

## PREFACE

Dear Reader, on behalf of the Editorial Board of the UCL Journal of Law and Jurisprudence (UCLJLJ), we are pleased to present you UCLJLJ Volume 10, the Issue for the Academic Year 2020-2021.

This has been a challenging year for the Journal. Like the last Academic Year, we had to make the difficult decision to place quality first and only produce a single issue for this year. Obviously, the COVID-19 pandemic has continued to significantly impact on the production of UCLJLJ. Indeed, it was unprecedented that the Editorial Board could not have any face-to-face meeting, and the Editors were spread throughout the globe. Nevertheless, we have ensured that the Journal maintains its high quality.

The four articles selected for this latest Volume cover two areas of law—dispute resolution and economic law. The first half of this Volume will feature the latest discussion on dispute resolution. It will start with an article by Mercy Milgo. Milgo argues that express compulsory mediation should be introduced in the English civil justice system to remedy its current state of uncertainty. While the current official position on compulsory mediation in England and Wales is that the courts cannot compel parties to mediate, courts have imposed cost sanctions on those who unreasonably refuse to mediate. Milgo considers that the courts have been inconsistent in determining whether a party's refusal to mediate will be deemed unreasonable, and she looks at where the courts have ordered mediation. Above all, Milgo makes a case for clarity and proposes a framework for effectively integrating express compulsory mediation into the civil justice system.

Another topic on dispute resolution will be addressed by Ignacio Oltra Gras. Oltra Gras analyses the introduction of online court proceedings through the prism of the access to justice. By analysing two major developments in justice and court accessibility, Oltra Gras argues that the practical adoption of fully online judicial proceedings constitutes a step towards opening up new opportunities for attenuating the intrinsic efficiency-fairness trade-off. Due to the unique features of digital technology, Oltra Gras believes that state-provided online courts could significantly improve the efficiency of formal adversarial litigation processes without the risk of sacrificing proper procedural protections. Oltra Gras advocates that a balanced combination offered by online court systems may translate into an enhancement in 'access' and 'justice'.

The second half of this Volume will explore contemporary issues in economic law. To begin with, Claire McCloskey discusses legal issues concerned with the market-based system governing data collection in the United States, centering the discussion around ‘Big Tech’ and their ubiquitous privacy policies. McCloskey critiques the ‘notice’ and ‘choice’ model of data collection, concluding the combined ambiguity and opacity of privacy policies fail to offer subjects meaningful control over their data. Furthermore, McCloskey investigates the suitability of the market-based system in a broader sense, arguing that data collection practices preclude the knowledge parity necessary for an operative and fair market-based system. McCloskey concludes by ascertaining the suitability of state-based regulation, identifying data’s intrinsic relationship with ideals that are core to the Western tradition: equality, democracy, and autonomy.

In addition, Deirdre Ryan conducts a legal analysis on the growing market power of global streaming services in creative industries for video and music, as well as the intellectual property investments in these services. Ryan considers the prevalence of big data in these industries, enabling the development of highly targeted content, which in turn, dramatically reduces the potential of failure and mitigates the cost of investment. Ryan examines the suitability of traditional intellectual property laws for creative works driven largely by data inputs and the possibility of utilising the essential facilities doctrine to impose a duty to licence on these undertakings. Finally, Ryan explores the impact on competition, innovation, incentives, and economic functioning of creative industries.

We are deeply grateful to all the authors who submitted their works to UCLJLJ for consideration. As with every year, competition for publication was intense, but we appreciate their interest in our Journal and their patience required due to the extraordinary circumstances.

Our sincere gratitude also goes to all the members of the Editorial Board—PhD Editors, LLM Editors, and LLB Editorial Assistants. Their commitments under the global pandemic were truly remarkable. Perhaps more than any other Academic Year, without their hard efforts and flexibilities, this Volume could not have come into being.

Last but not least, we would like to appreciate Mr Felipe Osorio Umaña and Mr Thomas Papadogiannis Varouchakis, the last Academic Year’s Senior Editors, for their guidance, Dr Rory Kelly, our Faculty Editor, for helping us making editorial decisions, and Mr Ian Caswell of UCL Press for migrating us to the new UCLJLJ website.

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