

LEGAL IMPLICATIONS OF THE PLATFORM ECONOMY

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The research project "Legal Implications of the Platform Economy" is dedicated to scientifically based research on the challenges that digital platforms pose to (international and national) legal systems.

The cooperation between the Danube University Krems, the Vienna University of Economics and Business, the University of Hong Kong, the City University of Hong Kong and the Chinese University of Hong Kong will serve to present and discuss national and international research approaches as well as current research.

The aim is to get an overview of the challenges and areas of tension in the different legal areas (which are affected by digital platforms) and to investigate the connections that can be identified and how to tackle the legal challenges (in terms of legal policy). In addition, the question will be asked as to whether the challenges in the various legal areas can be attributed to certain characteristics of digital platforms and, if so, how these can be described.

This should contribute to a better understanding of the phenomenon of digital platforms or the "platform economy" and form the basis for further research projects. The copyright currently raises the problem that the content shared by users on media platforms (such as YouTube) in many cases includes works by other authors ("user-generated content"). This raises the question of how rights holders affected by their use on media platforms (creators and intermediaries such as sound recording and film producers) can be fairly involved in the value creation proceeds generated by their content. The copyright holders complain that the current copyright creates a "value gap" and they are not paid adequately by the platforms.

Current EU legal developments address this issue with the much-discussed Art. 13 of the proposed directive on copyright in the Digital Single Market (COM / 2016/0593 final) and tighten the liability of platforms that allow their users to upload copyrighted content. Enable media content; however, in detail, the present proposal leaves many questions unanswered. In particular, there is a need to fine-tune the liability principles so that the business models of the platforms are not unduly restricted and the right holder nevertheless receives reasonable compensation for the use of their works. Data protection law faces the challenge in the 'platform economy' that collecting and commercializing user data is in many cases the essential foundation of the platforms' business models. In this respect, it is necessary to analyze how business models of digital platforms should be judged in the light of the European General Data Protection Regulation (DSGVO).

In addition, adjacent questions will be addressed, for example, how the common practice of "paying" with the disclosure of data of Internet users ("data as currency") is to be qualified under civil law and whether there is a new protection right for non-personal data ("Data Right" or "Right to Data"). In addition, there are various media law issues in the 'platform economy': Due to the selection and ranking of the contents proposed by the users by algorithms, it is important to clarify to what extent the current legal regulatory framework is sufficient for a digital media and opinion diversity to ensure. It should also be addressed in this context to what extent the current legal framework (in particular the e-commerce directive) allows sufficient action against personality-infringing content ("shitstorm", "hate speech").