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Summary: This article is devoted to a regulatory analysis of the provisions of the Polish Act of 5 July 2018 on the National Cyber Security System. The aim of the article is to show – first of all – that in the case of the aforementioned legal act, there is the case of the so-called sectorial regulation, which is aimed at working out regulatory objectives other than ensuring competition within the market (as it is in the case of classical regulation of the market). Secondly, the article aims to demonstrate that in the case of the objective of cybersecurity, we are dealing with working out this objective only indirectly. Thirdly, and finally, the aim of this study is to present the institutions that serve to ensure cybersecurity, that is, to characterize and assess the obligations of the key service providers and digital service providers.

Key words: the theory of regulation, sector-specific regulation, cybersecurity, key service provider, digital service provider

JEL: K24

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Summary: The article deals with the legal position of telecommunications undertakings in cybersecurity matters, taking into account the provisions of European Union law and national rules. Although telecommunications undertakings were excluded from the scope of the application of general legal provisions on cybersecurity, these entities are obliged to observe duties resulting from sector specific regulation concerning the protection of networks, services and communications. Telecommunications undertakings are obliged to eliminate security threats and inform end-users

and respective public authorities on the actual incidents. The President of UKE ensures the flow of information on incidents in the telecommunications sector to authorities responsible for the national cybersecurity system.

Key words: cybersecurity, telecommunications undertaking, electronic communications, end users, incident, information duties

JEL: K23, K24

Tomasz Proć, **Responsibility of Digital Service Providers in the National Cybersecurity System**

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Summary: In the article, the author presents the problem of the responsibility of digital service providers for a violation of cybersecurity regulations. Discussed are the obligations of digital service providers arising from the Act on the National Cybersecurity System in the context of user protection and sanctions that threaten digital service providers under this Act. The author raised the issue of the protection of users of digital services from the perspective of personal data protection provisions and sanctions arising from these regulations. The author also analyses the special responsibility of digital service providers towards consumers.

Key words: Cybersecurity, user, digital service provider, technical and organisational security measures, personal data

JEL: K23, K24

Adam Szkurłat, **The competences of the President of the Personal Data Protection Office connected with cybersecurity in the view of Polish and EU legal regulations**

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Summary: This study presents the status and competences of the supervisory authority established to protect the fundamental rights and freedoms of individuals related to the processing of personal data. The analysis has been carried out from the perspective of Polish and EU law, with particular emphasis on the GDPR. At the same time, an attempt was made to determine the position and competences of the President of the Personal Data Protection Office, acting as the Polish

supervisory authority in the sphere of personal data protection, within the national cyber security system.

Key words: Cybersecurity, GDPR, supervisory authority, President of Personal Data Protection Office, national cyber-security system

JEL: K23, K24, K33

Marcin Rojszczak, **Artificial intelligence in the fintech sector – legal and regulatory aspects**

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Summary: The aim of the article is to discuss the legal consequences of implementing modern data processing techniques, in particular machine learning and Big Data analysis, in the financial innovation sector (fintech). These techniques not only create new opportunities for data monetization for entities operating in the financial sector, but also reveal new regulatory and supervisory challenges that need to be addressed.

Key words: artificial intelligence, machine learning, big data, fintech, credit scoring

JEL: K24

Jarosław Greser, **Cybersecurity of medical devices from the perspective of Regulation no. 2017/745**

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Summary: The specificity of medical devices requires from their manufacturers to put particular emphasis on safety issues related to the devices’ application. At the same time, the development of information technologies, in particular, the Internet of Things, resulted in the wide use of devices communicating over a network, including devices permanently connected to it in the medical field. This phenomenon raises a legitimate question about their security in the context of cybersecurity. This article is an attempt to analyze the issue from the perspective of the provisions

of Regulation 2017/745, which enters into force in May 2020. The article considers problems related to the use of medical devices in the light of the risks posed by the Internet, and current legal status concerning the cybersecurity testing of such devices. Furthermore, the analysis covers the scope of the definition of a medical device, whereas particular emphasis is put on prerequisites of the determination of 'software' as a stand-alone product. Rules of the classification of medical devices and placing them on the market and, subsequently, regulations concerning the supervision of such devices placed on the market are also critically discussed. The common axis of the analysis is the question on the rules for the validation of safety from the perspective of network threats.
Key words: cybersecurity, medical devices, Regulation 2017/746, IoT
JEL: K24, K32

Anna Urbanek, **Protection against Internet piracy in European Union law and the Anticybersquatting Consumer Protection Act**

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Summary: The aim of the article is to analyze the forms and scope of Internet piracy in connection with the adoption of the regulation on the implementation and functioning of the .eu Top Level Domain, and to compare the legal solutions of the US Anticybersquatting Consumer Protection Act (ACPA). The legal protection mechanisms applied in the legal orders of the European Union and the United States differ, which may pose problems in case of infringements on a global scale. It is worth considering supplementing EU law with certain solutions adopted in the ACPA.
Key words: cybersquatting, typosquatting, Internet piracy, business rights, trademarks
JEL: K2, K3, K4

Agnieszka Anusz, **Consumer protection from the perspective of Regulation (EU) no. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC**

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Summary: The article analyses the influence of Regulation (EU) no. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC on contracts concluded with consumers. The article concerns also potential violations of collective consumer interests. The conducted research leads to the conclusion that there is a necessity to precisely correlate the technical solutions implemented by Regulation (EU) no 910/2014 with the applicable consumer protection law.

Key words: electronic identification, consumer protection, trust services, electronic transactions, consumer contracts
JEL: K12, K23, K24

Katarzyna Chałubińska-Jentkiewicz, **Digital content as a subject of economic trading – definition issues**

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Summary: 'Digital content' is yet another notion requiring a precise definition. Initially the definition of digital content was included in the proposal of a Directive of the European Parliament and of the Council on certain aspects concerning contracts for the online and other distance sales of goods. In this context, 'digital content' signifies data generated and delivered in digital form, regardless of whether its properties had been defined by the consumer, and those include visual, audio, photographic or written, digital games, software and digital content allowing personalization of existing devices or software. Of course, this definition can be set out in various ways by the national legislator. For example, the Polish Act of 30 May 2014 on consumer rights designates 'digital content' as a new category of 'product/ merchandise'. According to article 2 section 5 of this Act, 'digital content' is understood as data produced and delivered in a digital form. So far, the law referred solely to liability of delivering physical products to the consumer of the services provided. Currently, digital content is a crucial and major element of everyday interactions between web users. Digital content is data which, with the use of appropriate software and devices, can be processed into information, for example information stored in electronic files such as eBooks, computer programs, mobile phone applications, audio files, films and images. Disseminating digital

content via audiovisual media services is trans-border by definition, which is advantageous for the producers, creators and beneficiaries and above all, the consumers – recipients and users of the service. Digitalization and sharing digital content are contributing to a global increase in access to reliable sources of information as well as previously neglected resources, including those remaining in the public domain and new resources produced based on those archives. Naturally, digital content requires protection and securing ownership online. In the age of modern technology developments, intellectual property – a unique type of property – gains particular importance. Its protection entails a crucial developmental aspect which relates not only to the characteristics of the protected creative works themselves, in many various domains of human activity, but also to the strictly defined financial and moral benefits to which the entity is entitled to.

Key words: Digital content, intellectual property, digital content delivery, digitization, consumer rights
JEL: K24

Łukasz Pirożek, **Partnership of entrepreneurs providing digital infrastructures and services and public-sector entities in ensuring cybersecurity.**

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Summary: The article concerns the legal analysis of the partnership between entrepreneurs providing digital infrastructures and services and public entities in the field of cybersecurity under Polish law. It considers the matter of cooperation between private-sector entrepreneurs providing infrastructures and digital services and public-sector entities responsible for cybersecurity based on the Act on the National Cybersecurity System implementing the NIS Directive to the polish legal system.

Key words: public-private partnership, cyberspace, cybersecurity, digital infrastructures, digital services, CSIRT, incident
JEL: K23, K24

Krzysztof Jaroszyński, **Selected Aspects of the State's Observance of the Rule of Equal Competition Related to the Automated Appraisal of Real Estate**

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Summary: The subject of this paper is an analysis of selected legal aspects of business activity consisting of real estate appraisal. Besides regulations consisting of a reservation of preparing appraisals in the form of valuation reports on behalf of property qualified valuers, binding law also assumes limitations in access to data used in the appraisal process, by differentiating its scope in the situations of interested persons. Therefore a question should be asked about the soundness to maintain limitations in running the subject activity considering the circumstances in which the country interferes in the economic freedom and the rule of competition. There are doubts about solutions, which restrict the right to another use of information of the public sector, influencing the discussed market indirectly. The development of new technologies shall lead to a transformation, among other things, of the market of real estate appraisal, by updating the problem of a discrepancy between the legal regulation and the developing economy as well as between the requirements of equal competition and other values protected by the country.

Key words: Real estate appraisal, property valuer, valuation report, competition, equality, economic freedom, new technologies
JEL: K 23, K25

REVIEWS OF LAW AND JURISDICTION

BOOKS REVIEW

Contents, Summaries and Key Words