

scripted |

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Editorial

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This summer issue of *SCRIPTed* marks the beginning of the fifteenth volume of our journal. We are delighted to present a collection of high-quality, fully peer-reviewed articles from across the range of information technology, intellectual property, and medical law. Also included is an equally diverse set of book reviews that will provide our readers with lots of ideas on what to add to their reading lists.

In the first article, Laurence Diver carries out a critical interdisciplinary exploration of the theories of affordance and technological mediation, and their relation to law. The article explains how existing theories in the legal literature — which offer accounts both of the evolution of law as a result of the affordances of the script, and of law as an affordance *per se* — are subject to certain normative and definitional limitations. Based on these findings, the article suggests an alternative approach that maintains the user-artefact relational structure of those theories, thereby casting the law as the user of digital artefacts.

Another article featuring IT law discusses the topical GDPR, with a particular focus on the new right to data portability. Helena Ursic questions the ways in which the data protection objectives of such a right can be achieved through the exercise of the right. Following a historical and doctrinal analysis of the right to data portability, the author identifies four gateways through which protection of personal data can be improved with this right: control, (re)use, transparency, and equality. Despite these promises, however, it is argued that the realisation of the right's potential will depend on a series of regulatory efforts in terms of interpretation and enforcement of the law.

In the field of IP law, the article by Eugene C. Lim deals with the highly controversial issue of the tension between authors' and users' rights in the context of non-commercial user-generated content. The piece conducts a comparative investigation of Canada and the UK, the resulting analysis of which reveals that while Canadian law provides certain statutory defences to the user

of copyrighted works against infringement claims based on the author's economic rights, such defences are vulnerable to moral rights claims. For this reason the author goes on to explore the extent to which Canadian copyright law might learn from the UK experience.

For readers interested in medical law, this issue includes an article on the Taiwan Biobank, by Shawn H.E. Harmon, Shang-Yung Yen, and Shu-Mei Tang, in which the authors outline how the Biobank was established and how its governance has evolved over time. Two perspectives are adopted to present the developments surrounding the Biobank, focusing respectively on substantive concerns (autonomy and ethnicity) and procedural safeguards (transparency and governance).

We are also pleased to share some news regarding the operation of *SCRIPTed*, as well as the composition of the editorial board. In line with our commitment to knowledge exchange and open access, we have updated our copyright policy to clarify further our policy regarding the use of materials for self-archival purposes. Additionally, we would like to welcome Giorgos Vrakas to the editorial management team, taking up a position as our Executive Editor.

As always, we pride ourselves on *SCRIPTed*'s continuing status as a high-quality, open-access, and interdisciplinary journal. We hope you enjoy issue 15:1 and look forward to hearing your feedback.