

Eric Hilgendorf/Jochen Feldle (eds.)

# Digitization and the Law



Nomos

# Robotik und Recht

Edited by

Prof. Dr. Dr. Eric Hilgendorf, Universität Würzburg  
Prof. Dr. Susanne Beck, LL.M., Universität Hannover

Volume 15

Eric Hilgendorf/Jochen Feldle (eds.)

# Digitization and the Law



**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 978-3-8487-4700-9 (Print)  
978-3-8452-8930-4 (ePDF)

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

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

ISBN 978-3-8487-4700-9 (Print)  
978-3-8452-8930-4 (ePDF)

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

Hilgendorf, Eric / Feldle, Jochen  
Digitization and the Law  
Eric Hilgendorf / Jochen Feldle (eds.)  
140 p.

ISBN 978-3-8487-4700-9 (Print)  
978-3-8452-8930-4 (ePDF)

1st Edition 2018

© Nomos Verlagsgesellschaft, Baden-Baden, Germany 2018. 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.

## Preface

The present volume brings together the contributions presented at the 5th Würzburg Conference on Technology Law on May 5th and 6th, 2017. The event was devoted to legal comparison between Germany / Europe and the USA, and was the prelude to the founding of a German-American working group, which will be specially dedicated to technology law in the United States and Europe.

Special thanks go to Roger Fabry for his excellent linguistic support.

Würzburg, December 2017

*Eric Hilgendorf  
Jochen Feldle*



# Table of Contents

Introduction: Digitization and the Law – a European Perspective <i>Eric Hilgendorf</i>	9
Hacking the Internet of Things: Vulnerabilities, Dangers, and Legal Responses <i>Sara Sun Beale and Peter Berris</i>	21
Robotics and Criminal Law. Negligence, Diffusion of Liability and Electronic Personhood <i>Susanne Beck</i>	41
The dilemma of autonomous driving: Reflections on the moral and legal treatment of automatic collision avoidance systems <i>Eric Hilgendorf</i>	57
Criminalizing attacks against information systems in the EU and the impact of the European legal instruments on the Greek legal order <i>Maria Kaiafa-Gbandi</i>	91
The U.S. Supreme Court’s First Amendment refusal to protect children regarding sexually explicit speech on the Internet <i>Mark S. Kende</i>	111
Trust: Privacy in the Digital Age <i>Ari Ezra Waldman</i>	127

