

MOT3020 Rights, Obligations and Liability of Actors on the Internet and Consumer Protection Law

Extended syllabus
Autumn 2023

Course aims/objectives:

The aim of this course is to give an overview of rights, obligations and liability of actors on the internet and consumer laws in the EU. The particular nature of this field of interaction - the internet - introduces specific new legal problems and the purpose of this course is to get to know the main legal concepts and theories created in legal systems for addressing such problems. The focus is also on providing insight and knowledge about online consumer rights and obligations in the European Union.

Learning outcomes:

After passing this course, the student:

- has an overview of main legal problems related to different actors on the internet;
- knows the main issues of liability regulation of internet actors;
- knows the main sources of European Union law and international law which regulate the rights, obligations and liability of internet actors and is able to work independently with such sources;
- finds the main sources of European Union law and international law which regulate the online rights of consumers and is able to work independently with such sources.

Brief description of the course and topics to be covered:

The purpose of this course is to give an overview of rights, obligations and liability of actors on the internet, including human rights and the Internet, data protection, collecting and storing the information, liability of ISPs, intellectual property and legal consequences of using social media. Online consumer rights and obligations will also be explored in the above context.

Language of the course:

English

ECTS credits:

6 ECTS

Coverage of SDGs and ERS
(sustainable development goals, ethics, responsibility and sustainability):

SDGs 1.4, 4.4, 4.7, 8.8, 10.2, 16 are covered in this course

Students:	This is an optional course for students studying on HAJB programme
Special needs:	Persons with disabilities can participate in this course. Please inform the professor(s) in the beginning of the course of any special instruction, or assessments of this course that may be necessary to enable you to fully participate in this course.
Registration:	Students who would like to take the course should declare the course in the ÖIS (Student Information System) by deadlines set in the academic calendar.
Prerequisite courses and/or knowledge:	None
Prerequisite resources:	MS Office programmes. For free student download see the instructions https://confluence.ttu.ee/it-info/it-arvuti-ja-oppetoeokoht/tarkvara/microsoft-office-kodukasutus
Professor(s):	Pawan Dutt, pawan.dutt@taltech.ee
Contacting Professor(s):	Preferred means of contact - email, responses provided within 2 workdays.
Schedule for classes:	Classes will take place every week. Class room details will be notified in OIS.
Study process description:	The main topics covered are: traditional rights, obligations and liabilities; rights, obligations and liabilities of actors in the EU and USA; The EUs Digital Services Act, Digital Markets Act, online consumer protection laws, other miscellaneous topics such as human rights, right to be forgotten, etc; and case laws. All the necessary studying material will be uploaded in Moodle
Course's e-support:	Course materials can be accessed via the e-learning environment Moodle under the course title Intellectual Property law https://moodle.taltech.ee/course/view.php?id=31788 Students can enrol to the course themselves. No enrolment key required. If you have no Moodle account yet, please create it by filling in the registration form at https://moodle.taltech.ee/login/signup.php
Study literature:	Kerikmäe, T.; Rull, A. (Ed.). The Future of Law and eTechnologies. Cham: Springer, 2016 European Parliament, 2017, DIRECTORATE GENERAL FOR INTERNAL POLICIES POLICY DEPARTMENT A: ECONOMIC AND SCIENTIFIC POLICY Providers Liability: From the eCommerce Directive to the future. Pistorius, T., & Mwim, O.S., 2019, 'The impact of digital copyright law and policy on access to knowledge and learning', Reading & Writing 10(1), a196.

Holland, A and others, 2019, Berkman Center for Internet & Society at Harvard University, Intermediary Liability in the United States, PUBLIXPHERE.

Software Freedom Law Centre, 2019, Intermediary Liability 2.0, A Shifting Paradigm, sflc.in.

Quintais, J., 2020, The New Copyright in the Digital Single Market Directive: A Critical Look (October 14, 2019). European Intellectual Property Review (1).

Dusollier, S., 2020, The 2019 Directive on Copyright in the Digital Single Market: Some progress, a few bad choices, and an overall failed ambition. Common Market Law Review, Kluwer Law International, 57 (4), pp.979 - 1030.

Natalia E. C., 2020, *EU Directive on Copyright in the Digital Single Market and ISP Liability: What's Next at International Level?*, 11 Case W. Res. J.L. Tech. & Internet Iss. 1

Yanisky-Ravid, S., 2020, Intellectual Property Laws in the Digital Era: An International Distributive Justice Perspective * In Intellectual Property, Innovation, and Global Inequality D. Benoliel, F. Gurry, K. Lee & P. Yu, eds. (Cambridge University Press, Intellectual Property and Information Law series).

Tyner, A., 2020, The EU Copyright Directive: "Fit For The Digital Age" or Finishing It?, 26 J. INTELL. PROP. L. 275.

Ferri, F. ,2021, The dark side(s) of the EU Directive on copyright and related rights in the Digital Single Market. *China-EU Law J* 7, 21–38.

Articles and material uploaded in Moodle.

ASSESSMENT

Examination

Assessment methods	Assessment criteria
Home assignments 1 and 2 (evaluates learning outcomes 1, 2 and 3) The essay topics and word limits will be prenotified in Moodle	Maximum 20 marks for each home assignment (total of 40 marks for both assignments). The following criteria are used for grading the essay home assignments: 91-100% - The answer shows that the student is in command of the topic, demonstrating not only enthusiasm and some originality in discussing it but a depth and breadth of knowledge as well. The answer is logically and coherently organized, convincingly argued, and clearly and elegantly expressed, without any grammatical, usage, punctuation, or spelling errors.

Assessment methods	Assessment criteria
	<p>81-90 % – The answer shows that the student has a solid basis of knowledge regarding the topic; the answer is a competent, accurate treatment of its topic that reflects a serious and intelligent engagement with the material. The answer is well organized and clearly expressed; every sentence is comprehensible and has a clear purpose. There are very few errors in grammar, usage, punctuation, or spelling.</p> <p>71-80 % – The answer shows that the student has understood the topic fully. The answer has a recognizable subject, but is not fully developed. The answer is well organized and there is evidence of an overall plan but, typically, there is some confusion of thought and order. There are few errors in grammar, usage, punctuation, or spelling.</p> <p>61-70 % – The answer has a subject which shows signs of understanding the topic, but is self-evident or is somewhat unclear. The answer is not well organized and contains some contradictions. There are errors in grammar, usage, punctuation, or spelling.</p> <p>51-60 % – The answer demonstrates some grasp of the topic, but not much. There may be serious inaccuracies or inconsistencies, indicating that the student has not understood the question. The student may assert opinions but does not support them with evidence or argument. The answer lacks coherence and has many errors in grammar, usage, punctuation, or spelling.</p> <p>0-50% - The answer is disorganized and obscure. It is full of grammatical, usage, punctuation, or spelling errors, and is unscholarly. The answer demonstrates the student’s total lack of understanding of the subject.</p>
<p>Exam (evaluates learning outcomes 1, 2, 3 and 4) Exercises solved at a pre-announced date independently in the classroom. The MAIN EXAMINATION (written, open book) consists of at least three questions, all of which enable to give thorough answers. The questions are formed</p>	<p>The following criteria are used for grading the exam answers:</p> <p>91-100% - The answer shows that the student is in command of the topic, demonstrating not only enthusiasm and some originality in discussing it but a depth and breadth of knowledge as well. The answer is logically and coherently organized, convincingly argued, and clearly and elegantly expressed, without any grammatical, usage, punctuation, or spelling errors.</p> <p>81-90 % –. The answer shows that the student has a solid basis of knowledge regarding the topic; the answer is a competent, accurate treatment of its topic that reflects a serious and intelligent engagement with the material. The answer is wellorganized and clearly expressed; every sentence is comprehensible and has a clear purpose. There are very few errors in grammar, usage, punctuation, or spelling.</p>

Assessment methods	Assessment criteria
<p>based on lecture notes. Total marks are 60.</p>	<p>71-80 % – The answer shows that the student has understood the topic fully. The answer has a recognizable subject, but is not fully developed. The answer is well organized and there is evidence of an overall plan but, typically, there is some confusion of thought and order. There are few errors in grammar, usage, punctuation, or spelling.</p> <p>61-70 % – The answer has a subject which shows signs of understanding the topic, but is self-evident or is somewhat unclear. The answer is not well organized and contains some contradictions. There are errors in grammar, usage, punctuation, or spelling.</p> <p>51-60 % – The answer demonstrates some grasp of the topic, but not much. There may be serious inaccuracies or inconsistencies, indicating that the student has not understood the question. The student may assert opinions but does not support them with evidence or argument. The answer lacks coherence and has many errors in grammar, usage, punctuation, or spelling.</p> <p>0-50 % - The answer is disorganized and obscure. It is full of grammatical, usage, punctuation, or spelling errors, and is unscholarly. The answer demonstrates the student’s total lack of understanding of the subject.</p>

Eligibility for assessment:

Participation in atleast 75 percent of the lectures is a prerequisite.

Final grade formation:

The grade will be computed on the basis of a final examination and homework assignments.

Final Examination 60%

Essays 40%

Total 100%

The sum of points for each item is converted into a grade using the following principles:

- “5” excellent 91-100
- “4” very good 81-90
- “3” good 71-80
- “2” satisfactory 61-70
- “1” poor 51-60
- “0” fail less than 51

Academic integrity:

As a student at TalTech School of Business and Governance, you have an obligation to conduct your academic work with honesty and integrity according to University standards. It is expected that all work that you submit will be your own, and that you have actually done the work that you are submitting. Plagiarism and cheating will not be tolerated. Should you be found to be guilty of such activities, it will be followed with grade “0” for the assignment or the whole course and a notice will be filed to the School’s Committee for Handling Violations of Academic Practice and Contemptible Behaviour. Depending on the Committee’s proposal, it may lead to Dean issuing a letter of reprimand or in case of repeated or very severe misconduct, exmatriculation from the University.

Detailed schedule and topics

The semester plan is preliminary and might be changed in case of cancellations, changes in available reading material, etc.

Week 1: Introduction and general definitions

Date

Before-class: read material provided in Moodle

In class: lecture & seminar, discussion, group activity

After-class: read material provided in Moodle

Week 2: Traditional rights, obligations and liabilities - Defamation

Date

Before-class: read material provided in Moodle

In class: lecture & seminar, discussion, group activity

After-class: read material provided in Moodle

Week 3: Traditional rights, obligations and liabilities – Vicarious liability

Date

Before-class: read material provided in Moodle

In class: lecture & seminar, discussion, group activity

After-class: read material provided in Moodle

Week 4: Traditional rights, obligations and liabilities - ISPs

Date

Before-class: read material provided in Moodle

In class: lecture & seminar, discussion, group activity

After-class: read material provided in Moodle

Week 5: Rights, obligations and liabilities of actors in the EU – Information Society Directive and E commerce Directive

Date

Before-class: read material provided in Moodle

In class: lecture & seminar, discussion, group activity

After-class: read material provided in Moodle

Week 6: Rights, obligations and liabilities of actors in the EU – Enforcement Directive and Copyright in Digital Single Market Directive

Date

Before-class: read material provided in Moodle

In class: lecture & seminar, discussion, group activity

After-class: read material provided in Moodle

Week 7: Rights, obligations and liabilities of actors in the EU – internet intermediaries in EU

- The Digital Services Act and Digital Markets Act

Date

Before-class: read material provided in Moodle

In class: lecture & seminar, discussion, group activity

After-class: read material provided in Moodle

Week 8: Rights, obligations and liabilities of actors in USA

Date

Before-class: read material provided in Moodle

In class: lecture & seminar, discussion, group activity

After-class: read material provided in Moodle

Week 9: Miscellaneous topics – Human rights online

Date

Before-class: read material provided in Moodle

In class: lecture & seminar, discussion, group activity

After-class: read material provided in Moodle

Week 10: Miscellaneous topics – The right to be forgotten, Online Consumer Protection

Date

Before-class: read material provided in Moodle

In class: lecture & seminar, discussion, group activity

After-class: read material provided in Moodle

Week 11: Case law discussion

Date

Before-class: read material provided in Moodle

In class: lecture & seminar, discussion, group activity

After-class: read material provided in Moodle

Week 12: Revision

Date

Before-class: read material provided in Moodle

In class: lecture & seminar, discussion, group activity

After-class: read material provided in Moodle