

The property law in European countries is based on concepts developed in Roman law. Many those concepts, including the ownership itself, are slightly different from the Roman prototype. Is it good or bad? The answer shall be negative if we recognize that, over last 2 000 years, the piece of reality governed by property law has changed so much that ownership - as a legal form that supposed to control this area - has become too narrow for it. So, has such a change occurred?

Of course, yes! To imagine this, one should realize that the ownership in ancient Rome covered all the objects that Romans really wielded and traded. These were: land, tools, clothes, food, metals, animals and slaves. All these objects were and - except for slaves and to some extent animals - still are the object of ownership. For Romans, therefore, the ownership was a legal form covering all their assets.

And what is today? The composition of assets is entirely different. They are no longer limited to land, tools and other movables. What really prevails among our assets are: receivables (because "money" stored in a bank is only a receivable), copyrights (because an ebook displayed on an e-reader is only a right to use someone else's copyrights), other kinds of rights (shares in companies, investment certificates), organized assets (such as assets which the entrepreneur uses to conduct his professional activity), digital content (such as items sold through online games or passwords to valuable accounts), tokens (such as famous bitcoins or cryptokitties), personal data (through which we pay for access to most so called 'free' Internet services) and image (from which all celebrities make for living). Thus, a fundamentally different picture of assets emerges, which is much more diversified than assets of Romans.

What is surprising, however, is that the private law concept of this most prominent among rights - the right of ownership - in European legal systems has not changed and stayed as simple as before. Various jurisdictions apply one of two models. Either they consider as an object of ownership only things, understood as tangible objects (as in Germany or Poland); or they provide that also intangible objects, including rights, are covered by ownership (the Austrian and French models), whereas the specific regulation of such a right of ownership (as to powers derived from it and means of its protection) omits those objects, so that ownership is of practical importance only in case of (tangible) things. In both models, the right of ownership is confined to tangible objects. Therefore, new kinds of goods - in Poland and throughout Europe - are outside the realm of ownership and property law.

Thus, an economic revolution took place, for which the legal scholarship has not yet found a reasonable answer. The aim of this project is to find that answer and to introduce ownership and all property law into the 21st century. While there are theories that property law has already come to an end, this project offers an opportunity to verify them. It shall allow to establish the foundations of modern property law taking into account all the revolutions (scientific, capitalist, digital) that have taken place in the last millennia. It is necessary to examine whether and in what way we shall extend the object of ownership to newly emerging goods, thus answering the question of whether ownership still has a future. This is an original and pioneering project that has not been carried out in neither Polish nor European legal scholarship.

The limits of a property law are determined by the way in which the object of ownership (usually a 'thing' or 'good') is understood. Therefore, at the beginning one should study the way in which these limits are drawn in the four jurisdictions that entail model solutions for other countries: French, Austrian, German and English, showing also, on such background, Polish law. Do they make the object of ownership only tangible goods or also intangible goods? Does ownership cover only goods of a property nature, or include also goods which primarily serve a non-property purpose, such as image? Do those jurisdictions regulate as an object of ownership only single goods or also those which consist of a larger amount of goods connected with each other, such as an enterprise? To what extent do these systems exclude certain objects from the scope of ownership by taking them out of commerce (such as parts of the human body) or restricting the possibility of trading them (like in case of animals)?

Diversified and not entirely consistent images, illustrating how an object of ownership can be regarded, are likely to emerge from such a research. This project, though, has to go further. What is a true challenge is to find a way to describe the object of ownership - and, as a result, the ownership and all property law itself - in a way that meets the requirements of the modern world. Such an optimal model should be developed with regard to the values such as fairness, economic efficiency, accuracy (in terms of ensuring the desired level of protection) and normative transparency ('logic') of the legal solution. It shall be a model ready for adopting it in the course of future codification of Polish or European property law.