

2025
2026

**R E G U L
A T I N G
B I G
T E C H**



Utrecht University

Course manual

Table of Contents

INTRODUCTION	1
TEACHING STAFF	2
COURSE CONTENT	3
RULES OF ENGAGEMENT	5
EXAMINATION.....	7

INTRODUCTION

Welcome to **Regulating Big Tech!**

This course deals with the regulation of big technology corporations, as well as their underpinning role and commercial activity surrounding Internet governance. It takes big tech companies such as Google, Facebook/Meta, Uber, TikTok as a central point, while exploring the context of their development. This is done by mapping the past, present and future of the Internet, because we owe all relevant technologies that surround us right now (e.g. Large Language Models, recommender systems) to the interconnected online world the Internet has been delivering in the past half century. In this course, we will explore the business incentives of early Internet business models and understand how the availability of big data, breakthroughs in machine learning and regulatory backlogs have led to today's Internet giants. The big tech companies covered in this course reflect different ages of the Internet, and also make up the different parts of the course:

- a) **Web 1.0** – the static Internet with the early promises of e-commerce and search engines (e.g. eBay, Google);
- b) **Web 2.0** – the centralized Internet and its data industries such as marketplaces (e.g. Amazon but also dark web marketplaces), social media (e.g. Meta, Twitter, TikTok YouTube) or the sharing economy (e.g. Uber); although not officially allocated to this age, we will also address emerging LLM providers (e.g. OpenAI) here;
- c) **Web 3.0** – the decentralized Internet and the metaverses (e.g. Decentraland and Ethereum).

These various ages of the Internet have attracted highly complex legal discussions. In this course, we will put particular emphasis on a number of thematic multidisciplinary areas such as:

- State and self-governance mechanisms, infrastructures and techniques;
- Tensions between competing rights, values and principles;
- Fairness, justice and democracy on digital markets;
- Content monetization and moderation.

From a legal perspective, the course explores the interaction of consumer protection, intermediary liability, fundamental rights, access to justice and intellectual property law. In addition to this, computer science and social science insights will be addressed, to better understand the technologies used by big tech companies as well as consumer perception and behavior on digital markets. The course aims to explore current affairs in technology regulation, and discuss up to date examples of the regulatory issues around different business models and legal compliance. Staying up to date with latest developments on digital markets and in public policy does have some drawbacks, which include the limited legal certainty arising out of ongoing regulatory negotiations and interpretations, as well as the 'work in progress' nature of a lot of the sources we'll be using. In other words, addressing very recent technological developments may often lead to unclarity. We will embrace these features in our course, and turn them into learning goals wherever necessary. This is why the course is focused on analytical thinking, creating arguments for and against different narratives, and discussing very specific issues in jurisprudence. Apart from legal insights, we will also rely on literature and experience from computer science. To better understand the legal issues arising in the field of technology, it is important to understand technology to a degree that is helpful for informed legal analyses.

I hope you will enjoy the course and I look forward to meeting you! 🐾Catalina🐾

TEACHING STAFF

Dr. Catalina Goanta (Course coordinator & teacher)

Catalina Goanta is Associate Professor in Private Law & Technology and Principal Investigator of the European Research Council Starting Grant [HUMANads](#), focused on understanding content monetization on social media and on reinterpreting private law fairness in the context of platform governance. Her research focuses on the bringing together insights from law, computer science and media studies to better understand the harms of native advertising on social media.

Email e.c.goanta@uu.nl

Office Location Johanna Hudiggebouw, Achter Sint Pieter 200, Room 2.24

Office Hours Virtual office hours upon e-mail request, Thu-Fri 15:00-17:00

Personal Link <https://www.uu.nl/staff/ECGoanta>

COURSE CONTENT

STRUCTURE

The course will start with an **online** introductory lecture in the first week, when no working groups will be held. The introductory lecture will address:

- A brief history of the Internet as a network and Internet technologies;
- Regulation theory for technology governance.

Moving onwards, the course is divided across three major themes:

a) **Web 1.0:** The Static Internet

In this part, we will define Web 1.0, consider its features and look into the early commercial Internet. The predominant business model in this Internet iteration was e-commerce. We will explore the early regulation of E-Commerce by analyzing the E-Commerce Directive, as well as the initial discussions around platform liability and the early days of content moderation. We will also look at the rise of eBay and Google.

b) **Web 2.0** – The Centralized Internet

In this part, we will explore:

- **Social media & gig work** - from social networking to content distribution and social commerce, social media has grown as an essential space for online communities of many kinds. The infamous targeted advertising business model has led to public scandals such as Cambridge Analytica. In trying to develop new monetization options, Meta, Twitter, TikTok and YouTube are converging their digital products. We will look at some recent monetization plans and discuss content moderation in the increasingly transactional environment of The New Social Media from the perspective of existing consumer protection regulation (e.g. the Consumer Rights Directive, the Unfair Contract Terms Directive, the Unfair Commercial Practices Directive).
- **Dark patterns** - Internet user manipulation through design interfaces is a policy concern for the European Commission. We will look at how dark patterns can be measured, and what they mean for European regulatory compliance.
- **The rise of LLM providers** – OpenAI ‘broke’ the Internet when it started offering ChatGPT services. As LLMs are embedded in increasingly more online services, visibly or rather invisibly, a lot of liability questions arise, particularly for consumer protection.

c) **Web 3.0** – the Decentralized Internet

In this part, we will explore the future of the Internet, and focus on the differences between decentralized and distributed models of networking, and compare decentralization with federation. We will make an overview of the techno-social implications of cryptography and the communities it has created, such as the cypherpunk movement. We will become familiar with smart contracts and critically reflect on the blockchain economy by looking into Decentraland as a case study.

The last two lectures are meant to expose you to emerging regulation that is already increasingly important for technology law in practice. We will particularly look at two European legislative instruments: the Digital Services Act, and the Artificial Intelligence (AI) Act. The overview of this division can be consulted below.

REGULATING BIG TECH 2025

0 (11 NOV)

Online intro to the course:
A brief Internet history + Tech regulation theory
VIDEO LAUNCH ON BRIGHTSPACE

1 (18 NOV)

Web 1.0
E-Commerce & platform liability

2 (25 NOV)

Web 2.0
Social media

3 (2 DEC)

Web 2.0
Dark patterns

4 (9 DEC)

Web 2.0
Gig work & the sharing economy

5 (16 DEC)

Web 3.0
Dark web & decentralization

6 (6 JAN)

Emerging tech regulation:
Digital Services Act

7 (13 JAN)

Emerging tech regulation:
AI Act

TEACHING VISION

This year we'll work with a blended approach between a flipped classroom educational model and Problem-Based Learning (PBL). This consists in three stages:

- Doing reading and watching/listening to materials before our meetings;
- Focusing on troubleshooting and providing hands-on solutions to legal issues during working groups;
- Gathering questions and consolidating any potential comprehension gaps during the lectures.

LECTURES

The lectures in this course have a dual goal:

- To crystalize the knowledge discussed in the working groups;
- To provide tailored answers to questions collected throughout the preparation period.

WORKING GROUPS

During the working groups, you will focus on three types of tasks, which will also reflect the types of tasks that will be used in the assessment of the course. These three types of tasks are:

- **Reflection tasks:** we will critically analyze the recommended literature and explore the arguments for or against a specific policy, interpretation, etc. This type of task is meant to examine your general understanding of the literature and ability to contextualize it for very specific legal issues through the presentation of balanced argumentation.
- **Case law tasks:** we will thoroughly discuss the case law assigned for reading in a specific week and critically reflect on the argumentation presented by the various courts or regulators at stake, as well as the findings of those cases.
- **Problem task:** we will apply the law to a specific real-life or fictive scenario. This type of task is meant to develop your understanding of how to apply the law in practice. Problem tasks

will be solved according to the IRAC model (Issue/Rule/Application-Analysis/Conclusion. For more information about this model, you can visit the [Legal Skills Academy](#) resource repository.

SCHEDULE

	Day	Time	Location
Lectures	Tuesdays	17:15-19:00	JK 2-3 - 013
Work groups	Tuesdays	13:15-15:00 (group 1)	JK 2-3 - 019
		15:15-17:00 (group 2)	JK 2-3 - 019

OPEN ACCESS

This course is committed to working with open access literature that is freely available online.

GOALS

In terms of **knowledge learning goals**, after this course you should:

- Have a general understanding of European regulation relevant for Internet law and policy.
- Have a general understanding of the core objectives and rules connected to the different perspectives, actors and Internet ages central to the course.
- Have general insights into the global issues that drive and are connected to the development of Internet-related business models.
- Understand the different tensions that arise on digital markets between competing rights, such as freedom of contract versus freedom of expression.
- Be able to identify the challenges of regulating Internet-related business models, particularly in industries such as the sharing economy and social media.
- Understand the role of legal and societal values in the shaping and application of European regulation.
- Have a general understanding of Internet law and policy from the perspective of computer science and social sciences selected concepts.
- Understand ongoing public policy debates relating to the governance of the Internet in the European Union, such as the Digital Services Act and the Artificial Intelligence Act.
- Be able to apply theoretical knowledge to a particular case.

In terms of **skills learning goals**, after this course you should:

- Express yourself and formulate complex legal arguments in (legal) English orally and written.
- Be capable of applying legal theory to practical situations and analysing these situations in this context.
- Have gained experience in formulating well-rounded arguments on the basis of newly acquired knowledge on Internet law and policy, particularly platform governance.
- Be able to find the relevant legal and academic sources for immediate application.
- Be able to write a structured legal paper on topics pertaining to Internet governance.
- Be able to do a literature review.
- Be able to solve problem-questions according to the IRAC method.

RULES OF ENGAGEMENT

In this course, we have some basic and reasonable expectations from your conduct, namely to **be there and to prepare**. More specifically:

- Exchanging study groups is possible in exceptional circumstances, and with informing the course coordinator.
- **There is a general obligation to attend the course.** During each lecture and work group, presence will be taken.
- You are expected to actively participate in the work group discussions.
- You are expected to have read the literature before the start of the work group or lecture.
- Do you have questions for us? Then ask them preferably during or after the lectures. First check the information in this course guide or on Blackboard. Only use e-mail for questions that you cannot answer independently or in consultation with fellow students.

In turn, you can expect us to communicate clearly, prepare you for the exam, adapt to your learning needs, and most importantly, to make you curious and excited about law and technology!

ACADEMIC INTEGRITY

Academic integrity is essential for your education and for a healthy academic environment. Utrecht University regards any form of scientific deception as a very serious offence (including writing essays with ChatGPT, unless that is part of your assignments, and within to the parameters of the assignment). Utrecht University expects every student to know and observe the norms and values of scientific integrity. The main forms of deception that affect this integrity are fraud and plagiarism. Plagiarism is the copying of someone else's work without proper reference and is a form of fraud. The website ['Fraud and plagiarism'](#) provides further explanation of what is meant by fraud and plagiarism. Please consult these rules carefully if you are not familiar with them.

EXAMINATION

The course features two examinations.

1. Essay (50% of the final grade)

As the first assessment, you will write an essay on platform governance and/or regulation based on the topics covered by the course up until and including week 5. The essay should reflect a critical assessment of selected literature that you search for by yourself, in addition to the assigned readings for the course. Due to the wide use of generative AI in essay tasks, we will tackle this use of technology full on. This translates into a special essay structure, as the essay must include:

Part 1 (research & write this yourself) - 2000 words:

- An introduction where you outline a concise research question around specific provisions from one of the regulatory instruments covered in the course;
- An analysis of the research question using course literature and additional sources, consisting of:
 - The description of the legal framework applicable to your research question;
 - A critical reflection on the fitness of the legal framework.
- A conclusion where you summarize your analysis and findings.

Part 2 (generative AI) – 500 words:

- Design a ChatGPT prompt to generate a 500-word essay about the research question you have selected, and copy-paste it in this part (the prompt does not count for the word limit).
- Take the text generated by ChatGPT and copy-paste it in this part.
- Write a 500-word critical reflection on the generated text. If you have done your research diligently enough (in part 1), you will be able to tell whether there are substantive pitfalls, inaccuracies or general legal clarity issues with the generated text.

The essay is due on **5 January at 24:59 CET**.

2. Digital exam (50% of the final grade)

As the second assessment, you will have to sit a digital written exam which will reflect different combinations of the three types of tasks discussed in the work groups.

- **Essay questions:** you are asked to build your own argumentation to answer a normative question by critically reflecting on the possible pro's and con's of a specific policy. You can use points made in the materials which you can bring to the exam, as well as your own opinion. This type of question is meant to examine your general understanding of the literature and ability to contextualize it for very specific legal issues through the presentation of balanced argumentation.
- **Case law question:** this type of question is meant to examine your general understanding of the case law discussed in the different weeks, and ability to critically reflect on the argumentation presented by the various courts or regulators at stake, and on the remedies devised.
- **Problem question:** you are asked to apply the law to a specific scenario. This type of question tests your understanding of the law and your capacity to explain how it applies in practice. Write a clear, concise and comprehensive answer, setting out the law and explaining how the law applies to the facts to determine the legal outcome.

The exam will be open book. However, given that we will operate with open source materials that we do not want you to print for one single use, we suggest that you make notes of your readings, and you will be allowed to bring these notes with you at the exam.

The exam will take place on **21 January (more details on Brightspace).**

GRADE REPARATION

Students who have attended at least 75% of the course and were not awarded a pass mark, but who have obtained the final grade of at least 4.0, will be given one opportunity to repair the failing grade. The grade for a repair replaces the grade for the relevant assessment.

WEEK 0

This week is meant to set the tone for the course. It will serve as an introduction in the form of a **video lecture** that will launch on Tuesday, 11 November 2025 on Brightspace. **No physical lecture will take place this week. In addition, all literature is optional, and it serves as background information, and will not be tested during the written exam.**

LEARNING GOALS

This week we focus on the history of the Internet, and the emergence of intermediary liability under European regulation. In particular, we learn:

- How the Internet works: what are the technologies at the heart of the Internet, and to what extent do legal experts need to understand them?
- What is cyberspace?
- What is cyberlibertarianism and how has it affected the development of Internet regulation?
- What are the deep and dark web?
- What is regulation theory and how does it apply to the Internet?
- What are the characteristics of private governance as reflected by platform terms of service?
- What are the four puzzles from cyberspace?

LITERATURE (optional)

- Reuben Binns, 'Primer on Technology and AI for Lawyers' in Lilian Edwards, Catalina Goanta and Lachlan Urquhart, *Internet, Law & Policy* (2nd edition, Hart 2026), pp. xx.
- Andrés Guadamuz, '[Internet Regulation](#)' in Lilian Edwards (ed), *Law, Policy, and the Internet* (Hart Publishing 2019).
- Malte Ziewitz and Ian Brown, '[A Prehistory of Internet Governance](#)' in Ian Brown (ed) *Research Handbook on Governance of the Internet* (Edward Elgar Publishing 2013).
- Lawrence Lessig, [Code](#) (Basic Books 2006), Chapter 2 (pp. 9-28).
- Sofia Ranchordas and Mattis van 't Schip, '[Future-Proofing Legislation for the Digital Age](#)', in Sofia Ranchordas and Yaniv Roznai (eds), *Time, Law and Change* (Hart 2020).

VIDEO

- '[Nerds 2.0.1 - A Brief History Of The Internet \(1998\)](#)' – PBS Documentary hosted by the Internet Archive.

WEEK 1

LEARNING GOALS

This week we discuss intermediary liability under European law in greater detail. In particular, we will focus on the following questions:

- What is the concept of intermediary liability, and what are its legal implications?
- What are the policy objectives of the e-Commerce Directive?
- How has the Court of Justice interpreted some of these policy objectives?
- Do platforms have a general monitoring duty under the e-Commerce Directive?
- What transparency obligations do intermediaries have in relation to e-commerce according to the e-Commerce Directive?

TASKS

Case law

Discuss the cases you had to prepare for this week by identifying the E-Commerce Directive articles interpreted by the CJEU in these cases and outlining the arguments and the rulings put forth by the Court.

Reflection

- What do you think about the transparency duties enshrined in the e-Commerce Directive? Do you think they are meaningful and future-proof?
- What do you think about the obligation (or lack thereof) to impose a general monitoring duty? Do you believe it is a good regulatory approach?

CASE LAW

- [C-298/07](#), Bundesverband der Verbraucherzentralen und Verbraucherverbände - Verbraucherzentrale Bundesverband eV v deutsche internet versicherung AG, ECLI:EU:C:2008:572.
- [C-324/09](#), L'Oréal SA and Others v eBay International AG and Others, ECLI:EU:C:2011:474.
- [C-18/18](#), Eva Glawischnig-Piesczek v Facebook Ireland Limited, ECLI:EU:C:2019:821.

LITERATURE

- Lilian Edwards, Jacob van de Kerkhof and Catalina Goanta, "With Great Power Comes Great Responsibility?": The Rise and Fall and Rise Again of Platform Duties', in Lilian Edwards, Catalina Goanta and Lachlan Urquhart, *Internet, Law & Policy* (2nd edition, Hart 2026), pp. xx.
- Aleksandra Kuczerawy, 'From "Notice and Take Down" to "Notice and Stay Down": Risks and Safeguards for Freedom of Expression' in Giancarlo Frosio (ed) *The Oxford Handbook of Intermediary Liability Online* (Oxford University Press 2020).

LEGISLATION

- [Directive 2000/31/EC](#) on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('E-Commerce Directive').

WEEK 2

LEARNING GOALS

This week we will discuss social media, content monetization and freedom of expression. In particular, we will focus on the following questions:

- What is the role of freedom of expression in protecting access to Internet and freedom to receive and impart information and ideas?
- What are the policy objectives of Article 10 of the European Convention of Human Rights, and how do they apply to social media?
- What is digital constitutionalism?
- May platforms be obliged to keep defamatory content down?
- What is content monetization and how is it relevant for platform governance?
- What value does consumer protection add to platform governance?
- What is an information fiduciary?

TASKS

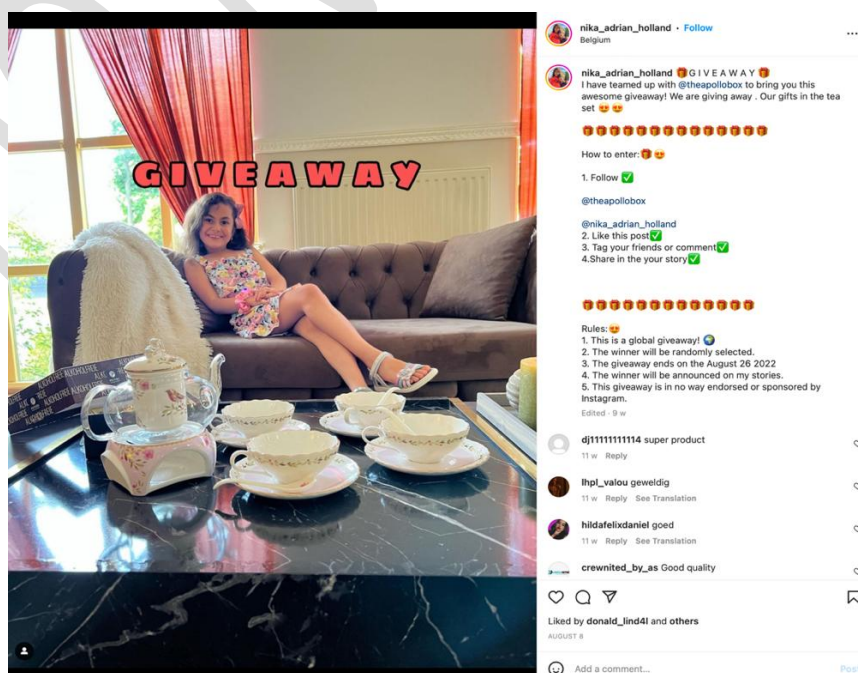
Reflection

Let's debate the nature of social media platforms. Please rely on arguments from your readings.

- Are social media platforms a public square or a shopping mall?
- If you were a member of the Meta Oversight Board, would have you decided the same in the two cases you had to prepare (abortion posts and ketamine post)?

Case

nika_adrian_holland is an Instagram family account with 926k followers, based in the Netherlands. The mother (Negar) is the manager of the account. The vast majority of posts are ads. Sometimes, the account also posts giveaways, as in the example post below.



Questions:

- Can social media engagement constitute a form of payment?
- Is there an obligation to label this post as an ad, and if so, who carries this obligation?
- Does the answer to the question above apply to all giveaways?

CASE LAW

- [Case C-371/20](#), Peek & Cloppenburg KG, v Peek & Cloppenburg KG, ECLI:EU:C:2021:674.
- [C-18/18](#), Eva Glawischnig-Piesczek v Facebook Ireland Limited, ECLI:EU:C:2019:821.
- Meta Oversight Board, 2023-010-IG-MR, [Promoting ketamine for non-FDA approved treatments](#).
- Meta Oversight Board, 2023-011-IG-UA, 2023-012-FB-UA, 2023-013-FB-UA, [United States posts discussing abortion](#).

LITERATURE

- Catalina Goanta, 'The Digital Services Act in Context: The New Social Media', in Lilian Edwards, Catalina Goanta and Lachlan Urquhart, *Internet, Law & Policy* (2nd edition, Hart 2026), pp. xx.
- Graham Cormode & Balachander Krishnamurthy, '[Key Differences between Web 1.0 and 2.0](#)' (2008) 13(6) *First Monday*.
- Jacob van de Kerkhof & Catalina Goanta, 'Digital Constitutionalism and Consumer Protection' in Giovanni de Gregorio et al. (eds) *Oxford handbook on Digital Constitutionalism* (Oxford University Press 2024).
- Joasia Luzak & Catalina Goanta, '[#paidpartnership Means More than Money: Influencer Disclosure Obligations in the Aftermath of Peek & Cloppenburg](#)' (2022) 11(5) *Journal of European Consumer and Market Law* 188-191.
- Jack Balkin, '[Free Speech is a Triangle](#)' (2018) 118(7) *Columbia Law Review*.

LEGISLATION

- [Directive 2000/31/EC](#) of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce').
- Consolidated text: [Directive 2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market ('Unfair Commercial Practices Directive').

WEEK 3

LEARNING GOALS

In the past years, regulators around the world found a new focal point in addressing online information asymmetries. This focal point is dark patterns. The emerging attention inspired a widespread scholarly and regulatory interest that brings together human-computer interaction, web measurement, data protection, consumer protection, competition law, and behavioral economics. This week, we will focus on dark patterns from a computer science and consumer law perspective. In particular, we will:

- Understand what dark patterns are;
- Understand what web measurement is by looking at the Princeton dark patterns study;
- Understand the prevalence of dark patterns on shopping websites;
- Explore the different taxonomies in dark patterns literature and the consumer protection regime applicable to these practices (UCPD);
- Reflect on the remaining legal uncertainty in applying the current legal framework;
- Design regulatory solutions to solve the dark patterns problem.

TASKS

Reflection

- Discuss the Mathur et al. study.
- What are dark patterns? How are dark patterns measured? What is their prevalence?
- What kind of dark patterns did the researchers discover?
- Do you experience such practices during your browsing on shopping websites? Can you give some examples?
- This study is about shopping websites. What about social media platforms? Do they also have dark patterns in your opinion? Find concrete examples.

Case

Visit the websites <https://www.hostinger.nl/>; <https://www.temu.com/>; <https://www.euronews.com> (for this one just check the cookie banner).

- Can you find any interface design examples that could amount to dark patterns?
- Can you argue that the examples of interface design you found amount to unfair commercial practices under the UCPD?

Reflection

The UCPD is currently being reviewed by the European Commission, and one of the topics for possible reform is that of dark patterns. How would you change the UCPD to be more clear about dark patterns?

LITERATURE

- Arunesh Mathur, Gunes Acar, Michael J. Friedman, Eli Lucherini, Jonathan Mayer, Marshini Chetty & Arvind Narayanan, '[Dark Patterns at Scale: Findings from a Crawl of 11K Shopping Websites](#)' (2019) Proc. ACM Hum.-Comput. Interact. 3, CSCW, Article 81.
- Colin M. Gray, Cristiana Santos, and Nataliia Bielova, '[Towards a Preliminary Ontology of Dark Patterns Knowledge](#)' (2023) Extended Abstracts of the 2023 CHI Conference on Human Factors in Computing Systems (CHI EA '23).
- BEUC, '[Dark Patterns and the EU Consumer Law Acquis](#)' (2022).
- Jiahong Chen, 'The Rise of Profiling and Adtech: Legal Regulation', in Lilian Edwards, Catalina Goanta and Lachlan Urquhart, Internet, Law & Policy (2nd edition, Hart 2026), pp. xx.

LEGISLATION

- Consolidated text: [Directive 2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market ('Unfair Commercial Practices Directive').

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WEEK 4

LEARNING GOALS

This week we will discuss gig work and the sharing economy. In particular, we will focus on the following questions:

- What is the sharing economy?
- In which ways is the sharing economy innovative, and what regulatory challenges does it pose?
- What is an information society service?
- Are Uber and Airbnb information society services according to the CJEU?
- Should there be major differences in the qualification of sharing economy services under European law?
- To what extent should differences in business models count?

TASKS

Case law

Discuss the CJEU's interpretation of the definition of information society services in the Uber case and the Airbnb case, as well as the application of this definition to the characteristics of the business models of the two sharing economy companies, as observed by the Court.

Reflection

What are the similarities and differences between the business models practiced by Uber and Airbnb? Should they warrant different qualifications under the E-Commerce Directive?

Reflection

How is the creator economy similar/different from the 'sharing economy'?

CASE LAW

- [C-390/18](#), Airbnb Ireland, ECLI:EU:C:2019:1112 (first question).
- [C-434/15](#), Asociación Profesional Elite Taxi v Uber Systems Spain SL, ECLI:EU:C:2017:981.

LITERATURE

- Sofia Ranchordas, '[Does Sharing Mean Caring? Regulating Innovation in the Sharing Economy](#)' (2015) 16 Minnesota Journal of Law, Science & Technology 414.
- Catherine Barnard, 'Digital Labour Law, Platform Workers and the Gig Economy' in Lilian Edwards, Catalina Goanta and Lachlan Urquhart, Internet, Law & Policy (2nd edition, Hart 2026), pp. xx.
- Christoph Busch, '[The Sharing Economy at the CJEU: Does Airbnb pass the 'Uber test'?](#)' (2018) 7(4) Journal of European Consumer and Market Law 172.
- Martien Schaub, '[Why Uber is an information society service](#)' (2018) 7(3) European Consumer and Market Law Review 109.

LEGISLATION

- [Directive 2000/31/EC](#) on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('E-Commerce Directive').

WEEK 5

LEARNING GOALS

This week we will discuss how cryptography has shaped the development of digital communities and markets, and how it has led to the concept of the decentralized Internet. In particular, we will focus on the following questions:

- What is cryptography? What are crypto communities?
- How has cryptography been used on dark web marketplace?
- What is blockchain? What is the academic pedigree of the Bitcoin blockchain?
- Does Decentraland comply with some essential provisions of the Digital Content Directive (DCD), and if so how? If not, what are the legal issues affecting European consumers, which can be observed in its governing documents?
- How should decentralized digital services be regulated?

TASKS

Case

You will be divided into groups. Inspect [Decentraland's Terms of Use](#). The main task is to find whether there are any clauses which you believe do not comply with the DCD. The goal of this task is not to make a comprehensive analysis of all the clauses. You may exercise discretion in what DSD provisions and ToS clauses you choose. Consider the following questions:

- If you make an account on Decentraland, is that a (consumer) contract governed by the DCD? What is the material scope of the DCD? What is the personal scope of the DCD?
- Who are the parties to the potential contract?
- What are the main obligations of the digital content/digital service provider according to the DCD? Are these obligations complied with?

Reflection

With the discussion in Task 1, reflect on how decentralized digital services should be regulated beyond consumer protection.

LITERATURE

- Catalina Goanta, 'Selling LAND in Decentraland: The Regime of Non-fungible Tokens on the Ethereum Blockchain Under the Digital Content Directive', in Amnon Lehavi and Ronit Levine-Schnur (eds) *Disruptive Technology, Legal Innovation, and the Future of Real Estate* (Springer 2020). Available on Brightspace.
- Catalina Goanta and Marieke Hopman, '[Crypto communities as legal orders](#)' (2020) 9(2) *Internet Policy Review*.
- Moritz Becker and Balázs Bodó, '[Trust in blockchain-based systems](#)' (2021) 10(2) *Internet Policy Review*.

LEGISLATION

[Directive \(EU\) 2019/770](#) of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services.

WEEK 6

LEARNING GOALS

This week, we will start looking at emerging Internet regulation. The European Union has been very busy legislating many aspects of the digital economy. This week, we will pay specific attention to one of the most important regulatory reforms in the European Union relating to the Internet and platform liability: the Digital Services Act. In particular, we will focus on the following questions:

- What is the Digital Services Act and why was it adopted?
- How is it different from the E-Commerce Directive?
- What regulatory reforms does it bring to platform liability?
- What is digital enforcement and how does the Digital Services Act facilitate it?
- Is the Digital Services Act fit to govern the current and future business models of Internet intermediaries?
- What are the similarities and differences between the regulatory approaches of the Digital Services Act and the Online Safety Act (UK)?

TASKS

Case

You will be divided into groups and will be asked to select a social media platform. Read Article 27 of the Digital Services Act on recommender system transparency.

- Do the terms of service include any reference to recommender systems parameters?
- Do you consider these references (if found) to be compliant with Article 27?
- How should social media platforms (further) comply with this new obligation?

Case

In the same groups, find the Articles in the DSA dealing with transparency reporting obligations. Use the same social media platform as before and time yourself in two situations:

- To find the DSA transparency reports on the websites of the platform;
- To find the DSA transparency reports using a search engine of your choice.

Reflection

- Check the DSA Transparency Database. Do you think it fulfills its transparency objectives (Articles 17 and 24(5) DSA)?

LITERATURE

- Lorna Woods, 'Safety by Design: the Online Safety Act', in Lilian Edwards, Catalina Goanta and Lachlan Urquhart, *Internet, Law & Policy* (2nd edition, Hart 2026), pp. xx.
- Catalina Goanta, 'The Digital Services Act in Context: The New Social Media', in Lilian Edwards, Catalina Goanta and Lachlan Urquhart, *Internet, Law & Policy* (2nd edition, Hart 2026), pp. xx.
- Lilian Edwards, Jacob van de Kerkhof and Catalina Goanta, 'With Great Power Comes Great Responsibility?': The Rise and Fall and Rise Again of Platform Duties', in Lilian Edwards, Catalina Goanta and Lachlan Urquhart, *Internet, Law & Policy* (2nd edition, Hart 2026), pp. xx.
- Martin Husovec, *Principles of the Digital Services Act* (Oxford University Press, 2024), chapter 2, pp. 19-32.

LEGISLATION

- [Regulation \(EU\) 2022/2065](#) of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act).

DO NOT COPY

WEEK 7

LEARNING GOALS

During this last week of the course, we will look at another example of emerging technology regulation in the European Union, this time in the form of the much-awaited Artificial Intelligence (AI) Act. The AI Act is expected to set new standards for definitions and different levels of risk for AI in the European Union. To better understand the AI Act, we will focus on:

- How is AI defined in the AI Act?
- What categories of AI are acknowledged based on risk?
- What obligations flow from these categories and who do they apply to?
- What is the regime applicable to generative AI such as ChatGPT under the AI Act?

TASKS

Reflection

Discuss the applicability of the AI Act to:

- Deep fakes of political candidates v deep fakes of celebrities;
- ChatGPT and other generative AI services;
- Risk recidivism tools like Compas.

EXAM PREP

We will spend at least 30 minutes on Q&As relating to the exam question typology, example of questions posted on Blackboard, and other general instructions.

LITERATURE

- Andres Guadamuz, 'AI and Copyright', in Lilian Edwards, Catalina Goanta and Lachlan Urquhart, *Internet, Law & Policy* (2nd edition, Hart 2026), pp. xx.
- Lilian Edwards, 'AI Regulation', in Lilian Edwards, Catalina Goanta and Lachlan Urquhart, *Internet, Law & Policy* (2nd edition, Hart 2026), pp. xx.
- Nuno Sousa e Silva, 'The Artificial Intelligence Act: Critical Overview' (2025) JIPITEC.
- European Commission, [Guidelines on prohibited artificial intelligence \(AI\) practices, as defined by the AI Act](#), February 2025, pages 1-17.
- ProPublica, '[Machine Bias](#)', May 2016.

LEGISLATION

- [Regulation \(EU\) 2024/1689](#) of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (AI Act).