

Editorial

Better Regulation for a Data Economy?

In this fifth issue of 2021, we are publishing contributions that resulted from a 2019 workshop on data commercialization organized by Ann-Kristin Lieberknecht and Frédéric Tronnier from the Chair of Mobile Business & Multilateral Security at the Goethe Universität Frankfurt (in the framework of a Panelfit project). Whereas a lot of literature is concentrating on questions of personal data protection, this issue devotes attention especially (although not exclusively) to questions relating to non-personal data, and as to personal data on questions arising out of big data and algorithmic decision-making. As to the last, Mateja Durovic and Franciszek Lech argue for a better combination of consumer law, competition law and data protection law to tackle the new threats. Bart van der Sloot argues that large scale operations with non-personal data also threaten the quality of life and that the far reaching effects that the European Court of Human Rights (ECtHR) has already given to Article 8 European Convention on Human Rights (ECHR) in order to protect the quality of life from other threats (especially to the living environment) may also be applied here. José Antonio Castillo Parilla discusses under the heading ‘the legal regulation of digital wealth’ questions regarding the rights to data as economic assets (commerce, ownership and inheritance). Gemma Minero analyses the sui generis intellectual property rights on databases in EU law. And Iñigo de Miguel Beriain, José Castillo Parra, Aliuska Duardo Sánchez propose how to deal with data of deceased people. All the authors make proposals for a better regulation of data commercialization.

Meanwhile, when this issue was given in print, the American Law Institute (ALI) and the European Law Institute (ELI) just both approved a common draft ‘Principles for a Data Economy’, which will be published soon. This text deals especially with data contracts (especially contracts for the supply or sharing of data and contracts for services with regard to data), data rights (such as rights to access, porting, correction, use or prohibition to use, or obtain profit) and protection of third parties against data activities. It is the first instrument that ALI and ELI made together and it will certainly have an important influence on the development of legal rules on these topics. It is quite clear that the data economy is a topic that will pop up again in our journal in the next years!

Enjoy reading!

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