

# scripted |

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## Editorial Introduction

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Welcome to the first issue of the nineteenth volume of *SCRIPTed*, the University of Edinburgh's Journal of Law, Technology and Society. As ever, this issue is a product of the hard work and collaboration of many different people. We would like to thank in particular our contributing authors and reviewers, without whom there would be no work to publish and who have ensured the work in this issue is of high quality. We would also like to thank our editorial team in general including supervising, student, technical, and copy editors, without whom the said work would not reach an audience. We would also like to acknowledge that as the pandemic still continues to disrupt our lives, we recognise the difficulties this causes and so, therefore, are even more grateful for the commitment of everyone involved in publishing this issue of *SCRIPTed*. Last but not least, we convey our thanks to our colleague Robbie Scarff for his support with editorial work so far. In the first issue of the nineteenth volume, we are delighted to introduce five articles to our readers' consideration.

The first article in this issue is written by Rita Matulionyte and Jyh-An Lee. Analysing the decision in *Thaler v The Comptroller-General of Patents, Designs and Trade Marks (DABUS)* that concerns ownership of AI-generated invention in patent law, the authors consider its implications for copyright law by weighing up the strengths and weaknesses of commonly proposed solutions to the question of who should own AI-generated works. The authors then assess the patent ownership allocation rule from the DABUS case and evaluate whether it should be applied in determining copyright for AI-generated works. Last but not least, the main advantages and key points regarding the application of an AI-owner rule to copyright law are identified.

The second article presented is written by Kwanghui Lim, Megan Richardson, Say Yen Teoh, and WaiLing Seto. Following an introduction which emphasises two key problems faced by the fashion industry, combatting counterfeiting and proving provenance, the authors move on to assess the role

blockchain can play as a “convening technology” with regard to the fashion industry, roles such as bringing people together and instigating public discourse on social issues relating to fashion. However, a key problem identified by the authors is that for blockchain to fulfil its proposed promises it needs to be trustworthy in practice, thus the authors suggest that at least a minimal governance model is required. This then leads us to a discussion of the role of law as a trust mechanism, with the authors providing various suggestions as to how policymakers and regulators could use blockchain such that it is trustworthy in practice. The authors end on a balanced note, highlighting the potential for blockchain to be a transformative technology, but reiterating that many stakeholders will need to overcome numerous challenges for such an outcome to materialise.

The third article is written by Christoph Sorge and Maximilian Leicht adopts a very unique perspective to blockchain. The first few sections introduce and explain some of the key technical and legal concepts, including the eIDAS regulation, blockchain, digital signatures, and cryptographic hash functions are presented in the paper. The authors then use the next couple of sections to evaluate their key argument, which is that using eIDAS compliant services, specifically qualified electronic time stamps, provides improved legal certainty in comparison to blockchain’s purely distributed solution. The paper raises key complexities and issues which stem from their proposed solution of combining the worlds of eIDAS and blockchain, such as the legal status and long-term security of the proposed time stamps. A strong note of caution is also raised with regard to the possible negative economic impact on trust service providers, with the result that similar state -sponsored services may be required. Finally, the paper ends by discussing a proposal to amend the eIDAS regulation.

The fourth article by Edina Harbinja and Mark Leiser concerns the regulation of online behaviour. The authors first discuss the UK’s approach to

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platform regulation, with a particular emphasis on the Online Safety Bill. They then provide an assessment of the appropriateness of risk-based content moderation as a means of platform regulation. The paper concludes with a brief evaluation of the proposed regulation in light of the European Convention on Human Rights, with particular focus on the Article 10 right to freedom of expression.

The fifth and final article is penned by Başak Bak, and in this article, Ms Bak examines the right of withdrawal and the right to be forgotten as two fundamental principles for keeping the European spirit alive. In the first part of the article, Ms Bak introduces us to the uncoordinated legal landscape of the right to withdrawal and strict indemnification requirements. Then the author deals with the arguments from contractual justice and accumulation of culture. Finally, Ms Bak engages with data protection law, more specifically the General Data Protection Regulation from the perspective of the right to be forgotten based on withdrawal of consent.

Once again, we would like to extend our sincere thanks to everyone involved in producing this issue of *SCRIPTed* and we truly hope you enjoy engaging with the work presented.

## **The Editorial Board**