‘Private International Law Online. Internet Regulation and Civil Liability in the EU’: A new volume by Tobias Lutzi

A comprehensive and innovative volume by Tobias Lutzi was recently released providing a dedicated analysis of the EU private international law framework as it applies to online activities and to the civil liability arising therefrom. The volume is a welcome addition to Oxford University Press’s already thriving ‘Oxford Private International Law Series’.

Linking the question of the role of private international law in addressing the challenges brought forth by the Internet to the broader debate about the potential of private international law in conflicts regulation and resolution, the Author identifies in the Internet’s independence from State border and in the prevalence of private ordering the two key challenges for private international law vis-à-vis civil liability arising from online activities.

Selecting, as core areas for his analysis, the protection of personality rights, the protection of intellectual property rights, the prevention of unfair competition, the regulation of agreements, and the protection of weaker contract parties, the Author expounds on the potential of private international law as a tool for regulation. In doing so, he provides a comprehensive overview and critical analysis of the current private international law framework for Internet activities in the European Union, extending his analysis to comparisons with the U.S. legal framework, where desirable.

Against this background, the Author puts forth a proposition for an alternative approach, which aims to bring into balance the interests of the different stakeholders and regulators and the legitimate expectations of the parties to a legal relationship. Notably, he advocates for a new EU instrument providing specific rules of jurisdiction and applicable law that combine a country-of-origin default rule with a targeting-based exception for the structurally weaker parties.

Overall, Tobias Lutzi’s book successfully combines complex theoretical analysis

with concrete propositions in a multifaceted and developing area of the law. It exemplifies the contribution of private international law in addressing the challenges arising in information services: in doing so, it illustrates how policies and political aims may be promoted via private international law. As such, his book is an essential and highly recommended reading for academics, regulators, and practitioners.

Tobias LUTZI, *Private International Law Online. Internet Regulation and Civil Liability in the EU*, pp. vii-223 (Oxford University Press, 2020), available for purchase at global.opu.com.