1. Introduction

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This book examines current issues raised by online distribution of content in the European Union (EU) – ranging from questions relating to copyright infringement and enforcement to competition and protecting the interests of consumers. These issues are highly topical, especially since the European Commission has proposed measures to create a Digital Single Market (DSM) for digital content and online content services. In particular, the Commission is seeking to ensure market conditions amenable to investing in creation of content and innovation in services, while also promoting EU-wide access and competition. To these ends, the Commission has proposed legislation in the fields of copyright, internal market and communications law that seek to tackle obstacles currently impeding cross-border and EU-wide online activities.

These ambitious Commission objectives require careful balancing of the various interests involved to ensure that measures in several fields of law achieve the aim of a DSM. In addition, several online content distribution issues are of utmost importance for developing online content markets beyond the DSM proposal. These issues also require careful analysis, whether by European or national courts, enforcement agencies or legislators. A major question is whether the proposed solutions – some of which have already been adopted – will lead to a more coherent or more fragmented legal framework at both EU and Member State levels.

This book consists of five parts including this introduction (Part I) and concluding remarks at the end (Part V). Part II focuses on copyright and other protection of content distributed online. In copyright and other areas of intellectual property (IP) law, ever-changing circumstances in online content distribution raise multiple issues. With a focus on ongoing endeavours to address problems such as what constitutes copyright or other IP infringement within diverse means of online distribution, Part II starts off with Dr Martti Kivistö painting an overall picture of the proposed Directive on copyright in the DSM and its potential impact. Professor Taina Pihlajarinne examines linking as a method that can in some cases be compared to content distribution, while Senior Research Fellow Valentina Moscon analyses the proposed related right

of press publishers to digital use of their material and Associate Professor Péter Mezei provides an in-depth analysis of the doctrine of exhaustion from the perspective of digital second-hand marketplaces. Possibilities to facilitate online content distribution by using (extended) collective licensing arrangements are discussed by Post-doctoral Researcher Anette Alén-Savikko and Doctoral Candidate Tone Knapstad, and the balance between data protection and enforcement of copyright is explored by Professor Katja Weckström Lindroos.

Part III deals with IP issues relating to emerging technologies and methods of online content distribution. Senior Lecturer Rosa Maria Ballardini, Doctoral Candidate Kan He and Associate Professor Teemu Roos examine authorship issues concerning creations involving artificial intelligence. Professor Dinusha Mendis analyses 3D printing as a challenge to IP laws, particularly copyright law, while Professor Taina Pihlajarinne and Docent Max Oker-Blom continue discussion on 3D printing with a focus on trademark infringements. Although seemingly mere fledgling issues, protecting the subject-matter of these technologies raises novel questions that are highly relevant in terms of distribution online – for example, files for 3D-printing goods.

Part IV deals with competition law, consumer law and regulatory aspects relating to online distribution. This part examines issues closely related to practices of copyright holders, platforms and other companies operating at the various levels and aspects of content distribution. Their conduct may threaten innovation and creation, competition and consumer interests in various ways that may need to be addressed in competition law, consumer law and other regulation. In this part Associate Professor Katri Havu examines new consumer protection and other EU legislative efforts applicable to digital content distributed online. Next, three chapters examine from distinct perspectives attempts by the European Commission to facilitate EU-wide and cross-border supply of copyright-protected content. Associate Professor Giuseppe Mazziotti analyses the impact of new EU regulations concerning geo-blocking and portability of content services on cross-border, EU-wide online content distribution. Post-doctoral Researcher Juha Vesala then examines whether and under what conditions extending the geo-blocking regulation could achieve an EU-wide market in online content services. Post-doctoral Researcher Marta Cantero examines geo-blocking-related issues in combination with the open internet rules of the EU through the lens of their impact on non-EU services. Finally, questions regarding net neutrality and the open internet rules of the EU – as issues underlying the preconditions for online distribution of content – are examined in a chapter by Doctoral Candidate Olli Honkkila.