

Reiner Schulze/Dirk Staudenmayer (eds.)

# Digital Revolution: Challenges for Contract Law in Practice



**HART**  
PUBLISHING



**Nomos**



Reiner Schulze/Dirk Staudenmayer (eds.)

# Digital Revolution: Challenges for Contract Law in Practice



**HART**  
PUBLISHING



**Nomos**

The **Deutsche Nationalbibliothek** lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data are available on the Internet at <http://dnb.d-nb.de>

ISBN 978-3-8487-2956-2 (Print)  
978-3-8452-7348-8 (ePDF)

#### **British Library Cataloguing-in-Publication Data**

A catalogue record for this book is available from the British Library.

ISBN HB (Hart) 978-1-5099-0733-5

#### **Library of Congress Cataloguing-in-Publication Data**

Schulze, Reiner / Staudenmayer, Dirk

Digital Revolution: Challenges for Contract Law in Practice

Reiner Schulze / Dirk Staudenmayer (eds.)

271 p.

ISBN 978-1-5099-0733-5 (hardcover Hart)

1. Edition 2016

© Nomos Verlagsgesellschaft, Baden-Baden, Germany 2016. Printed and bound in Germany.

This work is subject to copyright. All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or any information storage or retrieval system, without prior permission in writing from the publishers. Under § 54 of the German Copyright Law where copies are made for other than private use a fee is payable to "Verwertungsgesellschaft Wort", Munich.

No responsibility for loss caused to any individual or organization acting on or refraining from action as a result of the material in this publication can be accepted by Nomos or the editors.

## Foreword

On 1–2 October 2015 a workshop on ‘Digital Challenges for Contract Law in Practice’ was held at the Centre for European Private Law (CEP) of the Westfälische Wilhelms-Universität Münster. The creation of the Digital Single Market, one of the European Commission’s top 10 priorities, and the changeover to the digital economy were the inspirations for this workshop. The workshop was dedicated to the effects and requirements of the digital economy on European private law, in particular in the fields of 3D-Printing, Share Economy and the Internet of Things. The results are contained in this volume.

We kindly thank the speakers for their willingness to publish their contributions in this volume, the moderators – Hugh Beale (Warwick), Marco Loos (Amsterdam) and Jerzy Pisuliński (Cracow) – and the workshop participants for their valuable contributions to the discussions.

Particular thanks are owed to the research assistants Benedikt Beierle, Cristina Pardo and Jonathon Watson for their enthusiastic and invaluable support in the organisation of the workshop and publication of this volume.

Münster, December 2015

*Reiner Schulze & Dirk Staudenmayer*



# Contents

## *Introduction*

The Challenges of Digitisation for Consumers 11  
*Gerd Billen*

Digital Revolution – Challenges for Contract Law 19  
*Reiner Schulze / Dirk Staudenmayer*

## *3D-Printing and Contract Law*

Conformity of 3D prints – Can current Sales Law cope? 35  
*Christian Twigg-Flesner*

3D Printing: The Limits of Contract and Challenges for Tort 67  
*Geraint Howells / Chris Willett*

## *Share Economy & Internet Platforms*

Regulation of Share Economy: A Consistently Changing Environment 89  
*Larry A. DiMatteo*

Share Economy and the Consumer Concept 111  
*Rafael Illescas Ortiz*

Share Economy and Consumer Protection 119  
*Caroline Meller-Hannich*

*Internet of Things*

Profiling and Targeting Consumers in the Internet of Things – A New Challenge for Consumer Law <i>Natali Helberger</i>	135
Contractual Duties and Allocation of Liability in Automated Digital Contracts <i>Rolf H. Weber</i>	163
Consumer Contracts and the Internet of Things <i>Christiane Wendehorst</i>	189
Liability and Risk Management in Robotics <i>Erica Palmerini / Dr. Andrea Bertolini</i>	225
 <i>Panel Discussion on the Internet of Things</i>	
Statement <i>Rolf H. Weber</i>	263
Statement <i>Robert MacDougall</i>	265