

TABLE OF CONTENTS

| | |
|---|----|
| ELENA BARGELLI - VALENTINA CALDERAI, <i>A Contract Law for the Age of Digital Platforms? An Introduction</i>» | 11 |
| SILVIA MARTINELLI, <i>Platform economy: the nature of the platform and the regulation of this new disruptive actor</i>» | 15 |
| 1. The nature of the platform.....» | 15 |
| 2. Regulation based on levels of controls.....» | 18 |
| 3. The intermediary platform.....» | 23 |
| 4. Conclusions.....» | 28 |
| CHIARA SARTORIS, <i>Business users of digital platforms and new challenges of protection</i>» | 31 |
| 1. Introduction.....» | 31 |
| 2. Digital platforms and business users: new forms of contractual vulnerability.....» | 34 |
| 3. A focus on the transparency rules of the Regulation (EU) 2019/1150.....» | 38 |
| 4. Contractual protection of business users: open challenges.....» | 42 |
| 5. The future of contractual relationships on digital platforms on the basis of the new Commission's legislative initiatives.....» | 45 |
| 6. Final remarks.....» | 48 |
| MARIA ELENA LIPPI, <i>Enclosing data. Rights and control over personal data on digital platforms</i>» | 49 |
| 1. The <i>aurea aetas</i> of digital (platforms) economy.....» | 49 |
| 2. The commodification of personal data.....» | 51 |
| 3. A right to own personal data?.....» | 54 |
| 4. The Directive on certain aspects concerning contracts for the supply of digital content: between consumer protection and data protection.....» | 57 |
| 5. Call for "triads": a focus on the third-parties enigma.....» | 61 |
| 6. (Provisional) conclusions.....» | 65 |
| FILIPPO MORELLO, <i>The failure of assimilation. Peer-to-peer consumer credit and European private law</i>» | 69 |

| | | |
|---|---|-----|
| Introduction | » | 69 |
| 1. A new landscape in consumer credit | » | 70 |
| 2. The domestic private law of peer-to-peer transactions | » | 73 |
| 3. The troubles of assimilation | » | 78 |
| 3.1. Peer-to-peer credit within retail financial law | » | 79 |
| 3.1.1. General consumer law provisions | » | 79 |
| 3.1.2 Retail financial services law | » | 81 |
| 3.2. Rejecting assimilation | » | 85 |
| 4. Concluding remarks. From assimilation to specialism | » | 86 |
| 5. Bibliography | » | 87 |
| | | |
| ENZO MARIA INCUTTI, <i>Regulating «Initial Coin Offering» and crypto-assets. A postcard from Italy</i> | » | 89 |
| 1. Digital revolution of the financial sector | » | 89 |
| 2. «Initial Coin Offering»: an innovative mechanism to raise capital | » | 91 |
| 3. «Tokenization»: dematerialization of the assets. Different types of <i>tokens</i> | » | 94 |
| 4. A postcard from Italy: the Consob position and outstanding issues | » | 97 |
| 5. A point of view between the first legislative actions and “case by case” perspectives .. | » | 102 |
| 6. The ambiguity of “ <i>utility tokens</i> ” and the central role of the practical purpose of the contract | » | 104 |
| 7. Concluding remarks: what kind of future for the markets in crypto-assets? | » | 109 |
| | | |
| FEDERICO RUGGERI, <i>Not Always So Peer. New Perspectives on the Potential Application of the P2B Regulation in the Digital Collaborative Economy</i> | » | 111 |
| 1. Introduction | » | 111 |
| 2. The development of the collaborative economy in the digital framework | » | 113 |
| 3. The rising role of prosumers | » | 117 |
| 4. The innovative legal framework created by the P2B Regulation | » | 119 |
| 5. Concluding remarks | » | 128 |
| | | |
| VINCENZO IAIA, <i>Reshaping creators’ Copyright protection under the European legal strategy for a fair Digital Single Market and its exceptional(?) enforcement by Antitrust Law</i> | » | 131 |
| 1. Market power, bargaining power and copyright in the digital platform economy: introductory notes on the EU legal framework | » | 131 |
| 2. <i>Ex ante</i> provisions for reshaping the bargaining power asymmetries between creators and platforms | » | 136 |

| | | |
|--|---|-----|
| 3. <i>Ex post</i> remedies against online copyrights infringements aimed at bridging the value gap across content producers and content distributors | » | 140 |
| 4. Risks and opportunities of the robotic control via artificial intelligence systems..... | » | 146 |
| 5. Snippets at the crossroads between free use and copyright infringement..... | » | 148 |
| 6. A lesson from the case <i>Autorité de la Concurrence v. Google</i> . The failure of contract freedom? | » | 150 |
| 7. Concluding remarks: the remodelled intersection between copyright, contract freedom and competition law for a (delicate) long-term level playing field | » | 154 |
| | | |
| VIOLA CAPPELLI, <i>The emerging collaborative economy in the energy sector - Consumer and prosumer protection in peer-to-peer electricity platforms</i> | » | 157 |
| 1. Introduction..... | » | 157 |
| 2. The self-production of energy as a <i>disruptive</i> innovation | » | 159 |
| 3. The technological evolution of the electricity sector and its impact on the European legislation..... | » | 162 |
| 3.1. The regulation of contractual relationships between electricity suppliers and (passive) consumers in the Third Energy Package: the business-to-consumer model of regulation | » | 163 |
| 3.1.1. The Electricity Directive..... | » | 163 |
| 3.1.2. The Renewable Energy Directive | » | 164 |
| 3.1.3. Remarks | » | 164 |
| 3.2. The rise of electricity <i>prosumerism</i> in the Clean Energy Package: the <i>non-disruptive</i> effect of energy innovations on the law | » | 165 |
| 3.2.1. The Electricity Directive..... | » | 166 |
| 3.2.2. The Renewable Energy Directive | » | 167 |
| 3.2.3. Remarks | » | 169 |
| 4. The <i>business-to-consumer</i> model of regulation in <i>peer-to-peer</i> electricity markets: the role of prosumers and the platform | » | 170 |
| 4.1. The relationship prosumer-prosumer. The unsustainable qualification of prosumers as energy suppliers | » | 173 |
| 4.2. The relationship platform-prosumer. The problematic legal qualification of P2P energy platforms in the context of the <i>collaborative economy</i> | » | 175 |
| 5. Final remarks | » | 180 |
| | | |
| PRZEMYSŁAW PALKA, <i>Some Light Remarks on Methodology of Law & Technology</i> | » | 183 |
| Introduction | » | 183 |
| 1. The “Courtroom Bias,” or: Law, Technology & Politics | » | 184 |
| 2. So, what should legal scholars do? A couple of useful distinctions | » | 189 |

| | | |
|---|---|-----|
| 3. Conclusion | » | 192 |
| ALESSANDRA QUARTA, <i>Some light remarks on the legal qualification of websites' terms of use</i> | » | 195 |
| Introduction | » | 195 |
| 1. Terms of Use: Origins and Legal Functions | » | 196 |
| 1.1. In the Net: the web 1.0 | » | 196 |
| 1.2. In the Net: the web 2.0 | » | 198 |
| 2. Database Protection in the EU - The double-track system | » | 199 |
| 3. Click-wrap and browse-wrap agreements in the EU context | » | 201 |
| 4. Conclusive Remarks - Two Types of Websites | » | 202 |
| AUTHORS | » | 205 |