Editorial

by **Karin Sein**

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This autumn issue of JIPITEC will be impossible to read in one extended evening: eight articles and one study summary will provide insights on different topics which will easily fill the whole weekend. Whereas most of the contributions address one or other aspects of intellectual property law in the digital realm, topical issues related to digital markets, Digital Content Directive as well as the proposal of the Data Act are examined as well.

The first three articles in this issue address the evergreen topic of digital platforms. Toygar Hasan Oruç questions the necessity to keep the prohibition of general monitoring obligations for video-sharing platforms on the background of the recent trend in the EU legislation to widen the responsibility of online intermediaries for illegal content. Karin Jackwerth tackles the hotly debated issue of the data-related market dominance of large online platforms, describing the response of the German legislator that was strongly influenced by the German competition agency's case against Facebook, and comparing it with the UK approach. She further examines the rules of the upcoming EU Digital Markets Act concerning the so-called gatekeepers and how they interact with the national legislation. The last 'platform article', written by Carlos Muñoz Ferrandis and Marta Duque Lizarralde, takes a yet different approach and investigates the commercial and policy strategic reasons behind the increasing use of open-source licensing of AI. They show that some players on the market are using open-source licensing to attract users and create an ecosystem around their AI platform: open-source licensing has become a competitive advantage for them as it reduces transaction costs, promotes faster technology adoption, and facilitates a free testing area.

The next two articles explore some less travelled roads of copyright law. First, Linda Kuschel and Jasmin Dolling analyse the legal framework in which research data can be accessed and used in EU copyright law, including the intriguing question of the applicable law in case of international research projects. Sunimal Mendis then challenges the copyright's individualistic conception of authorship and its exclusivity-based narrative, pleading for a collaborative (Wiki) authorship model that would regulate adequately the relationships between co-authors engaged in collaborative creation. The last article in this issue dealing with IP law written by Eleni Tzoulia investigates under which conditions blockchain as a standalone product or its individual components can be protected under the current EU intellectual property legislation, be it copyright, patent, or trade secret law – or whether blockchain may be subject to IP rights at all.

Legal science has its limitations when dealing with the complex societal issues posed by technical innovations and therefore JIPITEC is increasingly publishing interdisciplinary contributions. The question of why and when do readers trust the news that they read on the internet, for example, cannot be answered by legal scholars alone. Max van Drunen, Brahim Zarouali, and Natali Helberger offer us a valuable legal as well as empirical perspective on the role that law can play to support trust in the context of news personalization, concentrating on transparency and control measures.

Finally, Vadim Mantrovs, Jānis Kārkliņš, Irēna Barkāne, Zanda Dāvida, Salvis Kārklis and Kristaps Silionovs provide a thorough analysis of Article 8(5) of the Digital Content Directive regulating the possibility to deviate from the objective conformity requirements in digital content or digital service contracts and offer useful insights regarding its interpretation.

Most of the articles in this autumn issue deal in one way or another with the recently adopted or soon-to-be-adopted EU legislation related to the digital economy, highlighting its increasing importance in this area. The summary of a study by Matthias Leistner and Lucie Antoine on the proposed EU Data Act not only helps to keep our readers updated with these developments but also provides a critical view of this proposal, describes its intersections with other legal acts, and offers concrete recommendations for its improvement.

Enjoy the read!

Karin Sein