



Ahtii Sarenpää and Karolina Sztobryn (eds),
Lawyers in the Media Society. The Legal Challenges of the Media Society,
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The book entitled *Lawyers in the media society. The Legal Challenges of the Media Society*¹ is a collection of scientific papers edited by Ahtii Sarenpää and Karolina Sztobryn. They are the result of the collaboration between the Institute for Law and Informatics, Faculty of Law, University of Lapland and the Faculty of Law and Administration, University of Lodz. The book contains a number of submissions from contributors representing different institutions and was published in 2016 in Rovaniemi.

The title of the book refers to the place played by the law in the world of the new media, information society and new technologies. The scope of the work is definitely broad, as it covers many issues, and is not restricted to a single legal branch. The choice of particular papers fits the main topic of the book. The world is changing very quickly, especially in the area of new technologies. This state of fact constitutes a big challenge for the law from many different perspectives. There is a need therefore for a discussion on the problems related to technical developments for the current legal order and the shape of future regulations. An important question emerges in this context about the role of lawyers in contemporary society.

The book has a logical and orderly structure. It is divided into 3 main parts entitled: *Challenges of the information society*, *Challenges of the network and digital society*, *Challenges of IP and data protection*. Each part contains 5 or 6 chapters. This division is based on merits and it reflects different scope of topics.

The first part of the book reflects a theoretical, sociological and philosophical approach and has a different character to the rest of the book. It touches upon problematic aspects of jurisprudence, legal logic and teaching. In the first chapter, entitled 'Legal Informatics Today – the View from the University of Lapland', Ahti Saarenpää (University of Lapland) deals with 'legal informatics' (especially, but not only from the perspective of Lapland University) as a discipline concerned with different technological and societal changes. According to the Author, this modern legal science is one of the most international fields of law. In the second chapter, entitled 'Knowledge, Information, and Individuals', Wolfgang Mincke (University

¹ A reviewed publication is available at: https://lauda.ulapland.fi/bitstream/handle/10024/62394/Lawyers%20in%20the%20Media%20Society_pdfA.pdf?sequence=2.

of Lapland) presents basic terms of the field of logic explaining concepts such as knowledge, information, meaning and understanding. In the third chapter, entitled 'Law: Linear texts or Visual Experiences? Challenger for teaching law in the network society', Ahti Saarenpää provides interesting remarks of the 'visuality' of the law. He poses an original question about how the law looks like? Its visual dimension is represented by signs – like copyright symbols or traffic signs. Professor Saarenpää suggests that the need for the use of such signs in information networks is going to grow. It is hard not to agree that these 'legal signs' are easier to understand by non-lawyers than legal texts. In the fourth chapter, entitled 'The modern lawyer and his role in the era of the information society and its services', Arkadiusz Bieliński (University of Białystok) focuses on perspectives available to lawyers in the information society. In his opinion, the changing customer market is going to redefine this sector dramatically. Modern lawyers shall provide legal services with the use of information technology (e.g. Internet ODR – Online dispute resolution, e-mediation, e-negotiations) in order to adapt to the new reality. In the fifth chapter, entitled 'The new information society code of Finland', Rauno Korhonen (University of Lapland) presents the approach of Finish legislation in the field of communications. The recent *Information Society Code* has replaced eight former legal acts (e.g. those concerning domain names, protection of privacy, television and radio). The Author points out that one all-encompassing act can be less understandable for citizens who are obliged to be familiar with the law. The question arises whether this area is not overregulated. In the sixth chapter, entitled 'Legal conceptualism. General theory of law – a new method of statement of the law and a way of explaining applicability of the law', Jakub Rzymowski (University of Lodz) presents his thoughts on the conceptualism in the law. The Author's considerations are interesting but seem to miss the core issue.

The second part of the book focuses on networks and the digital society. It is not surprising that technical development has a very big impact on reality and creates challenges for national and international legal orders. In the first chapter, entitled 'Criminal evidence in the network society: new problems, new solutions?', Jugana Riekkinen (University of Lapland) identifies important issues concerning cybercrime and electronic evidence such as: trans-nationality of cybercrime, lack of physical evidence and obscurity of the crime scene, identifying and locating the suspect, obtaining data, preservation and storage of data, presentation, admissibility and evaluation of data. The Author notes that the structure of the global network, pace of technological development, high volumes of data, speed of network connections and anonymity are significant aspects to consider. In the second chapter, entitled 'Still high in the sky: facing legal challenges of cloud computing in the EU', Agata Jurkowska-Gomulka (University of Information Technology and Management in Rzeszow) raises regulatory problems faced by cloud computing. She analyses existing EU legal provisions, as well as those being developed by the European Commissions, and arrives at the conclusion that future regulation should be of a 'soft' character. The argumentation supporting this statement is very clear and convincing. In the third chapter, entitled 'Connected TV as the technological puzzle call for a reform of audiovisual media services directive', Katarzyna Klafkowska-Waśniowska (Adam

Mickiewicz University in Poznań) speaks of the legal problems pertaining to the Audiovisual Media Services Directive. The Author focuses on the meaning of the term 'audiovisual media services' as contained in the Directive and shows the legal consequences of a particular services falling outside its scope, as it is in the case of smart TV's. In the fourth chapter, entitled 'Intermediaries caught between a rock and a hard place – the case of website blocking and no general obligation to exercise control over the user-generated content', Daria Katarzyna Gęsicka (Nicolaus Copernicus University in Toruń) focuses on the phenomenon of website blocking orders against intermediaries. She refers to the jurisprudence of Court of Justice of the EU and European Court of Human Rights. The issue touches upon the delicate subject matter of the clash between copyright protection, human rights and new technologies. In the fifth chapter, entitled 'Protection of minors and human dignity in the information society EU and US perspectives', Magdalena Konopacka (University of Gdańsk) analyses and compares judgments of European courts and those of the U.S. Supreme Court. The Author emphasizes threats for minors and for human dignity posed by the development of the information society. As noted in some cases, the most effective means of protection is self-regulation.

The third part of the book deals with the challenges of IP and data protection in the media society. It goes without saying that technological development results in countless problems and issues in this field. In the first chapter, entitled 'The clash between protection of personal data and protection of intellectual property rights in internet in the CJEU jurisprudence', Krystyna Kowalik-Bańczyk (Polish Academy of Sciences) provides interesting observations on the jurisprudence of Court of Justice of the EU on personal data and IP protection. The Author seeks answers to the question if there is a hierarchy between the above. In the second chapter, entitled 'Wrong assumptions, wrong conclusions. Economics of intangible goods and its impact on interpretations of copyright law on the internet', Konrad Gliściński (Jagiellonian University) argues that the Copyright Directive is based on wrong assumptions and thus, *inter alia*, imposes non-legitimate limits on the right to private use. Some of the opinions of the Author seem to be very brave, and thus somewhat disputable, but he touches upon a very interesting issue which clearly deserves attention. In the third chapter, entitled 'What is done cannot be undone. The changing face of intellectual property law in the media society', Karolina Sztobryn (University of Lodz) deals with the influence of the media society on intellectual property law. She stresses that media are the aggregates of intellectual property. The problem is that different categories of intangible goods differ significantly and so a question arises concerning the proper way and amount of protection. Computer programmes can be seen as one of the examples. Many problems in this field exist or are particularly visible in the media environment. In the fourth chapter, entitled 'New methods of processing personal data vs. professional secrecy of lawyers. Difficult Relation? Data protection perspective', Katarzyna Witkowska (University of Lodz) focuses on specific issue of confidentiality and data protection duties of professional lawyers in the digital environment (such as cloud computing). The Author analyses the guidelines issued by the Council of Bar and Law Societies of Europe and other similar associations (on the national

level). She expresses the hope that the level of awareness of lawyers in this field will grow. In the fifth chapter, entitled 'Open government data: legal, economical and semantic web aspects', Dino Girardi (University of Lapland) and Monica Palmirani (University of Bologna) present an overview on the Open Government Data (OGD) policy. They explain legal issues as well as economic aspects arising from the disclosure and exploitation of datasets made available by States. While OGD is a global phenomenon, its shape seems to be still evolving. Describing the current approach of EU Member States, the Authors note the existing lack of consistency or common strategy. In their opinion, OGD should be considered as a harmonized, integrated and interoperable ecosystem. In the last chapter of the book, entitled 'Abuses of dominant by ICT companies in the area of data protection', Aleksander Wiatrowski (University of Lapland) focuses on data protection in the context of existing companies such as Microsoft, Google, Facebook. The Author mainly analyses the meaning of the term 'dominant/dominance' – his observations and findings definitely deserves approval. Yet the Author leaves the reader with the impression that this topic has not been exhausted.

Certainly there is a need for a discussion on matters where the law is chasing reality. The Authors refer to most up-to-date legal issues of considerable meaning. The book as a whole constitutes a valuable source of information and opinions. For obvious reasons, the papers differ significantly as far as topic and styles are concerned. However, they are based on solid bibliographical research and are of high scientific level and accessibility – a fact that makes this book attractive not only to lawyers but also to specialists representing other professions dealing with the media society. I believe the book can be recommended as a very valuable source of knowledge.

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