Editorial

by **Karin Sein**

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1 The editorial of our last issue started with admiring how fast and effectively the world shifted many activities to the digital realm during the COVID-19 crisis. Indeed, within a few weeks we all became experts of Zoom, Teams and BigBlueButton, hosted and attended webinars, and tested the options of various e-learning tools. While this certainly has been a tremendous leap forward, now, as this extraordinary summer semester has come to an end, maybe the time has arrived to assess the boundaries of going digital.

2 What I personally have been missing a lot, are these magical moments during the lecture when someone asks you a question and you must admit that you have never really thought about it from this perspective. Or, when students start debating a topic amongst each other so that you can happily just step aside feeling content that they are intrigued by the subject that you just introduced. These situations have not (yet) happened to me in online lectures. Surely, we have also become aware of how different we are concerning learning and teaching preferences – as some of us enjoy digital learning so much more than others.

3 And as the holiday season started, it has become obvious that it's not really possible to have an e-vacation: hiking in virtual mountains does not make you sweat and when swimming in the digital sea you do not feel the waves. And while of course we can send each other the 101st perfect sunset photo from the beach, we still cannot share the taste of wild strawberries or Aperol Spritz online.

4 But coming back to the possibilities of digital world and legal matters, our summer issue offers a lot of new insights regarding digital copyright and data privacy questions. Liliia Oprysk explores the broader implications of the CJEU's Tom Kabinet decision on secondary communication and advocates a casuistic approach which considers the initial authorisation of communication, remuneration obtained by the right holder, and the potential interference with a work's exploitation. Pinar Oruç analyses the copyright implications of the method, purposes and the level of collaboration in 3D digitisation of cultural heritage and argues that it is possible, and in some instances even very likely, that 3D projects lead to protectable outcomes under the EU copyright law. Andreas Rahmatian discusses the concept of dematerialised property and its application to debts, money and intellectual property. And a group of leading European copyright scholars, the European Copyright Society, have created an impressive set of comments on the implementation of different articles of the new DSM directive - surely extremely valuable guidelines for national legislators.

5 From the data protection side, Bart van der Sloot observes that the European Court of Human Rights has recently undergone a revolutionary transformation and now formally assesses the quality of Member States' laws and even advises the national legislators on how to make their legal systems Convention-compliant. He puts forward an intriguing argument that the European Court of Human Rights has thereby gradually turned into a European Constitutional Court for privacy cases. Maurice Schellekens, in turn, asks who is or who are the data controller(s) in a permissionless blockchain context and argues that there are good reasons to consider the administrators of nodes together with the core developers as joint controllers. However, he also admits that there is currently not enough coordination within the blockchain that is necessary for adequate data protection. Finally, the "Consumer Law Days 2019" conference report provides an elaborate overview on the discussions on designing the regulatory framework for data access in the digital economy with an emphasis on consumer interests and public welfare.

Have a nice summer and we hope you enjoy reading this issue!

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