

# Editorial

by **Gerald Spindler**

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- 1 This new edition of JIPITEC demonstrates how digitalization has changed our society. The articles cover many different topics, such as insurance law or antitrust issues concerning smart car systems. The first statement by Pavis and Wallace challenges the recommendations of the French Sarr-Savoy report, which suggested that African cultural heritage artefacts should be digitized before they are handed back to African countries; the authors accuse the French government of taking a double morality stance concerning African material heritage in contrast to (French) national heritage. Whereas at first glance it seems to be a narrow focus, the statement sheds light on one of the hot topics in culture law and restitution.
- 2 Two articles are dedicated to the ongoing struggle regarding how to strike the right balance between rightholders and liability of intermediaries. Whereas Angelopoulos and Quintais plead for a reform of the recently adopted DSM Directive by introducing alternative compensation schemes instead of extending accessory liability of platforms, Spoerri deals in his article with the upload filter obligations introduced by Art. 17 DSM, showing how they will negatively affect content sharing platforms in the EU. More fundamentally Haberstumpf analyzes the flaws of the jurisdiction of the European Court of Justice concerning the right to make available to the public – which is also the bottom line for the new and highly criticized Art. 17 DSM directive.
- 3 Another ongoing discussion refers to key elements of the GDPR: Zander/Steinbrück/Birnstill highlight the relationship of the GDPR with antitrust and competition law by using a game theoretical approach, reaching the conclusion that the measurement of privacy risks in an economic way may be much more useful than the notions of “data ownership”. Another aspect of data protection at the crossroads with insurance law is dealt with in the article of Thouvenin/Suter/George/Weber, namely the use of big data in the insurance industry in order to individualize insurance policies, which at first glance seem to contradict the principle of solidarity that traditionally underpins the idea of insurance.
- 4 Another antitrust and competition law aspect is at the center of Kerber/Gill’s article on the recent reform of the Motor Vehicle Type Approve Regulation concerning smart and connected cars. They show how the new design of connected cars could lead to distorted competition on markets, as long as interoperability standards are missing.
- 5 Last but not least, Khuchua deals with patent litigation and the huge differences across European jurisdictions, including the impact on European innovation eco-systems.
- 6 In sum, the new edition of JIPITEC once again reflects the dynamics of digitalization in the legal world. We hope that readers will enjoy this new edition and find it intellectually stimulating.

Gerald Spindler, University of Göttingen