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MODELING THE LIABILITY OF INTERNET SERVICE PROVIDERS: GOOGLE VS. VIVI DOWN

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A CONSTITUTIONAL PERSPECTIVE

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Tema della ricerca, i più recenti sviluppi sul caso Google-Vivi Down che offrono occasione per una riflessione sullo stato dell'arte e sulle prospettive in tema di responsabilità nel mondo della rete.

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"The Google Vivi Down saga is a perfect starting point to elaborate on the increasingly more complex relationship between the rapid changes in the technological scenario at the heart of the digital dimension, on one hand, and the much less dynamic relevant legislative framework, on the other hand. It is an emblematic case study of the issues related to the balance between the fundamental rights inherent in internet use, and of the hard (if not sometimes "tragic") choices that the courts must make when the margins of the game move from the atoms to the bits. This book is divided into two parts. The first focuses on the Google Vivi Down case and provides a critical analysis of the arguments of the parties and of the decisions of the First Instance Court

(Tribunale di Milano) and of the Appeals Court (Corte d'Appello di Milano). The second part attempts to go beyond the case: the authors chose to focus on three main challenges related to the next chapter of internet law, namely: jurisdiction and applicable law, the liability of Internet Service Providers and the evolution of the data protection legislation."