

Editorial

by Séverine Dusollier

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- 1 The AI Act has just been enacted by the EU Council when this new JIPITEC issue is finalized, adding another major piece to the construction of a comprehensive EU regulatory framework of digital technologies, actors and practices. The EU has been extremely active and a forerunner in addressing the effects of big online platforms and of AI development, as well as of the transition to a data-based economy and society. Articles on the many legislative acts have increasingly appeared in JIPITEC pages. This issue is no exception with three papers on recently adopted EU regulations. A first article by Jelizaveta Juříčková scrutinises the question of copyright content moderation, mandated by both the 2019 Copyright directive and the DSA, in the light of procedural justice that, based on users' perceptions of fairness, could provide an interesting approach to content moderation. The platforms liability, as enacted in the DSA, is also the topic of Adriana Berbec's paper that compares the EU regulatory framework with the US long standing section 230 of the Communication Decency Act, as well as case law in both jurisdictions. The AI Act then is examined, by Elif Cansu Yaşar, in the form of a rarely raised interrogation: can it apply to e-commerce practices such as data analytics, personalisation of shopping experiences and custom-made advertisements?
- 2 The other articles composing this issue relate to 'classical' IP questions, though certainly revisited by the rapid evolution of technology. The new standard of 'commercial communication' proposed by the CJEU in the *Louboutin v. Amazon* case to identify an active role of the online intermediary in trade mark infringements and its connection to the perspective of the internet user is analysed by Dania van Leeuwen, Mark Leiser and Lotte Anemaet under the light of the DSA liability regime. In another article, Oscar Borgogno and Giuseppe Colangelo tackle the complex and fascinating issue of standard-essential patents with a critical analysis of the recent EU proposal for a regulation, arguing that it creates a potential risk for investments in innovation. Finally the intriguing question of the registrability of human faces as trade marks and how trade mark law can complement personality rights in protecting use of such images is studied by Barna Keserű.
- 3 Once again this JIPITEC issue demonstrates the vitality of digital law and IP scholarship in a rapidly ever-changing legal environment.