

The objective of this research project is to determine the legal nature of cloud computing contracts. These contracts are frequently concluded by the participant of commerce and their scope of application is still expanding. Therefore, they constitute a subject of a vivid debate among representatives of foreign jurisprudence. In Polish law literature, however, these legal agreements were not till now thoroughly examined. This absence will be supplemented by this research project.

The project will concentrated on the question of legal nature of cloud computing contracts, i.e. whether they constitute a service contracts as it may *prima facie* seem from the terminology applied in the IT (e.g. Infrastructure as a Service, Platform as a Service or Software as a Service). To answer this uncertainty it is, however, first necessary to determine, whether this contracts belong to contracts transferring right or to contracts concerning using of thing (broadly: right also). Only after such qualification is excluded one may consider qualifying a contract as a service contract (at least according to prevailing opinion of Polish jurisprudence). Due to important element of co-sharing resources in the cloud computing contract the concept of treating subject-matter contracts as contracts concerning the using of thing or law does not seem completely at odds.

The research will be carried out by gathering and analysing both legal literature and court rulings concerning the subject of cloud computing contracts as well as contracts most similar do them. It will be supplement by the foreign literature and court rulings concerning these matters as well as elements of law and economics. If it is possible to gather adequate sample, the research will also include an empirical analysis of cloud computing contracts concluded in the market or their form and some elements of sociological analysis.

The results of this research project may be of important value in removal the barrier of uncertainty of law regarding cloud computing contracts. As stated in the Digital Agenda (COM(2010)245), the ambiguity connected with the aforementioned contracts is one of the greatest obstacles in using full potential of cloud computing technology. It is worth to point out, that European Commission, in the communicate of 27th September 2012 (COM(2012)529), estimated by the 2020 total advantages of cloud computing will generate 957 billion euro GDP and 3,8 million workplaces. Moreover, European Commission decided to create the expert group in the matter of cloud computing contracts. Therefore this project may be an important voice in the debate concerning these contracts.