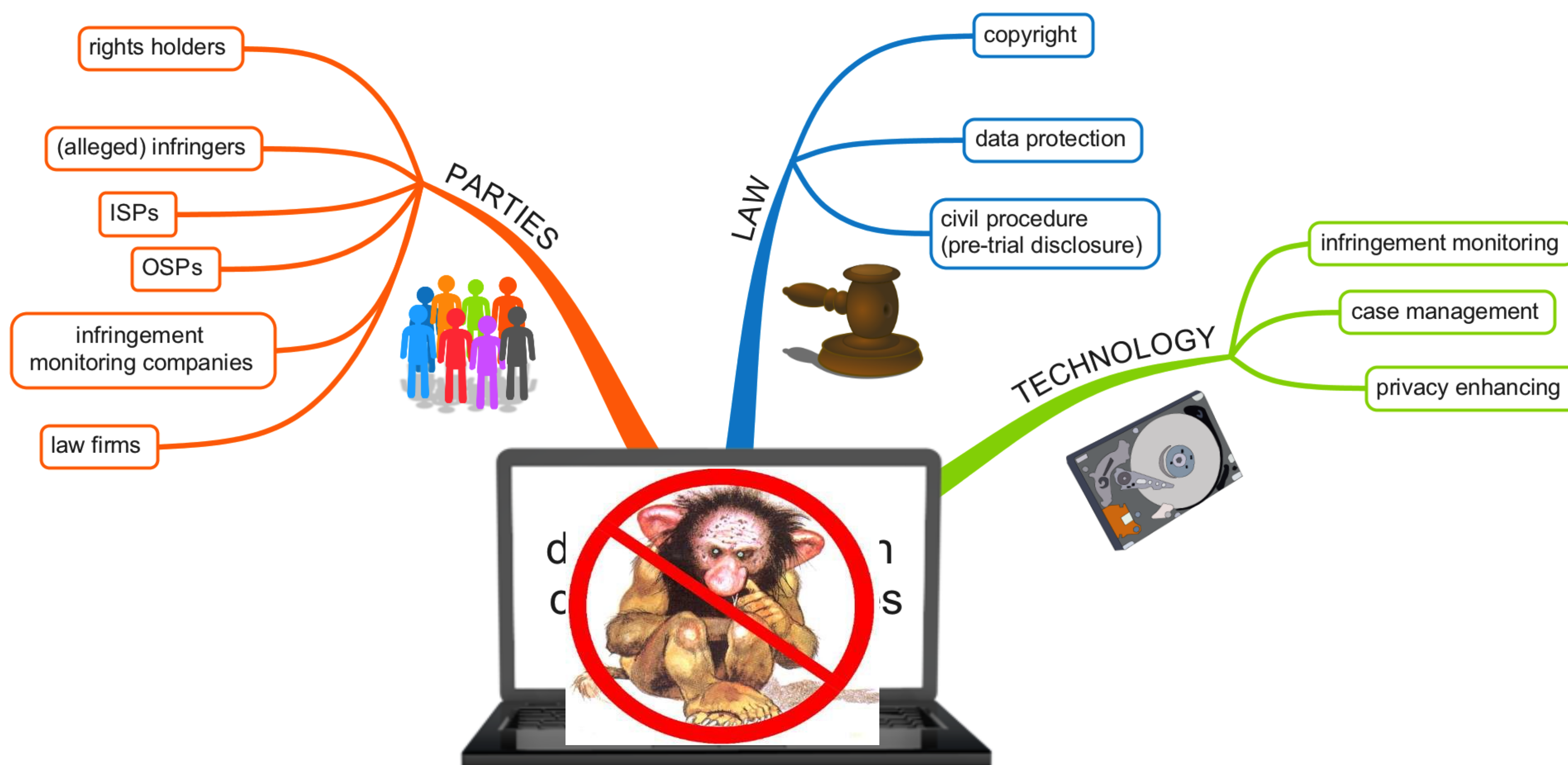


Research Aims

- Analyse the risks and costs that are created for the digital creative economy through advances in e-discovery
- Identify “best practice” in terms of procedures and use of technology
- Identify needs for reform in procedural law where unnecessary burdens are created for industry through inadequate our outdated approaches to electronic evidence
- Study the contribution that software technology can make to reduce costs and increase business opportunities through better and more intelligent computer aided e-discovery tools

Findings

- “Copyright trolling” or “speculative invoicing” is the dark side of Increasing efficiency of e-discovery tools, and increasing efficiency of computational litigation
- Data quality requirements, and tensions between data protection and copyright law, create inconsistencies especially in cross border litigation.
- holistic solutions are needed that involve technology support for defendants and regulation through professional bodies
- Schafer, B. Forensic Information Quality: The Janus face of copyright. In: L Floridi: The Philosophy of Information quality. Springer 2014



Challenges

- Rapidly changing legal environment: e.g. recent and upcoming changes to data protection and data retention laws
- Rapid developments in technology create new, unregulated business practices in law firms that traditional professional rules don't capture
- Reliable empirical evidence and case law on pre-trial disclosure / settlements is limited

Next Steps

- Evaluate the state of the art of information retrieval tools and their possible application to copyright infringement
- Explore “equality of arms” through software support for Victims of speculative invoicing
- Evaluate comparatively the reaction of professional bodies (law societies etc) to speculative invoicing