both (where the convicted party is a natural person).**
38. Is punishment inflicted according to PIDPA a criminal punishment or a civil punishment? **See answer to Question 37 above.**
39. Are the terms used in Section 22 of the PIDPA defined in the Act or any further guidelines issued under the Act to explain their scope? **In addition to providing a definition for 'person', section 32 of the PIDPA defines:**

**'Data controller' to mean 'a natural or legal person which, alone or jointly with others, determines the purposes and means of the processing of data.'**

**'Processing' to mean 'any operation or set of operations which is performed on data or on sets of data, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by**

transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.'

40. Regarding section 30 of the PIDPA, please clarify the role of government in the Commission. Is the government competent to appear before the Commission as one of the parties in an application? Do they have some cooperation in issues corresponding to the protection of public information? [The Commission is a statutory body, and the government is competent to appear before the Commission.](#)
41. Regarding paragraph 6.3, please clarify the role of the judge in the judicial system. In other words, to what extent are judges competent to punish a person? [See answer to Question 37 above](#)

### ***Case before the Universal Court***

42. In light of the different impugned orders, will the title of the case be "Unger Ras vs State of Magentonia" and "UConnect vs State of Magentonia" or, "Unger Ras & Anr. vs State of Magentonia"? [It should be 'Unger Ras and UConnect v State of Magentonia'.](#)