Széchenyi István University

Postgraduate Doctoral School of Legal and Political Sciences

Head of the Postgraduate Doctoral School: *Prof. VEREBÉLYI, Imre DSc.*

THESIS

(Summary)

KŐHIDI, Ákos

Digital Limits of Civil Liability in Europe
Liability Relations of Infringements Committed via P2P Systems

Consultant:

Prof. LENKOVICS, Barnabás, CSc.

head of department, university professor

Győr

2012

Table of Contents

I. The Subject and Aim of the Research

In my researches concerning my dissertation I dealt with a relatively separate field of copyright infringements: the infringements committed via online file-sharing systems, furthermore with the civil liability related to the formers.[1]

File-sharing is such a process, in which the users make available contents stored on the hard drive of their computers and simultaneously access contents made available by others. The early stage of file-sharing could be described as an one-way process based on the server-client relation, in which one party provides content, and the other can access it. One of the most current and modern ways of file-sharing is the so called peer to peer (P2P), a type of connection which surpasses former structures.[2] In the P2P system the user is a provider as well.

With the meaning of the word „peer" the denomination (P2P) is really to the point, as the network is based on the communication of equal parties.[3]

From my point of view the process of file-sharing – through its complex character – is deemed such an experimental space, in which the limits of the application of civil liability can be easily examined. On the one hand the reason is that in several European countries (the) civil liability is applied in the case of similar infringements (and therefore places the dogmatic elements into a new environment, in which these can hardly be applied in a consistent way).

[1] In the dissertation I intentionally avoid the Hungarian well-known expression: "file-exchanging" and used „file-sharing", even though both of them are inaccurate and misleading. (Taking into account the terminology of civil law, „file-sharing" is more feasible than the other one. The process is not the exchange of files, because these stay on the hard drive of user, but how they are made available to others. (Cp.: LIEBOWITZ, Stan J.: „File sharing: Creative destruction or just plain destruction." *Journal of Law and Economics, XLIX*., 2006: 4.) If we exchange things, the amount does not change, but in our case, the works will be multiplicated, made available and other in copyright sense relevant acts might be committed as well. (This is the reason, why such a case is different to file-sharing, in which one lends a CD or a book to another.) The expression of exchange is also not feasible, because the element of (one-way and two-way) conveyance is missing, moreover the data is not deemed as a thing. The aforementioned reasons challenge the correctness of "file-sharing", as it focuses only on one side of the process. See more: Council of Copyright Experts hereinafter abbreviated as CCE, 07/08/1. opinion, 2.)

[2] In addition other solutions can be relevant, as for instance: cloud-services, dedicated search applications, hyperlink services, etc.

[3] Concerning the legality of the system one usually highlighted argument is that P2P is such an architecture, which cannot only be used for infringements, but for sharing unprotected contents between members of a family or in a company. This statement is only true for some software, and types of file-sharing. An Australian survey from 2010 stated, that 89 % of examined torrent files located in the system of *BitTorrent* is connected to illegal content. Another survey from the United States concerning *Limewire* network shows a more staggering, 98,8%. See: IFPI DMR 2011. 14. For a survey concerning BitTorrent users' habits, see: FILBY, Michael: „File-Sharers: Criminals, Civil Wrongdoers or the Saviours of the Entertainment Industry? A Research Study into Behaviour, Motivational Rationale & Legal Perception Relating to Cyber Piracy." *Hertfordshire Law Journal*, V/1., 2007. 32-39.

On the other hand – focusing on Hungary – it can be stated, that the classic rule of civil law liability has yet to be applied in such cases, thus this dissertation can examine the future possibility through academic eyes. While more than a thousand users have received warning letters from copyright trolls in the United Kingdom and Germany, similar cases in Hungary have yet to be seen. According to the above-mentioned facts, research of civil liability issues and common elements (traced back to their European origins) is reasonable not only for law comparison, but for finding the future, well- grounded answers to the currently hypothetical questions in Hungary concerning the topic. In my researches the following questions have been considered (by the synoptic examination of Hungarian, German and British law):

- Is civil liability a feasible instrument to treat the aforementioned infringements? In this context is the following question still valid: „whether (the) civil liability is aimed to morally affect the law or it is a form of risk management?"[4]
- This liability can be examined according to the structure of the process in at least three different stages: users, intermediaries, and internet service providers. The entitled parties try to solve the problem at each stage. Which one might prove the most efficient and long-lasting solution?
- Where can the classic and historically evolved theoretical thesis of liability (e.g. illegality, imputability, causality, joint causation, notion of damages) be applied in digital environment? Does the given social phenomenon require a modifying, transforming or reconstruing of the former connotations? If it does, what kind of consequences would it have? How could the possible new rules fit in the classic ones of civil liability?
    - Shall the basis of illegality be determined by wrongdoing (through the concept *neminem laedere*) or it should be construed within the rules of copyright law.
    - How and wherein can the imputability be applied? How can the „act in a manner that can generally be expected in the given situation" be stipulated?
    - How can the theories of causation (e.g. concurrent-, alternative-, partial causation) be adopted in such a sphere, where the wrongdoing is continuous and the group of wrongdoers fluctuating all the time?
    - Should the application of joint and several obligation be the most plausible way in such cases of joint wrongdoing, where the wrongdoer is not entitled to make

[4] EÖRSI Gyula: Elmélkedések és álmélkodások a Jogtudományi Közlöny tulajdonjogi és felelősségi jogi száma kapcsán." *Jogtudományi Közlöny* XXXVII/11. 1982. 839.

a regress claim? Is it a solution in such cases to obligate wrongdoers in the scale of imputability or contribution? (When too many people cause too much damage, it would be inequitable to challenge only one of them, but impossible to bring an action against each of them.)

- In relation to the given infringements which elements of damages can be revealed? Is there a correlation between damages and unjust enrichment? Are the punitive damages acceptable?

– Could classic property law instruments (e.g. *actio negatoria in rem*) be applied? The dissertation examines a special, German solution (*Störerhaftung*) in detail.
– Wherein is necessary and possible to apply special liability forms to handle the issue? (For instance: strict liability for dangerous activity, vicarious liability.)
– After discussing the problems could we conclude: the liability system (the various damage-sharing) is not the most adequate way?

II. Structure of the Thesis and Research Methods Applied

1. Structure of the Thesis

Chapter II. of the dissertation deals with basic issues of copyright law and technical references, given the conceptual basis of the examination. Therefore I affect several theories of intellectual property and the analogy with property, as the origin of liability is the harm of absolute legal relations, moreover several special property claims are based on it as well. In addition I discuss in short the fundamental rights relations of intellectual property. Although the copyright topic is an organic part of the dissertation, it is only – as mentioned above – an experimental space, not an independent subject of my researches. Therefore I do not outline the history and internationalization of copyright law separately, just in the framework of liability regimes.

The dissertation studies the liability in three different logic points on the scale of causality. The first adequate point is the users' stage, as they commit those primary infringements, which other liability stages' structure is based on. The users do not make an entirely homogeneous group, because some of them share enormous contents committing dozens of infringements. The quantitative separation, however, does not result in a qualitative

detachment, as the group of users can be analysed in one unit. Thus Chapter IV. deals with the liability of users, their primary infringements, the legal consequences and questions arising concerning law enforcement.

On the next stage are the intermediaries (they are called facilitators as well, referring to the facilitation of primary infringements.)[5] This theoretical group embraces most agents, because it consists of content providers, wireless lan providers, developers of technology (software developers) and miscellaneous intermediaries (for instance, server providers). Chapter V. of the dissertation highlights the EU directives concerning intermediaries' liability, just as solutions and practice of the examined legal systems. Due to the richness and creative analogies of case law, in Section 4.3 I have dealt with property claims in German copyright law separately and the basis of this: the trespass (*Störerhaftung*).

The third and most indirect actor intermediary is the *internet service provider*.[6] The VI. Chapter deals with the ISPs' obligations of monitoring, filtering, in addition to international case law relating to the former activities, (so for instance: *EMI Records v. Eircom Ltd.* and *SABAM v. S. A. Tiscali* cases), as well as the possible contractual liability of ISPs'.

Certainly other categorizations can arise, but in accordance with the aim of my essay the aforementioned three categories are plausible. It shall be noted, however, that the liability stages are not completely closed, (the nominations in my usage mirror a functional approach). The users might be deemed as content providers, or wireless network hosts, and the ISP can provide several contents as well. Therefore these stages and concepts serve the schematized systematization of certain actions.[7]

The common conclusions and problems concerning liability are discussed in Chapter VII. I have analysed the possible normative harmonisation, included the *Principles of European Tort Law*, which has been created by the *European Group of Tort Law*, TRIPS agreement,[8]

---

[5] I tried to devise such a common expression for these actors, which can be feasibly applied in the civil law dogmatic as well. Therefore I declined the wide-spread „contributor", and used „intermediaries" instead, because Hungarian civil law uses the former in the rules of breaching of a contract. (Hungarian Civil Code 315. §), and the continental expressions can be distinguished from „contributory liability", which is commonly used in the USA.

[6] A fourth participant can be raised, namely the *access provider*. See: SZINGER András and TÓTH Péter Benjamin. *Gyakorlati útmutató a szerzői joghoz.* Novissima, Budapest, 2004. 233.

[7] Cp.: VEREBICS János: *Lex Internetica - A jog helyének keresése a digitális ezredfordulón.* (http://www.artefaktum.hu/btk03osz/verebics_lexinternetica.pdf), 1999. 4.

[8] Agreement on Trade-Related Aspects of Intellectual Property (1994)

Enforcement Directive,[9] E-Commerce Directive,[10] just as the (in the meantime rejected) *Anti-Counterfeiting Trade Agreement*, or *ACTA*. In this Chapter I focus on the thesis of liability (e.g. illegality, imputability, causality, joint causation, notion of damages) according to its applicability and conceptual flexibility, projecting to the whole process.

After examining civil liability, Chapter VIII. deals with several liability models of public law (for example *graduated response)* and I explore other feasible civil law alternatives (e.g. copyright royalty) and non-legal solutions as well. The last Chapter sums up and concludes the issues discussed in former Chapters.

The system of my footnotes and citations is based on the Chicago-style (name of author, date, title if it is necessary to avoid duplications) to make clear and traceable quoted sources. Beside translations in the main text, the original one can be found (or the relevant part of it) in utmost cases in footnote. Thus the context of British and German expressions and legal terms cannot be lost in translation. I follow the same practice regarding single expressions, using the original behind the translated one in parenthesis, attaching explications the first time they appear.

2. Research Methods Applied

In my dissertation I have focused on detecting modernity in the view of classic legal institutions and theories, highlighting the relevant references of legal instruments in the sense of liability theories, challenging *sui generis* character of certain of them, tracing civil law parallels and guidelines. On account of the legal topic of the dissertation I have simplified technical expressions as much as possible, using semblances and analogies to outline the working of the processes. In my researches treaties, sources of EU law, national acts, cases, academic literature, papers of certain organisations (e.g. IFPI, EDRI), and opinions of the Council of Copyright Experts had been primarily elaborated. Almost two thirds of the studied literature is in a foreign language, most of them are English sources, and nearly all of the cases are foreign. When outlining these I avoid gratuitous description and focus instead on the core of them. My researches were limited to European liability issues, principally Hungarian, German, and British law. In addition I touch upon the most internationally relevant cases and models of other European countries (for instance: Denmark, France, Netherland, Ireland, and

[9] 2004/48/EC Directive on the enforcement of intellectual property rights
[10] 2000/31/EC Directive on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market

Sweden).In order not to breach the parameters set by the title of the dissertation, the milestone cases from United States (where the file sharing expanded from) are also referred to, primarily in such areas as contributory liability and liability for developments.

III. Scientific Results of the Thesis

1. Summary of the Scientific Results

The war of consumers' and authors' (later publishers' and retailers') interest has existed since the birth of copyright law, and has intensified in the digital world. The original privileged value rights evolved (through the analogy of property) into intellectual property rights. In the course of historic evolution the exclusive rights to benefit were completed with a personal side (but the property side is still dominant). The property analogy was inconsistent as it had to be limited (among others) with regard to the public domain. Taking into account the interest of users, the private copying concept was created, which is not an absolute right of consumer, just an exception (as was stated by the French Supreme Court in the Mulholland Drive case).[11] The three-step test in the Berne Convention drew the legal frames of fair use and established the basis of a levy system.[12]

The legal issues connected to private copying arose parallel with the permanent development of technology. Copying became available for more and more private users, constructing file sharing services. The present generation of these systems consists of self-supporting, distributional networks based on spontaneous connections of peers (P2P networks). The existence of these has jeopardized the interests of authors and even more of copyright trolls, therefore within the sphere of argumentation the consumer has become pirate and the collision of interests has become embedded into society, making the *copyright war* permanent.[13]

---

[11] Cited by DUTFIELD, Graham, Uma SUTHERSANEN: *Global Intellectual Property Law.* Edward Elgar, Cheltenham, 2008. 253.

[12] The first condition of the test is that the statutory cases shall be exceptional and clearly defined and based on fair use rule. Secondly it shall not conflict with the ordinary use of work. Thirdly it shall not unreasonably limit legal interest of copyright holder. Some scholar advised that the third step should include the obligation of a fair compensation. See more e. g.: MAZIOTTI, Giuseppe: *EU Digital Copyright Law and the End-User.* Springer, Heidelberg, 2008. 151.

[13] For the„*copyright war*" expression from LESSIG see LITMAN, Jessica: „The Politics of Intellectual Property." *Cardozo Arts & Entertainment Law Journal* Vol. 27. No. 2. (2009) 315-317. ibid cited the thoughts of JACK VALENTI, who held, that infringers made a terrorist war against right holders.

Concerning the committed infringements (beside the instruments of criminal and administrative law) civil liability can provide adequate reflection, but its classic system might be corroded by technical development (referring to debates on strict liability).[14] I have examined the challenges in three functionally separable (but dogmatically not closed) stages: users, intermediaries, and last but not least: internet service providers.

The users, who commit the – in other stages also relevant – primary infringements, can be sued in the USA and this practice has spread to Europe too. Although mass actions carry a negative market-message, copyright trolls have started dozens of proceedings in the UK, and in Germany as well, but these are stopped in the majority of cases before trial, as the parties can agree as soon as users pay warning costs and the estimated sum of damages (see the German example of *Abmahnung*).[15] In Hungary such mass actions have not yet been taken, although in the future it cannot be excluded.

Concerning civil liability my dissertation has highlighted basic issues, like the differences between illegality and imputability (a relative interlocking can be detected in the examined field of copyright law). Besides dogmatic problems, the costs of mass action and accessibility to personal data and IP addresses render the treatment in the stage of individual users endless.

Therefore the liability of intermediaries arises. This flexible category contains developers of technology (software providers) and content providers (it is a notable fact that this distinction is not valid concerning the first generation). I have touched upon the USA theories of secondary liability, as for example *contributory liability*, and *vicarious infringements*. Referring to the *Betamax* case, *inducement- and authorization theory,* British and German cases have been examined. It shall be stated, that the *mere conduit* is not deemed as an infringing act, if it aims to enable legal usage, and the developer/provider does not do anything else, moreover if the possible infringements are not in its interest. I have shortly outlined the essence and relevant rules of *notice and take down* procedure and studied various forms of *duty of care* concerning torrent sites (*Sorgfaltspflicht, Prüfungsplicht*). I distinctly

[14] For example it shall be noted that the academic dispute between PESCHKA and EÖRSI. PESCHKA considered, that the limits of civil liability are ultimately strict liability, so subjective and objective liability are not the two end-points of an ideal liability scale. The law does not aim to morally affect, only shares the risks and damages. EÖRSI replied that even in subjective liability are some elements, which are inconsistent with morality. See: PESCHKA Vilmos:„A polgári jogi felelősség határai.” *Jogtudományi Közlöny* XXXVII/6., 1982. 432. and EÖRSI Gyula, op.cit. 839.

[15] In Germany the *Abmahnung* (warning) is compulsory before the court-process, this is a warning letter sent by right holders or their mandatory. The warned user can sign a statement (*strafbewehrte Unterlassungserklärung*), which is secured by a penalty. If the user commits an infringement again, beside the damages, even the penalty shall be paid.

analysed the German, property based claims (*Störerhaftung*) and its applicability, especially concerning liability of wireless network hosts, the German practice in the former field being unique to this day, as German civil law does not deduce the liability (with *Störerhaftung*) from delictual obligations, but it focuses on objective obligations derived from property and possession.

In the next stage of liability the internet service provider is the most indirect participant in the causation. Although the European Court of Justice declined their obligation to carry out general monitoring and filtering (*Scarlet* case), they can be liable if the rules of *notice and take down* are not followed. In addition, cooperative technical solutions can also arise, as CHARLES CLARK paraphrased: *„the answer to the machine is in the machine"*.[16] Taking into account the possible limitation of provisions (e.g. through providers etiquette or compulsory description), it is feasible to limit speed or the traffic. However, it shall be noted, that such a step might have negative effects on consumers and users. (For instance the former, more static ways of file sharing could return, passing by the torrent based solutions.) The potential solution was listed by the UK Government concerning a hypothetical implementation of graduated response[17] (blocking websites and IP addresses. These cannot result, however, in a permanent settling because the files, containing meta data, can easily be moved, and the using of magnet links might erode such technical endeavours. (Other methods are also available, as for example *bandwidth capping*, *bandwidth shaping* and *volume capping*.) It is obvious, that the ISPs are able to, but do not have to, introduce limitations according to national and common rules;[18] however, such actions might conflict with their interests.

In Chapter VII. the relating dilemmas of liability issues were explored. The imputability concept made by EÖRSI feasibly unified the German culpability based and British malice based theories. The international sources focus on the sense of copyright infringement,

[16] LUNDBLAD, Nicklas: *Is The Answer to the Machine Really in the Machine?* Towards the Knowledge Society. I3E IFIP 2002 Lisbon c. kötet. Kluwer, Lisbon, 2002. 734-735. Some scholars mentioned, that the former question is tautological, see: PATRY, William: *How to Fix Copyright.* University Press, New York, 2011. 233-244.

[17] See more: *Digital Britain: Final Report* (Cm 7650) June of 2009. *British Telecommunications Plc. And TalkTalk Telecom Group Plc. v. The Secretary of State of Business, Innovation and Skills*, http://www.talktalkblog.co.uk/download/sfg-final.pdf (2012.05.15.) 11-12.

[18] 2002/22/EC Directive (amended by the 2009/136/EC Directive) Art. 1. (3): „This Directive neither mandates nor prohibits conditions, imposed by providers of publicly available electronic communications and services, limiting end-users' access to, and/or use of, services and applications, where allowed under national law and in conformity with Community law, but lays down an obligation to provide information regarding such conditions. National measures regarding end-users' access to, or use of, services and applications through electronic communications networks shall respect the fundamental rights and freedoms of natural persons, including in relation to privacy and due process, as defined in Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms."

without recording foreseeability of damages. In addition, two rules of the Enforcement Directive – which allows someone to be deemed liable who acted in good faith – are barely endorsed. Beside the subjective part of infringing, I have primarily revealed discrepancies of causal linking. The causal linking was analysed from every direction, including relations of infringing acts and substance and art of damages. The mass infringements of user – in my opinion – would result in avoiding joint and several liability according to *conjunctive causation* or equity. I have justified it with the permanent nature of the process and impossibility of regress claims and I can also reject joint infringements, as the relevant cause shall be emphasized. (Insomuch as the amount of damages depends on the number of downloaders, the full amount cannot be caused just by one user.) In sum it can be stated, if we consider real scales of contributions (which can hardly be traced), one user can only be used in discounting the contributions of others.

Concerning the other focal point of causation linking, the damages, it shall be noted that actual damages can barely be detected, and loss of profits is not even a feasible way of compensations, because it does not testify the real losses, and brings up foreseeability issues.[19] An amount of damages based on ordinary profits might be a satisfactory way, but it is more hypothetical, than – in several countries restricted – *pure economic loss*. The last text of ACTA contains a form of compensation based on enrichment, but it mixes the rules of damages and unjust enrichment. As a special solution, the punitive damages might be applied, but it can only be consistent in *common law* systems. In my point of view, the most feasible instrument is the unjust enrichment, albeit its amount is less than pure economic loss, but it can be proved.

I have outlined some alternative solutions as well. One of several "soft" methods is an economically rational compromise between parties (as for example in the *Napster* case, when copyright trolls and the owners of Napster agreed to continue providing within legal frames. However, as soon as users had to pay for it, its popularity decreased.) A more efficient model might be to cooperate not with the site owners, but with the ISPs (freely or in normative way). A general levy for internet services (as cassette levy) cannot be compassed, in spite of technical measures. This is in keeping with the opinion of the European Economic and Social Committee. They proposed to exempt certain categories of user from levies, but "access

[19] This is referred to by VISSCHNER as well. In his opinion, if the compensatory damages do not cover actual losses, the infringers will seek this object of property, as they will enrich after paying damages. The author considers that a possible solution might be damages based on a presumed profit. See: VISSCHER, Louis T.: „Economic Analysis of Punitive Damages." In *Tort and Insurance Law. Punitive Damages: Common Law and Civil Law Perspectives*, ed.: Helmut KOZIOL and Vanessa WILCOX. Springer, Wien, 2009. 228.

providers, which owe the development of their networks in part to their potentially illegal use, could be taxed at a relatively low rate, but linked to the volume of traffic between individuals, so as to contribute to copyright revenues and the promotion of new content."[20] This opinion – neglecting various legal applications – was based on the presumption, that ISPs developed their provisions taking the possible infringements into account. (Such a legal application is the internet television and radio channels and video-sharing sites.) The method of levy-payment can be a fixed amount or a flexible one (linked to traffic or bandwidth). At least two contra-arguments might be referred to. One of these is the same as what arises concerning the cassette-levy, that is to say, data media (in our case: internet access) is not only for copying copyright protected works, thus people do not have to pay for copying as a matter of course. (This model can also be conceived as a form of sharing the damages of authors, a latent one, where one has to pay without causing any harm. It is similar to product liability, where producers can transfer the costs of heightened payment risk.) The social acceptance of the former is relatively low, because its distribution seems to be almost untraceable. This was mentioned in the opinion of the European Economic and Social Committee on Creative Content Online in the Single Market: "some countries, often the same ones, levy a tax on all types of digital media, considering them to be tools for piracy, whatever their intended use. Although this is often referred to as a 'tax on private copying', it generates considerable revenue, which is often shared out in a far from transparent manner…Such levies should at least be reasonable and proportionate to the real cost of storing digital units…"[21] The other more serious contra argument springs from the historical tradition of copyright regulation, legalization of file-sharing which would clash with the "three-step test". (It is not impossible to make an exception, but it requires the general consent of the members of the Bern Convention). Beyond civil law solutions, public law also provides alternatives, as for example the French HADOPI (graduated response) and similar ones, focusing on the infringement instead of the infringer. Some surveys verify the effectiveness of regulation, these take only short intervals, and therefore far-reaching consequences shall not be drawn. If the society and community of users do not have the instruments to protest, the hard core users will. On the one hand technology is constantly progressing (including the methods to circumvent the regulation); on the other hand hacker-attacks should also be reckoned with. It can be stated, that the unification of rules might only be outlined, and the unanswered question remains,

[20] OJ C77/66 2009.03.31. (2009/C 77/16. announcement) 4.16., it mentioned ibid:„Except for collection and redistribution expenses, States should not pocket the proceeds of these taxes."
[21] OJ C77/66 2009.03.31 (2009/C 77/16. announcement) 3.10.

whether a hypothetical unified regulation is able to stop illegal file-sharing or only transform it, thus giving it new impetus? LUNDBLAD paraphrases CLARK's words (transforming it to a question): *Is The Answer to the Machine Really in the Machine*? In his opinion: yes, because the majority copies with very plain methods and just a few of them use tools circumventing technical, copy-control measures.[22] In my opinion, this is only temporarily true, these tools might be available to the public, and become well-known. (So it is a vicious circle.)

The origin of the problem is the development of internet-technology, which can circumvent all of the possible measures. In this field the endeavour to stop infringements is like trying to stop a Japanese high-speed train with your bare hands; this only results in a road closure. Relating to my dissertation I fully agree with the opinion, that "file-sharing is an immanent consequence of digital network technologies, which the internet is based on and is an inseparable part of these technologies."[23]

2. Practical Applications of the Conclusions

Although in Hungary copyright holders and copyright trolls are wary of bringing civil mass actions against users, a future experiment would challenge the courts with new social and technical issues, which are complicated in every sense. Subsuming the aforementioned liability questions would raise every neuralgic point, which was examined in my dissertation. An opus, which examines these questions in details, and in a monographic way has not be published before, therefore my dissertation is an unique one, aimed at both academics and practising social scientists, especially lawyers and legal experts.

The specific examination of the applicability of liability theories does not mean, however, that I assert the validity of escalation actions for damages; on the contrary, in my judgement, civil liability and its dogmatic elements also have limits and frames, and it is only within these that the former can be coherently applied.

[22] LUNDBLAD op.cit. 12.
[23] BODÓ Balázs: „A szerzői jog kalózai." Typotex, Budapest, 2011. 170. For the relating history of technological development, see: BODÓ i.m. 169-178.

IV. Selected Publications of the Author

Gondolatok az objektív felelősségről. [Thoughts on Strict Liability]. In (szerk.: Svéhlik Csaba) *KHEOPS* „A tudomány felelőssége gazdasági válságban". KHEOPS Automobil-Kutató Intézet, 2009. 119-130.

A termékfelelősség intézményének neuralgikus pontjai. [Neuralgic Points of Product Liability]. In (szerk.: Bihari Mihály, Patyi András) Dr. Szalay Gyula tiszteletére, 65. születésnapjára. Széchenyi István Egyetem, Győr, 2010. 320.-328.

Kártérítési jog. Gyakorlatok a deliktuális felelősség köréből. [Law of Damages. Case Studies within the Framework of Delictual Liability]. Széchenyi István Egyetem. Universitas Nonprofit Kft. Győr, 2010. 105 p

A magyar szerzői jog fejlődése. Recenzió Nótári Tamás könyvéről. [The History of Hungarian Copyright Law, Review of the Book of Tamás Nótári]. Jogtudományi Közlöny. 2010. LXV/10. 527-529.

Critical and Ameliorating Thoughts on Consumer Protection Concerning Product Liability. Acta Juridica Hungarica. 2010. Vol. 51. No. 4. 305-316.

Világháló a jog hálójában. A torrent alapú fájlmegosztó rendszereken megvalósuló szerzői jogi jogsértések alapvető felelősségi kérdéseinek áttekintése. [Internet in the Net of Law. Review of Basic Liability Issues concerning Copyright Infringements Committed via Torrent Based File-sharing Systems]. Jogtudományi Közlöny. 2011. LXVI/11. 557-568.

A felhasználók által fájlmegosztással okozott kár. [Damage Caused by Users through File-sharing]. Jogi Iránytű. 2011/4. 2011. december 23.

A Hamisítás Elleni Kereskedelmi Megállapodás egyes polgári jogi kérdései. [Several civil law related questions concerning Anti-Counterfeiting Trade Agreement]. Jogi Iránytű. 2012/1. 2012. április 26.