

My project is aimed at examining the scope of liability of hosting providers for user-generated content and evaluation of the effectiveness of the protection of hosting providers, as provided by the rules of the Polish and European Union law.

Together with the increasing role of Web 2.0 providers as central intermediaries in the information society, the problem of liability for stored data has appeared. That is caused by the specific features of Web 2.0 services and its active facilitatory role, which allows the users to modify the content stored. This in turn is likely to have repercussions for liability. Since the activities of users on the Internet may lead to breach of copyrights, determining liability of hosting providers for unlawful acts of Internet users, is now one of the most important challenges in the field of Internet law.

Diverging case law and discrepancies in views of the European doctrine show lack of unanimity in interpreting liability of hosting providers for the user-generated content. The problem concerns not only the interpretation of the provisions of the European Union Directive on electronic commerce and Polish Act on rendering electronic services, but also the contributory liability for facilitating online storage of the user-generated content.

The main reason why I would like to examine this subject are those discrepancies in the legal literature and case law and lack of a clear position as to the scope of the protection granted to hosting providers. In addition, I notice the importance of the problem of liability of hosting providers for the development of the Internet and the freedom to use the Internet by its users.

Polish legal literature lacks research that would analyze the scope and effectiveness of the protection granted to hosting providers in Polish law with respect to the regulation of the subject in European Union law and American law. Examination of the scope of the provisions concerning the liability of hosting providers and consideration of social and economic conditions will allow for evaluation whether the protection of hosting providers in Polish and European Union law is effective from the perspectives of the objectives of the Directive on electronic commerce.

Therefore, planned research has a very innovative character and is well-justified. The research will allow to acquire new theoretical knowledge about the scope and effectiveness of the protection granted to hosting providers in the existing law. Analysis of the issues will systematize knowledge, answer the question regarding the scope of liability and evaluate the effectiveness of the statutory provisions.