

# Editorial

by **Chris Reed**

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- 1 This edition goes to press during the Covid-19 crisis, and it has been fascinating to see how fast and effectively the world has switched many of its activities to digital technologies. Along with the successes there have, of course, been legal problems, and these will provide material for this and other journals for years to come.
- 2 E-commerce was an important technology to cope with the temporary closure of bricks and mortar shops, and there can be no doubt that its success in keeping households supplied with many of their needs will accelerate the move of consumer shopping online.
- 3 Here in the UK, at least, the initial problems with online food shopping were almost entirely caused by physical logistics bottlenecks, such as shortages of delivery vehicles and drivers, and both supermarkets and the pure online players such as Amazon have been quick to upgrade their offerings. No major legal issues involving this kind of e-commerce have so far come to light. But the long-term competition law implications of increasing centralisation of e-commerce are likely to be ripe for investigation. And new sectors of the economy have moved into e-commerce as a response to the pandemic. The European Monitoring Centre for for Drugs and Drugs Addiction found in its special report of May 202, COVID-19 and drugs: Drug supply via darknet markets, that the retail supply of illegal drugs had substantially transferred to online selling via the dark web.
- 4 For online communications technologies the story is more immediately interesting. In the first few days of lockdown, technologies such as Zoom and Microsoft Teams, and cloud technologies for hosting applications and data for remote access, won high praise as businesses rapidly set up remote working and universities transitioned to online teaching. The effectiveness of remote working has reportedly surprised many businesses, and it seems unlikely that a full return to office working will happen because of the potential cost savings and efficiency improvements. However, within weeks problems with Zoom's security were identified, and we had the first instances of meetings being "Zoom-bombed", and confidential corporate discussions being invaded by competitors. These have now been remedied via upgrades, but have highlighted some of the legal and regulatory risks which digital security has to guard against. Microsoft faced difficulties in scaling its cloud services to meet demand and was forced to prioritise those customers running essential services by downgrading the service to others, which raises contractual issues. As these technologies become further embedded into commercial activity, other legal issues are sure to arise – at the moment difficult questions like data location are largely being ignored because the immediate need is to keep operations working, but they will have to be addressed sooner rather than later.
- 5 Entertainment has been hard hit, with cinemas, theatres and bars likely to be closed (at least for this purpose) for quite some time. Netflix and Amazon rapidly took up the slack for movies, and this has inspired the major movie studios to enhance their direct online offerings. There is currently a dispute between Universal Studios and AMCE Entertainment, one of the largest movie theatre chains, over Universal's plans to release new movies simultaneously in theatres and online, breaking the current business model. Competition lawyers will find much to interest them as this develops. Music and live theatre have both moved online, streaming both live and recorded performances. This creates an interesting research topic, as the framework

of intellectual property rights was created for the offline world and does not map well onto this kind of activity.

- 6 And the efforts of national governments to manage the effects of the virus epidemic have attracted the interest of data protection and human rights lawyers, particularly in relation to tracking apps. Issues which are currently unclear, particularly relating to anonymisation and repurposing of data, will receive close attention, and all these schemes clearly engage the fundamental right of privacy and perhaps free speech also.
- 7 There is, apocryphally, an ancient Chinese curse which runs, “May you live in interesting times.” Although the legal issues which Covid-19 is highlighting are, indeed, interesting, I suspect that readers might have preferred to continue with their previous, duller existence.

Chris Reed