

MR. J.G. BRUINSMA

Onrechtmatige daad via internet

Aspecten van internationaal privaatrecht



Onrechtmatige Daad En Internet Onrechtmatige Daad En Internet

Arnoud Engelfriet



Onrechtmatige Daad En Internet Onrechtmatige Daad En Internet:

Onrechtmatige daad en andere niet-contractuele verbintenissen - 3de, herziene uitgave prof. mr. J.A.

Pontier, 2014-12-16 In dit boek wordt aandacht besteed aan het Nederlandse IPR met betrekking tot onrechtmatige daden en andere niet contractuele verbintenissen Aan de orde komt de vraag naar de internationale bevoegdheid van de Nederlandse rechter om kennis te nemen van geschillen inzake onrechtmatige daad en andere niet contractuele verbintenissen en om in kort geding voorlopige en bewarende maatregelen te treffen alsmede de vraag naar het toepasselijke recht op deze geschillen Niet alleen wordt aandacht besteed aan de onrechtmatige daad in algemene zin maar ook wordt ingegaan op bijzondere onrechtmatige daden zoals de aanvaring de ongeoorloofde mededinging het persdelict de grensoverschrijdende milieuverontreiniging en de octrooi en merkinbreuken alsmede de andere niet contractuele verbintenissen zoals de ongerechtvaardigde verrijking de zaakwaarneming en de precontractuele aansprakelijkheid Bijzondere onrechtmatige daden die onderwerp zijn van andere delen van de Praktijkreeks IPR zoals het verkeersongeval en de productaansprakelijkheid komen alleen kort aan de orde Het internationaal privaatrecht op deze rechtsgebieden ontwikkelt zich voortdurend zowel door ontwikkelingen in de regelgeving als door rechtspraak Wijzigingen in de regelgeving inzake de rechtsmacht van de Nederlandse rechter betreffen de herschikking van de EEX Verordening in de zogenoemde EEX Verordening II of de Brussel Ibis Verordening en een enkele bepaling van afdeling 1 van het Wetboek van Burgerlijke Rechtsvordering Inmiddels heeft met betrekking tot de EEX Verordening II een wijziging plaatsgevonden in verband met onder meer de totstandkoming van de Overeenkomst betreffende een eengemaakt octrooigerecht Ook is recentelijk Boek 10 BW Internationaal privaatrecht in werking getreden dat naast de Rome II Verordening mede betrekking heeft op de vraag naar het toepasselijke recht in internationale gevallen Daarnaast is sprake van belangrijke ontwikkelingen in de rechtspraak van met name het Hof van Justitie van de EU inzake de EEX Verordening II welke verordening vanaf 10 januari 2015 van toepassing is **Internet**

Intermediaries and Copyright Law Stefan Kulk, 2019-10-02 All forms of online communications and interactions between people and companies on the Internet are facilitated by intermediaries service providers whose decisions and policies have a shaping effect on the Internet its users and the information shared on it Today because such intermediaries employ technologies that go well beyond the mere transmission and storage of information into new realms potentially disrupting existing business models a rethinking of existing relevant law is called for The legal analysis and recommendations in this book put the topic of intermediary liability in the perspective of copyright law and offer a vision on how to regulate that liability In the context of in depth and up to date analyses on EU US German and Dutch law the author discusses such issues and topics as the following the liability rules in the new Directive on Copyright in the Digital Single Market liability for the intermediary s own copyright infringements primary liability the intermediary s responsibility to stop or prevent the infringements of others secondary liability the role that fundamental rights play in copyright law and intermediary liability

the rights and interests of copyright owners intermediaries and users and how they are protected notice and takedown by service providers website blocking by Internet access providers the publisher's rights and the use of online articles by platforms legal status of hyperlinks under copyright law and search engine use of copyrighted materials A focus on the strengths and weaknesses of existing EU copyright law concerning Internet intermediaries in terms of how future proof that law is includes detailed attention to legislation regulation and case law With its deeply informed guidance with respect to the methods of regulation in a domain that is heavily influenced by technological developments this book will be welcomed by policymakers legislators academics judges and practitioners working in the area of copyright law as applied to the Internet The detailed attention to the extent to which an intermediary can be held liable for copyright infringements in both the EU and the US will prove highly beneficial for in house counsellors and advisors working for rights holder organizations and intermediary service providers

Non-Contractual Liability Arising out of Damage Caused to Another Christian von Bar, 2009-08-17 Non contractual liability arising out of damage caused to another is one of the three main non contractual obligations dealt with in the DCFR The law of non contractual liability arising out of damage caused to another in the Common Law known as tort law or the law of torts but in most other jurisdictions referred to as the law of delict is the area of law which determines whether one who has suffered a damage can on that account demand reparation in money or in kind from another with whom there may be no other legal connection than the causation of damage itself Besides determining the scope and extent of responsibility for dangers of one's own or another's creation this field of law serves to protect fundamental rights in the private law domain that is to say horizontally between citizens inter se Based on pan European comparative research which annotates the work this volume presents model rules on liability Explanatory comments and illustrations amplify the policy decisions involved During the drafting process comparative material from over 25 different EU jurisdictions has been taken into account The work therefore is not only a presentation of a future model for European rules to come but provides also a fairly detailed indication of the present legal situation in the Member States

Cybercrime and Jurisdiction Bert-Jaap Koops, Susan W. Brenner, 2006-06-08 An in depth survey of the investigation and prosecution of cybercrime in various jurisdictions

De rechten van de mens op het Internet Stephan Parmentier, 2000 *Recht rond cyberwar, internet van dingen en andere internet (on)gemakken: de tien geboden van het internetrecht* Arno R.

Lodder, 2012-05-20 Internet kent de dreigingen maar brengt ons vooral veel waar we dagelijks ruim van genieten en past in het rijtje voedsel en drinken een eerste levensbehoefte waar vrijwel niemand meer zonder kan Zowel wat de gemakken als de ongemakken betreft kan het internet niet zonder recht Recht ordent Het internet is onderdeel van onze rechtsorde maar laat zich niet eenvoudig vangen in de juridische concepten die we sinds jaar en dag hanteren Bij gedragingen op internet is niet altijd op voorhand duidelijk wat de norm is wie deze kan handhaven en op wie de norm van toepassing is De internetjurist beschikt bij over een belangrijke en unieke expertise waar vanwege de centrale rol van het internet binnen onze samenleving

de wetenschap politici rechters en wetgevers van moeten en kunnen profiteren In deze oratie heb ik uiteen gezet wat het internetrecht omvat waarom het internetrecht als afzonderlijk vakgebied noodzakelijk is en voor het internetrecht 10 geboden geformuleerd

De wet op internet Arnoud Engelfriet, 2010 Aan de hand van vele voorbeelden en rechtszaken bespreekt Engelfriet wat de consequenties zijn van bijvoorbeeld de privacywetgeving de Wet Koop op Afstand of de strafbepalingen over computercriminaliteit voor een weblogger of forumsite Ook voor wie muziek of films op internet wil plaatsen biedt dit boek een goede houvast Wat zijn de regels van Buma Stemra en hoe moet je omgaan met Creative Commons licenties

Handelingen Nederlandse Juristen-Vereniging Albert Wolter Koers, Nederlandse Juristen-Vereniging, Maurice V. Polak, Y. [et.al.] Buruma, P. B. Hugenholtz, 1998 Intellectual Property in the Conflict of Laws Schaafsma, Sierd J., 2022-01-14 This comprehensive book provides a ground breaking new explanation of the principle of national treatment in the Berne Convention and the Paris Convention and new insights into the history of the conflict of laws aliens law and their relationship Providing a full and detailed analysis of the existence and the interpretation of the conflict of law rule in these conventions this book will be an important resource for legal scholars specialized practitioners and policy makers

Towards a European Unfair Competition Law Rogier W. De Vrey, 2006 The main aim of this book is to discuss the state of unfair competition law in the European Union In this respect the various efforts that have been made in the past to come to harmonization of this area of law and the reasons that they were only partially successful are reviewed In addition the International and European regulations that refer to unfair competition like e g the Paris Convention the TRIPs and the recent 2004 Unfair Commercial Practices Directive are discussed Also an overview is given of the unfair competition laws in the United Kingdom Germany and the Netherlands with respect to the problem areas of slavish imitation misleading advertising denigrating one's competitor trade secrets and finally misappropriation of valuable trade assets Unfair competition law is traditionally considered part of intellectual property law Not only the relation of unfair competition law to intellectual property laws are therefore part of the discussion but also the areas of consumer protection law since unfair competition law is partly orientated towards consumer protection and competition as an economic concept is the topic of thorough review

Onrechtmatige daad en internet Bertel De Groote, 2005-01-20 Het internet is een vehikel bij uitstek voor internationale activiteiten Voor de studie van het internationaal privaatrecht is het bijgevolg een uitgelezen proeftuin Dit boek wil de diepere maatschappelijke betekenis van netwerkcomplexen juridisch duiden en toetsen Het neemt de problematiek van de internationale bevoegdheid als uitgangspunt Een concreet voorbeeld genomen uit de rijke staalkaart aan onderzochte rechtspraak licht dit toe een Australische zakenman voelde zich beledigd door een bericht in de onlineversie van het economisch magazine Barron's van de Amerikaanse uitgever Dow Jones Dient hij zich te wenden tot de rechter van zijn eigen woonplaats of de rechter in de Verenigde Staten en wat met de andere plaatsen waar de website toegankelijk is Dit zijn slechts enkele van de vragen waarop de diepgaande analyse van art 5.3 EEX Verordening antwoorden

wil formuleren Het internet blijkt meer en meer een bron voor vaak grensoverschrijdende rechtsvorderingen Auteursrecht handelspraktijken merkenrecht en persoonlijkheidsrechten zijn slechts enkele voorbeelden van de domeinen waarin zich steeds vaker betwistingen voordoen Het boek staat daarom stil bij de diverse elementen die de bevoegdheidsproblematiek bij deze betwistingen beïnvloeden Met art 5 3 EEX Verordening als leidraad behandelt het boek de internationale bevoegdheidsvraag bij vorderingen betreffende onrechtmatige handelingen op het internet Met zijn antwoorden wil het boek echter verder gaan Het formuleert vuistregels voor een adequate bevoegdheidsregeling die ook buiten de informatietechnologische context en zelfs buiten de studie van art 5 3 relevant zijn Bovendien bevat het een waaier aan overwegingen betreffende de vraag of en hoe de traditionele internationaal privaatrechtelijke aanknoping aan de locus delictiinzake extracontractuele verbintenissen zich in een steeds sneller evoluerende omgeving kan handhaven De ontwikkeling van het internet is het voorbeeld bij uitstek van de uitdagingen voor deze aanknoping Het boek analyseert en vergelijkt de Europese en de Amerikaanse benadering van het bevoegdheidsvraagstuk Hiertoe onderzoekt het diepgaand de wijze waarop het Amerikaanse recht personal jurisdiction toewijst in betwistingen die het internet een grensoverschrijdende dimensie verleent De confrontatie tussen art 5 3 en de Amerikaanse toekenning van internet jurisdiction brengt de voor en nadelen van beide systemen aan het licht De toetssteen vormt daarenboven een brug tussen de Europese en Amerikaanse kijk op het bevoegdheidsprobleem Hij legt hun gelijkenissen en verschillen bloot In de confrontatie van beide benaderingen zoekt het boek dan ook suggesties om de toewijzing van internationale bevoegdheid in beide systemen te optimaliseren die ook buiten de context van het internet een meerwaarde kunnen betekenen Dit werk is bekroond met de Driejaarlijkse Prijs van het Gerechtelijk Privaatrecht van de V Z W Algemene Modellenverzameling voor de Rechtspraktijk Deze prijs wordt toegekend aan een Nederlandstalig wetenschappelijk werk dat in hoofdzaak betrekking heeft op de studie van het gerechtelijk privaatrecht of een onderdeel daarvan De jury houdt bij zijn oordeel niet enkel rekening met de wetenschappelijke waarde van de inzending maar ook is de directe bruikbaarheid van de inzending in de praktijk van de magistraat notaris advocaat of gerechtsdeurwaarder van essentieel belang

Choice of Law in Copyright and Related Rights Mireille M. M. van Eechoud, 2003-01-01 Nobody denies that the traditional territorial approach to copyright and other intellectual property rights has come under pressure Yet it persists Faced with the need to determine the applicable law in cross border cases lawyers everywhere wrestle with the implications of the territorial nature of copyright and related rights In this book Mireille van Eechoud clears the way to the formulation of conflict rules that reflect the purpose of copyright law to protect creators and stimulate the production and use of information without reverting to old fashioned notions of territoriality She shows how the applicable law can be determined for four distinct legal avenues of intellectual property law Which exclusive rights exist in an intellectual creation and for how long Who is considered to own such right How can these rights be transferred and What continues infringement of copyright and related rights Mireille van Eechoud shows how when

each of these questions is approached in the light of the different allocation principles used in modern choice of law a new clarity begins to emerge that promises in time to build a set of conflict rules well suited to the unprecedented copyright and related rights issues that we find so difficult to resolve today Her in depth analysis draws in the classis multilateral conventions and treaties underlying policies technological and economic developments utilitarian grounds versus justice considerations and issues of infringement in the digital environment INFORMATION LAW SERIES 12 Autonomous Vehicles and Civil Liability in a Global Perspective Hans Steege, Ilaria Amelia Caggiano, Maria Cristina Gaeta, Benjamin von Bodungen, 2024-04-30 In the automotive sector digitalisation connectivity and automation are rapidly expanding In tomorrow's vehicles human beings will merely be passengers which raises a host of complex legal issues regarding accidents involving self driving vehicles This book is the first to offer a comprehensive global overview of civil liability regimes for all levels of vehicle automation in jurisdictions that represent some of the most important markets for the automotive industry After a technical introduction to how self driving cars work the individual chapters analyse the liability for driving automation at SAE J3016 levels 0 through 5 from a country specific perspective All chapters were written by experts in the field and follow a uniform legal structure Hence the book offers an essential comparative analysis of similarities and differences in the jurisdictions examined while also providing suggestions for future legislative changes at the national and international level The book is not only relevant for legal scholars and practitioners but will also be of particular interest to anyone involved in the design manufacture distribution and operation of self driving vehicles **Recht en media** E.M.T. Huijzer, D.E.

Mulder, W.A. Speldenbrink, D.J. Verhey, 2014-05-26 In deze bundel van het Leidse Mordenate College staat de verwevenheid tussen het recht en de media centraal Recht en media zijn eenheden die elkaar voortdurend beïnvloeden Deze interactie vormt aanleiding voor diverse interessante juridische vraagstukken waarvan een groot aantal in de bijdragen van deze bundel aan bod komt Dit boek is verschenen naar aanleiding van het congres Recht en Media op 11 mei 2012 Het resultaat is een gevarieerde bundel met interessante bijdragen van professionals en studenten waarin beoogd wordt vanuit verschillende rechtsgebieden de verwevenheid tussen recht en media te belichten Onderwerpen als het spanningsveld tussen de social media en privacybescherming de onschuld presumptie van verdachten in het strafrecht en de rol van de rechter in het veranderende medialandschap passeren de revue De media blijken een gevaar n een zegen voor het recht te zijn

Onrechtmatige daad via internet J.G. Bruinsma, 2012 Veel van ons handelen is tegenwoordig gedigitaliseerd We downloaden muziek en lezen de krant op internet Deze digitale gedragingen kunnen anderen echter ook schade berokkenen artiesten en platenmaatschappijen lopen omzet mis en onrechtmatige publicaties kunnen door de snelle verspreiding meer schade opleveren voor betrokkenen Maar ons handelen digitaliseert niet alleen het internationaliseert ook Artiesten derven wereldwijd omzet door illegaal downloaden en gelaedeerden worden door onrechtmatige publicaties wereldwijd in hun naam aangetast Dat internet kan worden gebruikt om een ander schade toe te brengen roept nieuwe rechtsvragen op In dit boek

behandelt Bruinsma wat deze ontwikkelingen betekenen voor het onrechtmatige daadsrecht het intellectuele eigendomsrecht en het internationaal privaatrecht Cover **Rethinking Law and Language** Jan M. Broekman, 2019 The law language law theme is deeply engraved in Occidental culture more so than contemporary studies on the subject currently illustrate This insightful book creates awareness of these cultural roots and shows how language and themes in law can be richer than studying a simple mutuality of motives Rethinking Law and Language unveils today's problems with the two faces of language the analogue and the digital on the basis of which our smart phones and Artificial Intelligence create modern life

Onrechtmatige daad & internet Bertel De Groote, 2003 Dinamika dan Perkembangan Kompetensi Absolut Peradilan Tata Usaha Negara di Indonesia Dinoroy Marganda Aritonang, Dinamika dan Perkembangan Kompetensi Absolut Peradilan Tata Usaha Negara di Indonesia **Data Protection & Privacy** Nathalie Raghenon (dir.), Collectif, 2017-08-23 Les conditions Anthemis vous proposent un outil complet pour comprendre le Règlement Général sur la Protection des Données Le Règlement Général sur la Protection des Données en abrégé le GDPR sera d'application dès mai 2018 Son objectif est double D'une part moderniser les réglementations européennes sur la protection des données personnelles afin de les adapter aux transformations de la société liées notamment aux nouvelles technologies D'autre part mettre fin à l'application hétérogène du droit la protection des données travers l'Union en harmonisant les législations en ce domaine Ce règlement sera directement applicable en droit national sans transposition Les entreprises ont tout intérêt à se préparer activement aux nouvelles obligations qui découlent du GDPR et qui appellent des adaptations techniques informatiques et organisationnelles importantes Elles doivent être sensibilisées de même que ceux qui y travaillent cette nouvelle donne Pour aider les entreprises à se retrouver dans ce texte complexe de 99 articles et plus de 130 considérants la FEB a organisé un cycle d'ateliers pratiques sur les principales dispositions du GDPR Cet ouvrage rassemble les textes des orateurs qui ont tout au long du cycle contribué à expliquer et à vulgariser ce GDPR et ont répondu aux nombreuses questions des participants Ces spécialistes dans le domaine de la Data Protection commentent les nouveautés introduites par le GDPR et abordent de multiples questions pratiques utiles aux entreprises Le secrétaire d'état Philippe De Backer a soutenu cette initiative et préface cet ouvrage La Commission de la Protection de la vie privée nous y fait part de ses conclusions sur la mise en œuvre du GDPR De Algemene Verordening Gegevensbescherming afgekort GDPR treedt in mei 2018 in werking Ze heeft een dubbele doelstelling Enerzijds de Europese regelgevingen inzake de bescherming van persoonsgegevens moderniseren om ze te doen aansluiten bij de maatschappelijke transformaties die om het gevolg zijn van nieuwe technologieën Anderzijds komaf maken met de heterogene toepassing van gegevensbeschermingsregels in de verschillende EU landen door de wetgevingen op dit domein te harmoniseren De verordening is rechtstreeks toepasselijk in de lidstaten en hoeft niet te worden omgezet De ondernemingen hebben er alle belang bij zich actief voor te bereiden op de nieuwe verplichtingen die voortvloeien uit de GDPR en die aanzienlijke technische IT en organisatorische aanpassingen vereisen Voor werkgevers en werknemers is het van

belang om vertrouwd te raken met de nieuwe situatie Om de ondernemingen hun weg te helpen vinden in deze ingewikkelde tekst van 99 artikelen en meer dan 130 overwegingen heeft het VBO een cyclus praktische seminars georganiseerd over de belangrijkste bepalingen van de GDPR Deze uitgave bundelt de teksten van de sprekers die zich doorheen de hele cyclus hebben toegelegd op het toelichten ontleden en begrijpelijk maken van de GDPR en op het beantwoorden van de vele vragen van de deelnemers Deze specialisten op het vlak van gegevensbescherming becommentariëren de nieuwigheden die er zitten aan te komen en zoomen in op talrijke praktische zaken die nuttig zijn voor de ondernemingen Staatssecretaris Philippe De Backer ruggensteunde dit initiatief en schreef het voorwoord van deze publicatie De Privacycommissie schreef zijn conclusies neer over de uitvoering van de GDPR Un ouvrage crit par des professionnels pour des professionnels PROPOSITIONS ANTHEMIS Anthemis est une maison d'édition spécialisée dans l'édition professionnelle soucieuse de mettre la disposition du plus grand nombre de praticiens des ouvrages de qualité Elle s'adresse tous les professionnels qui ont besoin d'une information fiable en droit économique ou en médecine

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