

Legal Issues Concerning Web 2.0 Services – Overview

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Web 2.0 Services – Does law follow?

- ▶ A different type of an electronic service or “just” an electronic service?
- ▶ Owning Web 2.0 Services – who does?
- ▶ Types of arrangements between Web 2.0 owners and users

Web 2.0 Services – elements of standard consumer services

- ▶ Creating an offer for a consumer
- ▶ Entering into and executing agreements with users
- ▶ Standard terms and conditions of use
- ▶ Selling – what a responsibility!
- ▶ Court cases – the worst case scenario

Web 2.0 Services – further aspects covered by law (in general)

- Personal data protection
- Unfair consumer practices
- Language requirements
- Distance selling
- Intellectual property rights
- Advertising
- Protection of personal goods

Web 2.0 Services – specific law provisions

▶ Electronic services

- ✓ Liability towards a Web 2.0 user – what may he demand?
- ✓ Protection of personal data
- ✓ Liability for the content

Liability for the Content of Web 2.0 Services

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Web 2.0 content – Potential risks

- ▶ Slander
- ▶ Insult
- ▶ Offence
- ▶ Affront



Liability for the content

Who is liable?

- ✓ Web 2.0 user
- ✓ Internet Service Provider (ISP)
- ✓ Others?

Legal grounds:

- ✓ Art. 212 and 216 of the Polish Criminal Code
- ✓ Art. 23 and 24 of the Polish Civil Code

Exclusion of the ISP's liability

- ▶ Directive 2000/31/EC of the European Parliament and the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the internal market
- ▶ Polish Act of 18 July 2002 on Rendering Electronic Services
 - ✓ “mere conduit” (Art. 12)
 - ✓ “caching” (Art. 13)
 - ✓ hosting (Art.14)
- ▶ General obligation to monitor information transmitted or stored by the ISP

Liability for the content – protection methods

- ▶ Disclaimer
- ▶ Terms and conditions
- ▶ Monitoring

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Thank you

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