

Abstract

The Internet and private international law

This master's thesis deals with the current state and future development of the concept of digital content in the law of European union. A brief history concerning the Brussels- and Rome- community conventions and their replacement with the current regulations is presented in the first part of the thesis, along with several interesting cases of the Court of Justice of the European union. A model international consumer contract for supply of digital content concluded over the internet is used in conjunction with the *Pammer/Alpenhof* case in order to demonstrate the concept of *directed activity* within the meaning of the Brussels I recast and Rome I regulations. Next, the *Falco* and *Usedsoft* decisions are analyzed, along with possible consequences of the asserted exhaustion of intellectual property rights after first transfer of an intangible copy of copyrighted software, and the implications thereof.

Subsequently a short theoretical digression is made to dissect the notion of *goods* as used by the UN convention on contracts for international sales of goods, in order to determine the limits of the convention *vis-à-vis* intangibles. The Vienna convention also presents a useful mirror to the (now dead) proposal for Common European sales law (CESL), as the latter instrument intended to create an autonomous legal regime within the legal systems of member states, running parallel to the general domestic law, just as Vienna convention has done.

The third chapter deals with the current state of digital content in European law through the prism of the current legislative proposal for a directive on certain aspects concerning the supply of digital content. Two main novelties are introduced, the (proposed) inclusion of services within the meaning of digital content and the commodification of personal data, which is to be used as a form of alternative counterperformance for provision of various digital contents and services.

Keywords: *Digital Content, Private international law, Consumer protection*