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Summary: The origin of the product being bought is one of the important criteria in consumer purchasing decisions. Recently, there has been a significant increase in interest towards domestic products, those made in Poland from Polish materials. This trend is sometimes exploited by dishonest traders who mislead consumers about this factor in their communications. However, there are situations where the designation of a product's origin, which could potentially be considered unreliable under consumer law, is based on other regulations of an administrative and customs nature. In such a case, the trader falls, so to speak, into the "trap" of co-existing legal norms that, although not directly contradictory, may not coincide. Thus, entrepreneurs can expose themselves to the legal consequences of not complying with some of them. This article addresses the above problem, pointing out which universally applicable provisions could pose potential challenges in consumer trade. It also discusses the previous enforcement practice of the President of UOKiK in this regard, and presents recommendations on the application of current legal norms, and on possible changes in the law.

Key words: consumer; product origin; misleading information; consumer patriotism; made in; consumer ethnocentrism; consumer decisions; geographic origin of goods, food products, food law.

JEL: K23, K39, D18

Z. Okoń, The impact of Directive 2019/770 on software license agreements with consumers

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Summary: Directive 2019/770 on certain aspects of contracts for the supply of digital content and services does not affect EU and national law on copyright and related rights. However, the scope of the Directive includes digital content, which is almost always subject to copyright protection. Hence, the obligations of a trader supplying digital content, stipulated in Directive 2019/770, have a direct or indirect impact on the legal situation of the parties to copyright contracts concluded with consumers, depending on the entities involved in the supply chain. This article considers whether, and under what circumstances, Directive 2019/770 may apply to licensing agreements; which entities are responsible for the scope of the license; and what are the legitimate consumer expectations that may affect the scope of software licenses.

Key words: copyright; computer program; license; consumer protection; contractual liability; conformity with contract; Directive 2019/770; digital content; digital services.

JEL: K12, K15, K24

A. Michałowicz, Data altruism in light of the Data Governance Act – between theory and practice

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Summary: The article discusses the concept of data altruism, i.e. the voluntary sharing of personal or non-personal data for purposes of general interest, such as health care, environmental protection, scientific research, public policy-making, etc. The EU legislator sees data altruism as a way to increase data sharing in the EU data market, and thus to better exploit the potential of data produced by individuals, including consumers, and data holders. However, the way in which data altruism is regulated raises legal and practical questions. The considerations presented in this paper aim to verify the hypothesis that the normative model of data altruism can only contribute to

popularizing the idea of altruistic data sharing and to realizing it through other alternative solutions, and not according to the model proposed by the EU legislator.

Key words: data altruism; data sharing; personal data; non-personal data; data governance.
JEL: K32

P. Pałka, An alien body: GDPR principles and the market economy

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Summary: The article analyzes the relationship between the logic of the GDPR and the logic of the market, in the context of the so-called “surveillance capitalism”. Contrary to conventional wisdom, the harms associated with commercial surveillance (manipulation, discrimination, negative effects on mental health, etc.) often do not result from the insufficient enforcement of the GDPR. Rather, they must be traced back to the fact that the GDPR does not regulate the legality of specific data processing purposes. Within the market logic, in the absence of regulation, it is the controllers who *de facto* decide what data can be used for what purpose. In order to get out of this impasse, the article proposes statutory regulation of the admissibility of certain specific purposes of data processing.

Key words: personal data protection law; consumer law; market.
JEL: K24

A. Olbryk, Consumer protection against recommender systems

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Summary: Recommender systems are used by platforms to help consumers choose the most favorable solution and to increase personalization. However, consumers using them can be exposed to, among others, misleading commercial practices and, as a result, can make economically unfavorable decisions. The article seeks to assess whether the legal norms set forth in the Digital Services Act contribute to improving the situation of consumers in the context of recommender systems. Additionally, the paper points out that currently Directive 2005/29/EC on unfair commercial practices also plays an important role in this regard.

Key words: consumer; recommender systems; Digital Services Act; Directive 2005/29/EC; Directive 2019/2161; unfair commercial practices.

JEL: D18, K32

K. Rutkowski, Sold out! Protecting consumers against automated ticket purchases

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Summary: Ticket scalping by automated means is the practice of reselling tickets that have been originally purchased on-line by bots or specialized software. Entry tickets to cultural events are later sold at an inflated price, disproportionate to the quality of the event. This situation poses

a risk to consumers, who are forced to purchase tickets on the secondary market. The digital safeguards put in place are often inadequate to protect consumers from automated measures, as bots purchase tickets from the website in excess of the technical limits imposed by the original seller. The EU legislator has rightly pointed out that ticket scalping by automated means must be addressed. This is required by the current situation of consumers in the entry ticket market, whose access to events is being restricted. The article examines the EU legislation applicable to ticket scalping and discusses the relevant developments in US and UK law, including the origins of US Anti-Scalping Laws and the Better Online Ticket Sales Act, and the UK Digital Economy Bill. The article argues that the prohibition in point 23a of Annex I to Directive 2005/29/EC will prove to be an insufficient measure to actually protect consumers, unless it is complemented with uniform solutions, such as an obligation on the sales promoter to provide more effective website security or the regulation targeting the use of automated means.
Key words: consumer; bots; ticket scalping; Directive 2005/29/EC; Directive 2019/2161; tickets; consumer protection; unfair commercial practices.
JEL: D18, K32

S. Skalski, M. Kaszubowski, Smart contracts and the *rebus sic stantibus* clause

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Summary: Smart contracts are one of the most significant attempts to replace the classic contract regime through the use of, among other things, blockchain technology. As such, smart contracts must be analyzed in terms of their compliance with generally applicable law. This paper considers a particular relationship that emerges against the background of the increasing use of smart contracts in the market practice, namely the problem of immutability in blockchain and its implications for the *rebus sic stantibus* clause. General issues concerning the application of this clause are discussed, as well as legal mechanisms for ensuring the legality of solutions in question.
Key words: blockchain; smart contract; *rebus sic stantibus*; immutability; legality; permissibility of smart contracts
JEL: K10

Summary: This article considers a proposal to apply the methods of “design thinking” in the law-making process. The author introduces the basic premises of design thinking and the history of its development. Previous examples of the use of design thinking in legislative processes are also pointed out, and the potential benefits and risks of using this methodology by legislators are analyzed.
Key words: design thinking; legal design; experimental legislation; fact-free legislation; evidence-based law making; better regulation; legal certainty.
JEL: K40

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