Call for Papers (abstracts due November 30, 2016)

Intermediary Liability as a Human Rights Issue

An issue of *Journal of Intellectual Property, Information Technology and Electronic Commerce Law* (JIPITEC)

Edited by: Martin Husovec (Tilburg University) [http://www.husovec.eu/](http://www.husovec.eu/), Assistant Professor at the Tilburg University (Tilburg Institute for Law, Technology and Society & Tilburg Law and Economics Center), Affiliate Scholar at Stanford Law School’s Center for Internet & Society (CIS); http://ssrn.com/author=1912670.

Intermediaries are backbones of Internet economy. Increasingly, they are also becoming unavoidable gatekeepers to our fundamental rights as citizens. They shape our opinions, but also amplify power of our words; they provide platforms for our creativity, but also limit its forms. Given their crucial position of control, they are increasingly called upon to assist the government in implementing various policies. These range from fighting hate-speech and terrorism to providing effective remedies against defamation and intellectual property violations. In addition to imposing liability, the governments, recognizing power of intermediaries, are turning to them into co-regulators of Internet environment asking them to surveil, control and enforce.

Intermediary liability is generally understood as a set of rules that place responsibility on Internet companies with respect to third-party content that is deemed unlawful. These rules act as carrots and sticks. They incentivize intermediaries to handle complaints of individuals and governments. The design of the rules influences how and when the content is take-down, blocked, or filtered away. It influences what automated solutions intermediaries pick from the market and with what consequences.

It is therefore no surprise that the governmental policies regarding intermediary liability are increasingly scrutinized from the perspective of human rights. The Council of Europe recently conducted a large scale study regarding such policies in its member states and is working on a set of recommendations. The civil society globally launched a discussion about the principles regarding the best governmental practices. The European Court of Human Rights is receiving a wave of new cases objecting to national schemes of intermediary liability.[3] In general, the intermediary liability policies are re-entering the spotlight globally and increasingly becoming to be evaluated for their human rights compliance.

This paper symposium will provide an opportunity to highlight new academic work and serve as a venue to build theory about a rapidly changing subject. Owing to *JIPITEC’s* open access policy of the journal, it is our goal to facilitate and promote the relevant research to a variety of
stakeholders working daily in the area—including lawyers, judges, law enforcement, legislators and policymakers, activists and civil and human rights organizations, technologists, and academics in a variety of fields. We welcome contributions that present original research, offer conceptual, critical, or theoretical analyses of these issues.

We particularly encourage submissions addressing (not limited to) such subjects as:

- Content take-down and reinstatement in light of human rights
- Human rights aspects of filtering and website-blocking
- Human rights aspects of voluntary enforcement agreements among individuals
- Government-pressured ‘codes of conduct’ and human rights
- Relationship between EU law and ECHR law on intermediary liability
- Digital jurisdiction and its role for due process
- Positive obligations of the state and their impact on intermediary liability
- Right to be delisted and its implications for global free speech
- Transparency of intermediaries about content-removals
- Algorithmic enforcement and fundamental rights

Deadlines and anticipated timeline:

- Initial abstract submission deadline (~ 500 words): November 30, 2016
- Authors notified of (tentative) acceptance: December 31, 2016
- Full papers due (based on accepted abstracts): May 31, 2017
- Peer-review (after submission of full papers)
- Publication in 2017

Specifics about submissions:

Initial abstracts should contain approximately 500 words. Subsequent full paper submissions should contain fewer than 10,000 words (including footnotes and citations), and should contain a 200-word abstract and biographical information about the authors on a cover page. Invited full paper submissions will undergo formal double-blind peer review, which is expected to take between 1 and 2 months (submissions that are not selected for peer-review will be released back to the authors quickly). All submissions should be submitted in editable Word (*.doc/x) or *.rtf formats, and should adhere to the formatting and citation requirements of JIPITEC (available at https://www.jipitec.eu/for-authors).

All submissions of abstracts and/or questions should be sent to the editor via email to: m.busovec (at) uvt (dot) nl