



Media Law Challenges and Effects on Quality of Information – A Review

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Abstract. Media law is known to protect the freedom of expression and the press. It is a branch of law that deals with the flow of information and the public's overall interest, where anything published and distributed falls under its rules and restrictions. Media direction is especially significant because of how media affects and influences society. People learn about what is happening through the media and tend to form their own opinion of the matter in question, which may lead to more significant consequences such as mass social debates, social movements, and segregation. With such significance comes the need to oversee and regulate media and the quality and flow of information. Hence, media law and laws of printing and publishing came to exist. Media laws and regulations came into existence as media progressed and became the primary way information is disclosed and shared in today's business environment. The flow and quality of information are often associated with the medium by which they are distributed, their source, and the supervisory body of rules they are subjected to. Therefore, this article aims to analyze the extent to which the quality of information and media are affected by these variables. The paper will also dive into media laws and the quality of information, the supervision imposed on media on different platforms, and media laws across borders.

Keywords: Media · social media · censorship · ethics · and quality of information

1 Introduction

Information and media have always had a way of spreading and passing among society. It started with a concept as simple as oral traditions, wherein it was observed that cultures, customs, and stories before 770 B.C. were passed along through generations by word of mouth (Mendoza, 2015). Before this, it was observed that cave drawings communicated information and storytelling until the creation of the printed press. To dive deeper into each concept, cave drawings can be explained as a theme used by cave dwellers to illustrate elements of their daily lives, where pictures of animals, nature, and survival were made to reflect their lives. This was, and still is, a remarkable way of passing

messages and information where visual arts and drawings bear no language barrier and are appreciated and used by many. The second method used for distributing information through history is word of mouth. We can find that many stories and traditions were passed through generations utilizing this method to explain this concept further. This way of providing information took place when people were gathering and socializing, where people would use rhymes, songs, and poetry to tell a story. This was also when fables and myths first originated, and stories like “Atlantis” and “Big Foot” were first told.

Word of mouth holds its significance to this day, where it is used as an effective tool for marketing. This method is significantly considered successful as people have the power to influence and encourage each other. One data analyst estimates that word-of-mouth marketing is five times more effective than a paid media impression (Saleh, 2019).

Thirdly, written words were the next revolution, along with the printing press, wherein writing and sending information was getting more accessible with the use of scripts and alphabets. The earliest form of writing could be dated back to 750 B.C. in Greece, and ancient Greek mythology stories were created and illustrated through plays for the first time (Mendoza, 2015).

The printing press was a milestone that came through the introduction of mass printing and the distribution of media, stories, and news. Printing had a significant impact on people’s lives at the time, it made the flow of information seamless and accessible to almost all people of all classes, and it presented the opportunity for more individuals to read, learn, and increase literacy.

Lastly, media and information are spread more accessible and faster than ever across the globe. This started with the adaptation and evolution of technology in our daily lives. We date back to the 1800s, and until now, photography, radio, motion pictures, TV, and social media have enormously impacted the distribution of information.

Currently, the most effective form of media distribution is social media. Not only is it used as a way of communication for individuals, but it is also heavily relied upon as a marketing strategy and a medium for reaching customers by all kinds of corporations. To sum it up, social media incorporates and captures the essence of storytelling mentioned above, where a person can tell a tale that was once told through fables and plays in a mere Instagram post.

Knowing how media came to exist in different forms and spread through history, we come to define the laws and regulations associated with it and how that comes into perspective. Media laws are defined as the legislation by which the government controls and regulates mass media; it commonly includes handling issues of copyright, censorship, defamation, broadcast, and national interest (Boyd, 2022). Media law came to exist as media evolved and became very easy to spread, as noted in the printing press era. With various information spreading around at a fast rate, there ought to be rising disadvantages and challenges. A simple rumor or a made-up story about something can be notably damaging and harmful to society and sometimes the world. An excellent example to illustrate this fact is the flow of information regarding the Covid 19 pandemic; given that it was a new virus at the time and not much information existed to assess or ease the situation, it made for a time of uncertainty. People had their loved ones dying in

lockdown, fear, and confusion. Following such circumstances, several false information spread about the virus, adding more fuel to the fire. With that comes the need to monitor and control the flow of information; hence, laws and regulations of media are in place.

Media laws cover aspects of media itself, from TV, film, music, advertising, the Internet, and social media. Still, it is not restricted to these aspects, as it covers intellectual property, privacy, and publicity issues. Moreover, we find that it significantly impacts more than just one fit; it lays down the ground for protecting, authenticating, registering, and passing works of the media, along with stating the offenses that any individual in the field must avoid. Although it serves as an excellent ground for protection, this law is not immune to conflicts and shortcomings. The main issue regarding media laws in democratic regions is the issue of freedom of the press and speech, where there is a conflict between what can be expressed and what cannot. This results from media laws overlapping with the right of speech and media. Where it can be viewed as a limitation or restriction, but the nature and importance of media, the content produced, and the method used for distributing such content are treated differently than the views of an average person. In one case study, media is defined as a watchdog for society, monitoring and informing the public of matters concerning their interest and creating a platform for discussion, debate, reflection, and criticism (Pearson, 2018). This creates a set of special rules and unique responsibilities different from those imposed on an individual. For example, a person's freedom of speech is limited by affecting or hurting others' right to privacy, defamation, or hindering public order. The media's more flexible approach allows them to use scrutiny and harsher words to keep the public informed (Nigam, 2020).

2 Research Methodology

The research methodology used to make this paper is purely descriptive research, wherein this paper aims to reproduce, add, and evolve theories and discussions to already existing ideas and data. The primary research methodology used to assemble this paper can also be described as a 'case study research. To further elaborate, this paper will include observation, proposition, and collection of already existing data to relate to a set of new questions and theories. The descriptive research aims to gain familiarity and add unique insight to new media topics, quality, and access to information, all with scholarly articles and research papers as a source of data and observation.

This paper will include comparative research and analysis and the above descriptive research. The comparative study will be utilized to spot the difference in media law topics across the world, wherein already existing data on media quality and accessibility in certain countries will be used in this paper to establish the relationship between the quality of media and media regulations in different jurisdictions.

3 Scope of the Study

This research is directed to answer questions of how reliable new media is on an international scope and the cyber medium, along with the restrictions imposed and the effect of such conditions. This research extends to case studies in countries like the United

States, France, Singapore, and China. At the same time, this research concerns media depictions online and in their newest form, like social media and the internet.

4 Scope of Media Laws

Media laws cover a variety of media-related works and practices, the more prominent aspects being the following:

Copyright law is related to any original artistic work, from books and paintings to films, photography, and more. This law protects the author's right to enjoy and economically exploit his work and excludes others from doing the same. Anyone interfering with such requests can be sued for Copyright infringement, and the owner can be compensated. From the media's perspective, copyright protects works such as interviews and first-seen footage, but the news or the idea itself is not covered.

Defamation is any claim or allegation which may attack the reputation or honor of a person or a body. Given that the claim is false, the person in question may sue the broadcaster for the harm inflicted due to such allegations and claim damages.

Libel carries the same elements of defamation but is restricted to claims and allegations in written form. Any false claim about a person or a body's honor or character is a civil and, in some jurisdictions, criminal wrong. Elements of Libel are a defamatory statement identified as associated with the plaintiff, published, false, and proved to injure the plaintiff.

Privacy law regulates the personal information of individuals and private organizations. Privacy law has more specified branches of its own, such as health privacy, online privacy, financial privacy, and information privacy laws. These rights are made to prevent the unauthorized commercial use of an individual's private information, including but not restricted to his name, address, age, and likeness.

Censorship is the suppression of objectionable, harmful, sensitive, and intrusive speech. Broadcasters are not allowed to use terms that may appear offensive and detrimental to a group of people. It can also be defined as the prohibition of using words that could threaten a moral, social or political order. Censorship comes in different aspects, such as moral censorship, wherein any material considered to be obscene is to be suppressed; military censorship, where military tactics are to be kept confidential; religious censorship, where any material which could objectify a religion is to be censored, all of which aim to protect the interest of every member of society.

5 Media Law Restrictions

As mentioned in the literature review above, Media laws are made to cover aspects of media, including but not limited to the copyright, defamation, Libel, Privacy, and censorship. That is the base of media laws and the most common areas of media, which are governed and restricted. In this sense, media law restrictions are imposed to protect the public's interest and maintain order. Wherein media restrictions on defamation are made to prevent the communication of thoughts and ideas targeted at a person's character and intending to lower their honor and reputation in the eyes of an ordinary and reasonable person. Media laws impose a penalty on every party involved in creating and distributing

the defamatory statement, including the writer, the editor, and the publisher. The burden to prove the statement to be actual lies on the party defending the action. The defenses used in a legal defamation suit prove that the information in question is accurate, and this form of protection is referred to as 'Veritas.' The second defense used for defamation is 'Rixa,' wherein a statement made by someone in a situation of anger or frustration does not check as defamatory, given that any average person would understand that it was not meant to be taken seriously. Thirdly, the defense of fair retort, where a person may answer an allegation made against him in a severe or forceful attempt if there was no malicious intent. Such action does not count as defamatory. Moreover, unintentional defamation can be used as a defense to prove that no malice or harmful intentions were involved in making the statement, as every defamatory comment must prove to include malice as an element.

Privacy and disclosure of secrets are also common aspects restricted and protected under media laws. Any insider with access to specific information communicated to be secret must protect and not disclose the data in question. This can be illustrated in two aspects, the first being a signed non-disclosure agreement between two ordinary parties and the second involving secrets of the government, security services, and armed forces. The latter can be punished if the disclosure of information proves to create damage and if the disclosure does not prove to create damage to the public. In addition, the media is usually guided in managing information relating to public offices and the government. To illustrate, the UK uses a system of notices to show the press by issuing a DA notice under the supervision of the defense press and broadcasting advisory committee.

Additionally, hatred and obscenity are common media restrictions that impose clear limitations on inappropriate language and racial and religious hatred. Any remark made by a person or entity against a racial or religious group is punishable by law. In the media and broadcasts, the broadcaster may use the defense of absence of intention to stir up offending material and the inability to remove the material due to lack of reason or practicability to argue his side.

Freedom of the press is granted to media persons to freely use certain words and expressions to distribute the news accurately and freely. With this concept, most newspapers and broadcasts are given the grant to use harsher words to criticize and describe the situation and get the point across. However, it does constitute freedom of the press if the broadcaster contributed to a discussion of ridicule or insult to a particular belief, racial group, or religion. Possession of threatening material is another aspect that will not be protected by the freedom of the press, meaning that a broadcaster may be questioned and searched for possession of visual, written material, or sound recordings used as a threat. Moreover, inaccurate representation or reports of court procedures and hearings do not constitute freedom of the press. Lastly, obscene material is restricted from being broadcasted to the public in most jurisdictions, and the freedom of the media does not cover the distribution of such material.

6 New Media and Law

New media is defined and marked as an unfamiliar territory of media and the flow of information in a novel realm. This realm is often considered harder to control and

apply existing media regulations. In other words, social media and the internet are today's new media. Social media allows anyone to access a large community of people across the globe and post any statement or content. Every social media platform has policies and rules aligned with traditional media laws. Algorithms help report and take down any mishaps such as privacy breaches, libel, defamation, hatred, and obscene content. However, at the same time, the internet and social media are constantly evolving territories where one can use tools to stay anonymous and post-provoking material. The court will accept cases of defamation on the internet. Still, it can be challenging to identify the party which committed the action, as internet and social media users can change their IP addresses and use virtual private networks to conceal their actual place of residence. Although it can still be possible to trace offenders who committed notable crimes online and bring them in to punish them, it is no secret that more minor offenses, such as the use of offensive words and hatred, are less likely to be brought attention to, unless the person targeted was to have the full name and place of residence of the perpetrator.

New media and law are integrating now more than ever; with cameras and sound recordings entering the courtroom to record and broadcast hearings, the court has become within reach of any and every person. Although photographs, paintings, and sketches were the first ever tools used to portray the image of a courtroom, there was no distinct impact on the court process itself. However, with the rise of the internet, the courtroom has become an open space for everyone to see, comment on, and observe. One researcher describes this phenomenon and its effect on the law itself and the protected procedure of the court, saying, "the court becomes a place like a crystalline cube, a space of viral and virtual visibility, ingress and egress beyond the control of legal rules and procedure and decorum of court" (Delage, 2020).

The effect new media has on jurors and their conduct and duty towards the court can be observed in the case of Her Majesty's Attorney General vs. Kasim Davey and Joseph Beard. In this case, the two defendants were accused of disobeying judicial instructions; the first defendant was a juror in a criminal trial who went on his Facebook account to post his thoughts on the problem; he posted the following statement: "I cannot believe I am in a jury deciding a pedophile's fate. I always wanted to mess up a pedophile and now I am within the law!". The second defendant was a juror who disobeyed the judicial instructions when he googled the parties involved in a fraud case. He was reported to the clerk when he attempted to correct the other juror on omitting the figures (May 2013). This shows the blurry line and confusion of what jurors can and cannot do concerning new media. It is not easy to establish boundaries in this case, as jurors are still expected to pay their bills, go shopping, go to work, and resume their daily life activities but are restricted from searching or engaging with the case they are assigned and its material outside what is presented in court.

7 Role of Ethics in Media

Aside from the role of law in regulating media in traditional and new forms, the part of ethics also exists. Unlike the law, ethics is based on one's depictions and thoughts of what is ethical and what is not, what is right and what is wrong. It is a well-established fact that

not everyone has the same beliefs and ideas of ethics and that it is purely subjective, and when it comes to media ethics, the same applies. Although it is challenging to answer each question of ethics when practicing media, each media broadcaster is advised to follow five prominent aspects of ethics. Firstly, truth and accuracy are necessary when reporting on an incident; a journalist is mainly expected to register with due care and avoid adding unnecessary or vague descriptions. Secondly, journalists must act independently, where they voice the matter alone, without acting on behalf of another party, either a political, social, or corporate third party. Thirdly, fairness is an ethical element journalists must follow, where they are to give the full context to the story without favoring one side over the other. Then there is the moral element of humanity, where journalists must avoid posting malicious content and be aware of the effect their content has on viewers. Lastly, the aspect of accountability, wherein journalists are advised to correct their errors and consider the responsibility of their audience.

Ethics holds no binding legal nature over media practitioners, but it significantly impacts how media is controlled, consumed, and accepted by viewers. Although a broadcaster or a journalist is under no legal obligation to follow ethical standards, it is still highly frowned upon to dismiss the bars or go against them.

8 Media Laws Across the World

The United States: The United States of America is often described as the land of the free, where the freedom of speech and the freedom of the press and media are constitutional guarantees. This statement is true when applied to the US today, but in the grand scheme, the US has come a long way in its history by redefining censorship laws and freedom of expression. Notably, the United States 1966 adopted the Freedom of Information Act, also referred to as the FOIA; it was passed by congress based on their belief that the public had the ‘right to know; the purpose of this act is to disclose government secrets and adopt transparency and democracy. However, through trial and error, while implementing this act, the US amended it and better defined and codified it. In more recent days, US citizens can apply for an online request to disclose not previously disclosed information from their selected agency using the FOIA website. The FOIA has recognized online bloggers and reporters as legitimate media representatives and has set a 20-day deadline for administrative agencies to reply to disclosure requests.

Another statute concerning the flow of information in the US is the Privacy Act of 1974. This law established the “code of fair information practice,” regulating the collection of personally identifiable data. It was found when the government was worried about the number of computers used to store personal data. This act was made to prevent anyone from releasing information without the consent of the person in question.

The US also grants protection for journalists not to disclose their news sources, even when testifying in court. This protection is referred to as “reporters’ privilege.” It aims to ensure that reporters are free from government interference and government assistance simultaneously. Although this law sounds good on paper, it is challenging to implement as courts require the help of reporters to testify and disclose their sources to help solve cases, an ongoing issue in the US today.

France: Although France today has little censorship and press limits, with freedom of the press being a constitutional guarantee, it was not always the case. France has gone

through a history of media restrictions, especially in the first world war. The French government at the time believed that restricting and controlling the public from media would also mean holding their morale. Such censorship laws were revoked in 1958. However, hints of censorship did occur from time to time, especially during a war, such as the Algerian war in 1962. The French media also went through a period where they were trying to redefine media and its reliability; for example, AFP was a prominent news agency in France that received backlash regarding its reliability as a news source due to its profits being linked to the government. Moreover, like the US's FOIA, France adopted a statute to disclose and give access to all official documents, except for enumerated documents and confidential information.

Singapore: Singapore shows great interest in topics of media control and censorship; the government in Singapore established a committee to review and amend censorship issues called "The Censorship Review Committee." The CRC meets every ten years to reevaluate media restrictions and censorship in the state. This shows how Singapore takes serious measures to protect the interest of its citizens and ensure the balance of the nation's multiracial society. Censorships in Singapore include restrictions on the news involving or encouraging violence, racial tensions, political interference, and public order. Although some view Singapore's interest in censorship as commendable as it plays a crucial factor in restoring public order, many others view it as negatively restrictive and oppressive. In addition, Singapore does not grant a legal right for its citizens to view official documents, and no source protection is guaranteed for journalists.

China: China as a state had the most traces of censorship in media limitations and history. One of the many reasons for media censorship in China is its prominent communist political system. China has followed a totalitarian approach and combined the control of mass media with promoting one ideology. China censors a wide range of topics, including censorships to government-related issues. Censorships in China are also a result of the state preserving its economic status, but the most recurring reason is to protect its politics and ideologies. China has also considered banning social media platforms like YouTube and Facebook. China's censorship standards may be compared to countries like France and the US, with bans on several topics, including democracy and human rights (Su, 2001). In more recent days, China is enjoying fewer censorships and limitations due to the rise of globalization, and in 2007 the Chinese government made efforts to release government documents and information. Still, journalist source protection is yet to be included.

9 Findings

The impact of media laws on press quality and freedom: media laws impose restrictions on topics such as libel, defamation, censorship, oppressive content, privacy breaches, and copyright. The effect media laws have on press quality depends on the extent of the restrictions above, especially the censorship restriction. In cases with too many censorship restrictions, the quality and freedom of the press could be hindered. Censoring a wide range of topics and not granting press freedom to criticism and review can implant a sense of fear, and, in turn, the press and media quality can deteriorate.

New media's effect on laws and regulations: New media has affected laws and regulations in many aspects, including the effect of social media on courts, court sessions, procedures, judicial regulations, and juror conduct. Courts have gone from a once defined, respected place with its design and rules to a place with no boundaries and restrictions. Courts are now accessible in an unfamiliar realm, and there are many gray areas regarding what conduct is permissible and what is not. The most evident issue arising from new media's effect on the court is jurors notwithstanding judicial instructions. Nowadays, it is somewhat confusing to set boundaries for jurors to not engage in the case they are assigned to outside of court, especially when the court has open doors to the public through the internet.

Role of ethics in monitoring media compared to the part of the law: Journalists, editors, writers, and broadcasters are legally obligated to follow media laws when practicing their profession, which can be sued or punished accordingly. Media laws protect all distinct aspects of media and media consumers, and every jurisdiction has its take on rules and responsibilities that cannot be avoided. Moreover, when it comes to the role of ethics, there is no imposed restriction on media practitioners to follow ethical standards. When a media outlet decides to follow or dismiss ethical standards, there can be diverse reactions depending on each society and its moral ideologies. Still, media outlets are advised to adopt ethical principles to represent their industry and its fundamental role.

Media regulations in jurisdictions across the world: Media regulations and restrictions differ due to many contributing variables, the most prominent being the state's political ideology, the state's history with the press and media, and the economic and social standing of the state. We find a variety of press restrictions across the world, with the United States being a state representing fewer press restrictions, France being a state with a rich history of media law changes and evolutions, Singapore being a conservative state with great interest in censorship, and China having to navigate political and economic developments and their effect on media. With that in mind, every state has its mix of media limitations, and it all depends on the underlying variables; in some states, censorship is considered an essential element to protect the public interest and multiracial societies, while in other states, censorship is viewed as a restrictive tool used by the government to control media.

10 Conclusion

Media laws and regulations protect all aspects of media, from media practitioners like broadcasters, editors, writers, and producers, to media consumers. There is a relationship between media laws and the quality of information. Media restrictions in topic censorship and limitations can negatively impact media quality and impose a sense of fear, leading journalists to avoid and dismiss topics related to censored material. That is not to say that all censorship leads to a negative outcome, as most nations impose censorship on issues such as religious and racial hatred and violence, attempting to protect public order and the interests of individuals and society. Lastly, media restrictions are not the same across the world; some nations prioritize and constitutionalize freedom of the press, while others impose heavier press limitations depending on their state's economic, social, and political status. Governments have established the importance of the press and media in

its traditional and new form. They have since adopted and acknowledged strategies and rules to better tend to the industry and establish guidelines to recognize new media as a reliable and well-protected media source.

11 Study Implications and Limitations

This research strived to define the correlation between media regulations across the world and their effect on the quality of media and information, having reviewed the specific aspects of media laws and regulations in a variety of states across the world; this research ended with the implication that the more media regulations are imposed, media quality and freedom of the press is more likely to be negatively affected. To further elaborate, the situation in Singapore regarding its heavy censorship restrictions reflects the state's interest in restoring public order. However, it has also given rise to more fear and uncertainty for media persons, and the conveyance of information has also been complicated.

Having defined the main study implication of this research, we will now shed light on the limitations of this research which can be addressed after reviewing the rapidly changing medium by which media is now consumed, and information is conveyed, that being social media and the internet. It is no secret that social media is the most common, uncomplicated, and powerful method used to send and receive all types of news, recognizing that it is still unclear whether the effect of increased media restrictions could positively or negatively impact the quality of the information found on social media and the internet medium. It can be observed that the internet is a medium with many gray areas, and applying traditional media restrictions on social media and internet persons is impractical in many ways, which calls for confusion when assessing media restriction effects on such mediums.

12 Recommendations and Future Work

As mentioned previously, this research concluded that increased media law restrictions, indeed, have a negative effect on press freedom and quality of information, especially the censorship restriction, wherein states with a wide range of topics censored tend to have less of a tolerance for media persons and undoubtedly have less of a quality of information. This observation is spot on when applied to traditional media specifically. Moreover, after reviewing the findings of this paper and considering the unique role that media plays in our society, it is recommended that the effects of media restrictions on the quality of information are seriously considered. Based on every state's history with the press, financial ability, and political standing, there is a spectrum of how much media restrictions are to be adopted in each state, and the extent of censorship restrictions has to match the state's said history and needs. That being said, media restriction effects are yet to be assessed on the internet medium, where the world becomes one single state; this calls for more future studies and observations to define all aspects of new media which are affected by traditional media restrictions and whether traditional media restrictions are sufficient enough to cover the enormous and rapidly changing scope of new media and the internet.

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