

LEGAL LIABILITY ISSUES IN
REPOSITORIES OF GREY
LITERATURE

I. Main categories of liability

CIVIL

ADMINISTRATIVE

CRIMINAL

CIVIL LIABILITY

- Copyright and IP
- Trade secret
- Personal rights
- Privacy rights
- Repository
- Employee
- Subcontractor
- User

Copyright

- Breach by design
- Breach by mistake
- Breach by purpose

Privacy and Personal Rights

- Privacy vs. Personality vs. Data protection
- Remedies
 - Termination
 - Sanction
 - Compensation

Trade secret

- commercial, manufacturing and technological facts relating to the enterprise
- actual or potential material or nonmaterial value
- not commonly available in the business
- are to be kept confidential
- entrepreneur ensures that his enterprise's secrets are protected in a suitable manner

Criminal liability

- Copyright violation
 - Art. 270 and 271 of the Criminal code
- Trade secret violation
 - Article 248 of the Criminal code
- Personal rights
 - Art. 49 of the Act on offences

Data protection

- 'Personal data'
- set of formal and administrative duties
- 'controller'
- 'processor'
- Sanctions (?)

Liability for user generated content

- 'Notice-and-action procedures'
- Not responsible if
 - No actual knowledge
 - upon obtaining such knowledge or awareness, provider acts expeditiously to remove or to disable access to the information

Questions

Thank you