**Name of the lecturer: Ferenc Szilágyi**

**Name of the course: JDDO329XA0 Challenges in private law generated by the process of digitalization**

**Goals:**

The ‘digitalisation’ is bursting the basic categories of private law. One may only think on the role of data – no matter whether personal or *other* (industrial/technical) – in economy or the spread of intangible products, i.e. of digital goods nowadays. ‘Digitalisation’ touches upon the basic categories of the law of obligations and that of property law. The aim of the course is to identify the challenges connected to this and to outline possible solutions, while focussing on following questions especially: personal data as counter-value (counter-performance) in an obligation; the concept of defective performance in case of sale of data (the buyer’s remedies, but also such complex questions like in case of not mass produced items when the buyer does not buy a certain corporeal object, but a file, and conclusively a 3D printer will ‘print’ (produce) this object, however the object is defective or causes damage ([[1]](#footnote-1)); the payment by digital currency from a private law perspective; the question of liability when using internet services provided free of charge; civil liability in case of damages ‘caused’ by technical systems operating autonomously (e.g. self-driving cars); the ‘potential’ for data to be considered subject of the right of ownership, especially of data stored electronically; the entitlement to dispose of the data and the ’protection of an exclusive entitlement’ with regard to data; the so-called digital inheritance and the difficulties arising in conjunction with this.

(1) Example in Reiner Schulze – Dirk Staudenmayer: Digital Revolution: Challenges for Contract Law in Practice. In: EuCML 2015. 216.

**Content of the course as scheduled for each individual appointment (lecture date)**

1.       The context: adapting contract law to ‘digitalisation’ on basis of the current concept of the European Union to achieve this and a critical analysis of this concept; issues of private law in the European Commission’s Communication ‘Building a European Data Economy’ COM (2017) 9 final; the legal concept of data as main category when dealing with ‘digitalisation’

2.       The challenges brought by ’digitalisation’ regarding basic concepts of the law of obligations – part 1: data as object in sale contract; personal data ’used’ as counter-performance; the meaning of performance not in accordance with the contract in case of purchase of data

3.       The challenges brought by ’digitalisation’ regarding basic concepts of the law of obligations – part 2: ‘characterization’ under private law of the payment with digital currency; the question of liability when using services on the internet provided free of charge; civil liability in case of damages ‘caused’ by technical systems operating autonomously (e.g. self-driving cars);

4.       The challenges brought by ’digitalisation’ regarding basic concepts of property law – part 1: the ‘potential’ for data to be considered subject of the right of ownership, especially data stored electronically; the entitlement to dispose as well as the protection of exclusivity with regard to data; the so-called digital inheritance and the difficulties arising in conjunction with this;

5.       The challenges brought by ’digitalisation’ regarding basic concepts of property law – part 2: options for considering industrial/technical data as object in legal transactions, having regard, as point of reference, to international instruments as well as EU legislation in the field of immaterial goods (intellectual property).

1. [↑](#footnote-ref-1)