DE MIGUEL ASENSIO, PEDRO. *Conflict of Laws and the Internet,* Cheltenham, Edward Elgar, 2020, 529 pp. ISBN: 978 1 78811 081 5

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1. We are before an excellent book that provides a thorough analysis of the three main areas of conflict of laws, jurisdiction, choice of law and enforcement of judgments, with regard to the five major fields of private law directly affected by Internet activities: information society services and internal market, data protection and personality rights, copyright, industrial rights and unfair competition, and contracts.

In this context, as it is well known, the evolution undergone in this sector during the last two decades by the rules on Private International Law has been profound. As this great monograph demonstrates, even in some areas where the provisions themselves have not been amended, their interpretation has been deeply transformed to cope with the challenges posed by the potential global reach and ubiquitous nature of Internet activities. Notwithstanding that, Internet conflict of laws is a sector in which the uniform interpretation and future development of a high number of EU provisions poses significant uncertainties. Therefore, this unique study combining Internet Law and Private International Law from a European perspective is a very remarkable contribution. The focus on EU law is supplemented with the interesting comparison with the main developments in other influential jurisdictions, particularly the United States. The comparative perspective focuses on certain areas where it is particularly useful to assess the possible alternatives to current EU rules.

2. Prior to the study of all these mentioned fields, chapter 1 discusses the different approaches to Internet regulation, the significance of

self-regulation and the role of private international law in this connection. It also presents the basic features of EU private international law in a comparative perspective as an introduction to the rest of the book.

Chapter 2 discusses the position of Internet service providers in the internal market and how the place of establishment influences the scope of obligations imposed on them. The implications of the country of origin principle and the geo-blocking Regulation and their interplay with the general choice of law rules are analysed in detail. Particular attention is devoted to the liability limitations of Internet intermediaries, such as platforms, laid down in the e-commerce Directive. Given the horizontal approach adopted in EU law with respect to such limitations, they also apply to areas of the law discussed in the remaining chapters of the book.

Chapter 3 focuses on the EU General Data Protection Regulation and its amended territorial scope of application. The aim was to clarify that it covers the processing of data of subjects who are in the Union by a controller or a processor not established in the Union where the processing activities are related to offering goods or services to such data subjects. This Chapter discusses the rationale that supports the new approach and the relevant criteria for its interpretation in the light of the recent case-law of the Court of Justice. It also covers the implications of the distribution of competences between the supervisory authorities of the Member States concerning cross-border situations and the conflict of laws issues raised by the so-called private enforcement of data protection law. Finally, jurisdiction, choice of law and recognition regarding online defamation and the violation of personality rights are discussed thoroughly in the rest of the chapter.

Chapter 4 on copyright and related rights includes a rich introductory analysis on the main features of EU copyright law and the challenges raised by its adaptation to the digital context and the evolution of the Internet. Notwithstanding international harmonization in the field of IP, the availability of proceedings concerning infringements of foreign IP rights and the limitations imposed on them vary significantly between countries. The complex challenges surrounding the interpretation of the provisions on international jurisdiction of the Brussels I (Recast) Regulation to copyright infringement claims concerning Internet activities are discussed in connection to the recent practice of the CJEU in this area. Among many other topics, the chapter addresses the determination of the place of infringing activities as ground of jurisdiction in those situations involving the exploitation and infringement of copyright and related rights on digital networks. It further addresses the choice of law issues posed by copyright protection regarding Internet activities, including an assessment of possible alternatives or limitations to the *lex loci protectionis* rule in the field of copyright.

Chapter 5 begins with a discussion of the main issues raised by the protection of unfair competition and industrial property rights with regard to Internet activities in the light of EU developments in these fields. The main types of disputes that may arise and the essential features of international controversies are presented. Concerning the protection of signs not only trademarks but also domain names are considered, including the private international law aspects raised by the special alternative dispute resolution mechanisms established. The Chapter discusses in detail the application of EU rules on international jurisdiction to all claims in these fields of the law. The most important factors influencing forum selection by plaintiffs are discussed. Special attention is paid to the interpretation of jurisdiction rules over infringement claims, the role of choice of forum agreements and the jurisdiction to adopt provisional measures. Concerning choice of law, the study focuses on the interpretation of Articles 6 and 8 of the Rome II Regulation and other related provisions for the determination of the law applicable to the relevant disputes. With respect to unfair competition, the focus rests on the interpretation of the market effects rule to the relevant Internet activities and its relationship with the so-called country of origin principle in the EU. Possible limitations and alternatives to the basic criterion leading to the distributive application of the laws of the several protecting countries to infringing activities in more than one country are considered. The scope and effectiveness of injunctions are also discussed concerning claims based on national provisions and EU unitary rights, particularly trademarks.

The final Chapter focuses on electronic contracts. It begins by providing a general overview of the achievements of the efforts to harmonize contract law concerning online transactions at EU and international level. A typology of the relevant contracts is presented to facilitate the discussion on the application of the conflict-of-laws rule in this area. Particularly significant is the characterization of consumer contracts. Contracts in social networks and platforms, peer to peer transactions and so-called smart contracts receive also particular attention. Concerning jurisdiction, the interpretation of the special jurisdiction ground for contracts established in Article 7(1) of the Brussels I Regulation (recast) remains uncertain with respect to Internet related contracts, particularly as regards the determination of the 'place of performance'. The location of the place of delivery of the goods in the case of sale contracts as well as the place of provision of the services are discussed with a focus on the special challenges posed by Internet transactions.

As regards applicable law, the limits to party autonomy and the effects of the clauses on choice of law included in standard terms by providers of information society services are also discussed in detail in Chapter 6. Formation of contract, formal requirements, validity of certain typical clauses and standard terms are among the contract law issues considered. Chapter 6 covers also the applicable law to Internet related contracts in absence of choice of law. In particular, issues concerning contracts having intellectual or industrial property rights as their subject matter, such as license agreements, remain controversial due to the lack of special provisions in the Rome I Regulation. Other issues covered are those related to the significance of overriding mandatory provisions, including the interplay between the law of the contract and the law governing the processing of personal data.

Finally, mediation and arbitration are covered by the section on alternative dispute resolution. The implementation of the instruments in the field of online dispute resolution adopted at EU level and their significance as an alternative to crossborder court proceedings are also considered.

3. To conclude, this innovative book is an excellent monograph with the extraordinary value of connecting different topics. It does not contain a compilation of articles on several related topics.

Other strengthen is the perfect balance between of the explanation of complex topics and the depth in their treatments. Instead of focusing on a general academic discussion about Internet regulation or governance, it discusses in detail the most controversial issues that Internet activities pose to EU private international law and provides critical answers to address those issues. Written by an author with previous great and influential contributions in the field, the book provides an unparalleled and very highly-recommended study on a particularly complex field.