Multi-sided Music Platforms and the Law: Why platform specificity and Global South focus matter

By:

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The role, responsibilities and liabilities of online platforms has become one of the key issues in a number of fields and at different levels, including policy, legislative and judicial levels.

If we look at all this from an EU copyright perspective, there is probably no need to recall the recently adopted (and, prior to this, heatedly debated) Directive on copyright in the Digital Single Market and its Article 17, a provision that sets a licensing obligation for certain types of platforms (online content sharing service providers). In parallel to this, over the past few years, the Court of Justice of the European Union has been asked to clarify the interpretation of the legislative framework as applied to platforms, e.g., in respect of: copyright (*Ziggo*, C-610/15; *YouTube*, C-682/18; *Stichting Brein*, C-442/19; *Puls 4*, C-500/19; most of these cases are currently in progress); trade marks (*Coty*, C-567/18, in progress); filtering (*Scarlet*, C-70/10; *Netlog*, C-360/10) and removal

obligations in various fields (*Google*, C-507/17; *Facebook*, C-18/18); and, of course, safe harbours availability (the classic case remains as of today *eBay*, C-324/09). In the meantime, the European Commission is preparing to release a legislative proposal over the course of this year for a Digital Services Act that will tackle illegal content online, whilst competition cases concerning platforms are investigated with increasing frequency.

The discourse around platforms, of course, is a topic of global relevance and, in some cases, concern.

Chijioke Okorie's monograph, *Multi-Sided Music Platforms and the Law*, is a welcome addition to the literature in this field. This is so for four main reasons.

First, because the focus is on a particular type of platforms (undertakings that use copyright-protected music content in digital advertising), and this allows the author to delineate both the specificities and the specific issues affecting the relevant environment.

Second, the book focus on a variety of legal issues that are relevant to such players, including primarily: copyright, privacy, and competition. This is important because it helps readers understand how multifaceted the legal framework for platforms is, and how parochial would it be to only think in 'clusters' of topics/legal areas.

Third, because the book has a special focus on Africa, notably South Africa and Nigeria, and is the first on the market to provide a specific pro-Africa approach to relevant legislative and regulatory issues. Of course, the legal issues raised by platforms may be global but legislative responses are (mostly and still) drawn along territorial borders. Okorie's work provides a fresh and insightful set of recommendations from the point of view of her reference jurisdictions.

Finally, the book's approach, whilst thorough and rigorous in the application of relevant research methods, is also very practical, offering valuable considerations for practitioners and litigants alike. This, in my view, is a very positive aspect of Okorie's work, in that – often – literature on platform liability tends to focus on issues that, whilst important, are not always treated in a

manner that is helpful to those providing legal advice and courts which have to decide relevant cases.

In sum, *Multi-Sided Music Platforms and the Law* is a book that provides a well-informed, thorough and rigorous treatment of relevant legal issues from an African perspective, whilst never losing sight of the 'broader picture'. As such, it is expected to benefit a diverse group of readers, as well as policy and law makers in Africa and abroad in tackling relevant legal conundrums effectively.

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