CONTENTS

Foreword	xii
Preface	xiv
Acknowledgements	XVi
List of abbreviations, shorthand references and acro	onyms xvii
Table of cases and opinions	xix
Table of legislation and official documents	xxvii
1. Introduction	1
PART I EUROPEAN UNION	
2. Article 14 e-Commerce Directive	12
3. Article 15 e-Commerce Directive and recent in	
PART II UNITED STATES	
4. Section 230 Communications Decency Act (C	(DA) 97
5. Section 512 Digital Millennium Copyright Act	
	RIGHTS AND PRIVATE SPEECH
REGULATION	
	169
7. Fundamental rights	196
8. Private speech regulation	236
o. Thrate speceri regulation	230
PART IV ASSESSMENT, RECOMMEND	DATIONS AND CONCLUSIONS
9. Assessment	271
10. Completing the current regime	296
11. Towards a double-sided duty of care	337
	378
Bibliography	387
Index	411

	C.	BALANCING, OBLIGATIONS AND RESTRICTIONS	7.50
		1. General framework	7.51
		2. Article 52(1) EU Charter	7.63
		3. Three concluding remarks	7.68
	D.	SUMMARY	7.82
3.	PRI	VATE SPEECH REGULATION	
	A.	'PRIVATISATION' OF ENFORCEMENT	8.02
		1. Precisions and qualifications	8.03
		2. Implications	8.10
	B.	CONTENT MODERATION	8.21
		1. Concept and significance	8.22
		2. Assessment and implications	8.28
	C.	KNOWLEDGE AND CONTROL	8.34
		1. Introductory remarks	8.35
		2. Automated means: limits	8.40
		3. Automated means: need	8.45
	D.	OTHER DEVELOPMENTS	8.51
		1. General developments and competition	8.52
		2. Use and significance of 'hosting' services	8.60
	E.	SUMMARY	8.70
A	RT	IV ASSESSMENT, RECOMMENDATIONS AND CONCLUSIONS	
9.	ASS	SESSMENT	
	A.	GENERAL REQUIREMENTS AND APPLICATION	9.02
		1. Five general requirements	9.03
		2. Application: balance and effectiveness	9.12
		3. Application: clarity, safeguards and proportionality	9.27
	B.	RETAINING THE ESSENCE OF THE CURRENT REGIME	9.33
		1. Retaining a knowledge-based liability regime	9.34
		2. Retaining the prohibition on general monitoring	9.43
0,	C.	SUMMARY	9.54
).	COI	MPLETING THE CURRENT REGIME	
	·A.	NOTICE AND TAKEDOWN PROCEDURES	10.02
		1. EU rules on notice and takedown procedures	10.02
		2. Content: general aspects	10.03
		3. Content: general aspects 3. Content: notifying parties, sanctions and trusted flaggers	10.16
	B.	STRENGTHENED REGIME ON INJUNCTIVE RELIEF	10.16
		1. Importance of injunctive relief	10.27
		2. Specific measures	10.27
	C.	PUBLIC OVERSIGHT	10.52
		1. Public involvement beyond law-making	10.53
		2. Detailed measures	10.64
	D.	ISSUES RELATED TO SCOPE	10.73
		1. Central criterion	10.74
		2. Possible amendments	10.82
	E.	SUMMARY	10.93
Č.			
		WARDS A DOUBLE-SIDED DUTY OF CARE	
	A.	TARGETED DUTY OF CARE	11.02
		1. Need for an EU-level duty of care	11.03
		2. Targeting specific illegal online content	11.11
		3. Specific requirements	11.18
	D	4. Personal scope and structure	11.32
	В.	DOUBLE-SIDED DUTY OF CARE 1. Caring about users	11.40
		 Caring about users Diligence 	11.41
		2. Diligence	11.51

3. Transparency 4. Redress C. SUMMARY	11.57 11.65 11.78
12. CONCLUSIONS	12.00
A. FIVE PARADOXES B. TWO MOTTOS AND FIVE MEASURES	12.02
Bibliography Index	387 411
	o the series that with satisfication
teour and the arms to a street and the	
STORESTED TO THE STATE OF THE S	
stock guidagh our we will all the first the first terms of the first t	
and of best werd in the product of the second of the secon	
of years pointing the service of the	
of them against a larger the continue of the filter decided to the continue of	
bine lemina pienemana finisce per per la come de la com	
of world-haloud sid of beganesib withput with a shely againful to	
tental de la	