

**MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE
WEST UKRAINIAN NATIONAL UNIVERSITY
FACULTY OF LAW**

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" 10 2023



**WORK PROGRAM
on the discipline
«Legal Regulation of Digital Content»**

Higher education degree – master
Field of knowledge – 29 International relations
Specialty – 293 International law
Educational and Professional Program - International Law

Department of international law and migration policy

Form of education	Course	Semester	Lectures	Practical classes	Individual Student work	Training	Independent Student work	Together	Exam/ Credit
Daily	1	2	30	15	5	4	96	150	Credit

Ternopil – WUNU, 2023

The work program was compiled by Associate Professor of the Department of International Law and Migration Policy, Associate Professor, PhD (Law) Hanna Poperechna.

The work program was approved at the meeting of the Department of International Law and Migration Policy, Minutes No 3 of 3. 10. 23.

Head of the Department

Yaryna ZHUKORSKA

Considered and approved by the support group for specialty 293 International Law, Minutes No. 2 of 3. 10. 23.

Head of the support group of the specialty

Yaryna ZHUKORSKA

Guarantor of the EP

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1. THE PURPOSE AND TASK OF STUDYING THE DISCIPLINE «LEGAL REGULATION OF DIGITAL CONTENTS»

1.1. The purpose of studying the discipline.

To form an understanding of the essence of the concept of digital contents, and to identify models of legal regulation of digital contents. To investigate the genesis of the legal regulation of the circulation of digital contents in the acts of the European Union. To analyze the possibility of regulating the legal relations of the circulation of digital contents by the general provisions of the law and the relevant laws. To analyze the possible ways of resolving contractual relations for the circulation of digital contents and identifying the relevant norms in the legislative acts of Ukraine.

1.2. The task of studying the discipline.

To form the ability to identify, formulate and evaluate problems in the field of modern research on digital contents, apply the relevant methods of the theory of law and practice law of the EU to solve them, to thoroughly investigate the existing provisions of legislation and the practice of which is digital contents, to identify their essence and nature in the development of legal relations of digital contents, to identify their essence and nature in the development of legal relations of digital contents, to identify their essence and nature in the development of legal relations of digital contents.

1.3. Learning outcomes:

1.

DESCRIPTION OF THE DISCIPLINE «LEGAL REGULATION OF DIGITAL CONTENT»

Discipline – «Legal Regulation of Digital Content»	Field of knowledge, Specialty, Educational and Professional Program, higher education degree	Characteristics of the academic discipline
Number of credits ECTS – 5	Field of knowledge – 29 International relations	Discipline status: selective Language of study: english
The number of credits modules – 4	Specialty – 293 International law	Study year – 1 Semestr – 2
Number of contents modules – 2	Educational and Professional Program - International Law	Lectures – 30 hours. Practical classes – 15 hours.
Total hours – 150	Higher education degree – master	Student-self study – 100 hours., (including training – 4 hours.) Individual work – 5 hours.
Weekly hours - 10 hours, including 3 hours of classroom hours.		The type of final control is credit

2. THE PURPOSE AND TASK OF STUDYING THE DISCIPLINE «LEGAL REGULATION OF DIGITAL CONTENT»

2.1. The purpos of studying the discipline:

To form an understanding of the essence of the concept of digital content and to identify methods of legal regulation of its circulation. To investigate the genesis of the legal regulation of the circulation of digital content in the acts of the European Union. To analyze the possibility of regulating the legal relations of the circulation of digital content by the current provisions of the national law of Ukraine. To analyze the possible ways of forming contractual relations for the circulation of digital content and establishing the relevant norms in the legislative acts of Ukraine.

2.2. The task of studying the discipline:

To form the ability to: identify, formulate and evaluate problems in the field of modern contract law of Ukraine, apply tools, means and methods of civil law of Ukraine and private law of the EU to solve them; to thoroughly investigate the modern problems of concluding contracts, the subject of which is digital content, to rethink their content and trends in the development of legal relations of circulation of immaterial data; operate with a specific categorical apparatus, modern theories and concepts.

2.3. Learning outcomes:

As a result of training, the student must know:

- Identify, analyze and propose ways to solve multifaceted problems of international and national legal content.
- Produce new ideas for solving practical problems in the field of professional legal activity.
- To prepare drafts of international treaties and acts of national legislation, to provide proposals for the elimination of conflicts between the norms of international law, as well as bringing the norms of national law into compliance with the norms of international law.
- To be aware of the mechanism and consequences of implementing norms of international treaties, acts of international intergovernmental organizations, decisions of international courts into the national legal order.
- To provide legal support for the processes of adaptation of various branches of Ukrainian legislation to the law of the European Union.

3. PROGRAM OF EDUCATIONAL DISCIPLINE «LEGAL REGULATION OF DIGITAL CONTENT»

Content module 1.

General characteristics of digital content. The place of digital content in the system of civil rights objects.

Topic 1. Digital content as a new object of civil law.

Legal regulation of the market of information services in Ukraine. Etymology of the concept of digital content in Ukrainian and foreign legislative and doctrinal sources. Concept of data in national and foreign legislation. Doctrinal definitions of the concept of digital content in the light of the need to develop Ukrainian legislation in the field of digital content circulation: generation and supply of data in digital form. Peculiarities of wording of the name of the contract mediating the circulation of digital content. The concept of digital content in the acts of the European Union.

Topic 2. Teaching about the nature of digital content.

Peculiarities of digital content as a material good in the sense of the civil law of Ukraine. Material nature of digital content. Digital content as an intangible good. Digital content as a service. Features of digital services. Digital content as an object of copyright. Digital content as an object of related rights.

Content module 2. Legal regulation of contractual relations of circulation of digital content.

Topic 3. Contract structures that mediate the circulation of digital content.

The contract of sale as a contractual construction of the transfer of digital content. Circulation of digital content on the basis of a rental agreement. Transfer of digital content under a service contract. Storage agreement as a legal structure under which digital content is delivered.

Topic 4. Content of contractual obligations in the field of circulation of digital content.

Obligations of the supplier under the contract in the field of circulation of digital content. Peculiarities of the obligation of the recipient under the contract in the field of circulation of digital content. The content of the contractual obligations of the parties in the case of concluding a contract for the supply of digital content with the consumer. Peculiarities of copyright protection in legal relations of

circulation of digital content. Objective criteria of conformity of digital content transferred under the contract in the sphere of circulation of digital content. Subjective criteria of conformity of digital content transferred under the contract in the field of circulation of digital content.

Topic 5. Peculiarities of the transfer of personal data in contractual relations for the supply of digital content.

Transfer of personal data as a form of payment under a contract for the supply of digital content. Peculiarities of transferring personal data under "click wrap" contractual structures. Transfer of personal data in "browse wrap" contractual structures. Storing the user's cookie files as a method of payment for the transferred digital content. Regulations on monetization of personal data in EU acts.

Topic 6. Liability for non-performance or improper performance of contracts mediating the circulation of digital content under the legislation of Ukraine.

Liability of the parties for breach of contractual obligations to supply digital content in the general provisions of the Civil Code of Ukraine. Liability of parties for breach of contractual obligations to supply digital content in general provisions of legislation in the field of consumer rights protection. Grounds for liability of the parties to the contract for the supply of digital content in the purchase and sale clauses. Liability of parties for breach of contractual obligations to supply digital content in terms of employment. Liability of the parties for breach of contractual obligations to supply digital content on the basis of contractual provisions in the field of service provision.

Topic 7. Liability for non-fulfillment or improper fulfillment of contractual obligations in the field of circulation of digital content in EU acts.

Liability of the parties for breach of contractual obligations for the supply of digital content in the provisions of the draft Directive of the European Parliament and of the Council 2015/0287 on certain aspects relating to contracts for the supply of digital content. Conditions of responsibility of the parties to the contract for the supply of digital content in the provisions of Directive 2011/83/EU of the European Parliament and of the Council on consumer rights. Directive 2019/770 of the European Parliament and of the Council on certain aspects of contracts for the supply of digital content and digital services as the main regulatory act, which provides for the liability of the parties for the violation of the terms of the contract for the supply of digital content. Liability of the parties in the provisions of Directive 2019/771 of the European Parliament and of the Council on certain aspects of contracts for the sale of goods. Draft Regulation of the European Parliament and Council 2011/0284 on the common European regulation of sales contracts, as a regulator of the contract for the supply of digital content.

4. STRUCTURE OF A CREDIT IN AN EDUCATIONAL DISCIPLINE «LEGAL REGULATION OF DIGITAL CONTENT»

№	Topic	Number of hours					
		Lectures	Practical classes	Independent Student work	Individual Student work	Training	Control measures
Content module 1.							
1.	Digital content as a new object of civil law.	4	2	14	2	2	Tests, questions, cases

2.	Teaching about the nature of digital content.	4	2	14			Tests, questions, cases
Content module 2.							
3.	Contract structures that mediate the circulation of digital content.	4	2	14	3	2	Tests, questions, cases
4.	Content of contractual obligations in the field of circulation of digital content.	4	2	14			Tests, questions, cases
5.	Peculiarities of the transfer of personal data in contractual relations for the supply of digital content.	4	2	14			Tests, questions, cases
6.	Liability for non-performance or improper performance of contracts mediating the circulation of digital content under the legislation of Ukraine.	4	2	12			Tests, questions, cases
7.	Liability for non-fulfillment or improper fulfillment of contractual obligations in the field of circulation of digital content in EU acts.	6	3	14			Tests, questions, cases
	Total	30	15	96	5	4	

5. TOPICS OF PRACTICAL CLASSES ON THE DISCIPLINE «LEGAL REGULATION OF DIGITAL CONTENT»

Practical class № 1

Topic: Digital content as a new object of civil law.

Purpose: To gain knowledge on the definition of a new object of civil law - digital content.

Questions for discussion:

1. Legal regulation of the market of information services in Ukraine.
2. Etymology of the concept of digital content in Ukrainian and foreign legislative and doctrinal sources.
3. Concept of data in national and foreign legislation.
4. Doctrinal definitions of the concept of digital content in the light of the need to develop Ukrainian legislation in the field of digital content circulation: generation and supply of data in digital form.
5. Peculiarities of wording of the name of the contract mediating the circulation of digital content.
6. The concept of digital content in the acts of the European Union.

Practical class № 2

Topic: Teaching about the nature of digital content.

Purpose: To study the modern doctrine regarding the teachings on the legal nature of digital content.

Questions for discussion:

1. Features of digital content as a material good in the sense of the civil law of Ukraine. Material nature of digital content.
2. Digital content as an intangible good.
3. Digital content as a service.
4. Features of digital services.
5. Digital content as an object of copyright.
6. Digital content as an object of related rights.

Practical class № 3

Topic: Contract structures that mediate the circulation of digital content.

Purpose: To gain knowledge about contractual structures that mediate the circulation of digital content.

Questions for discussion:

1. The contract of sale, as a contractual construction of the transfer of digital content.
2. Circulation of digital content on the basis of a rental contract.
3. Transfer of digital content under a service contract.
4. Storage agreement as a legal structure under which digital content is delivered.

Practical class № 4

Topic: Content of contractual obligations in the field of digital content circulation.

Purpose: To consolidate knowledge about the content of contractual obligations in the field of digital content circulation.

Questions for discussion:

1. Obligations of the supplier under the contract in the field of circulation of digital content.
2. Peculiarities of the recipient's obligation under the contract in the field of digital content circulation.
3. The content of the contractual obligations of the parties in the case of concluding a contract for the supply of digital content with the consumer.
4. Peculiarities of copyright protection in the legal relations of circulation of digital content. Objective criteria of conformity of digital content transferred under the contract in the sphere of circulation of digital content.
5. Subjective criteria of compliance of digital content transferred under the contract in the field of digital content circulation.

Practical class № 5

Topic: Peculiarities of the transfer of personal data in contractual relations for the supply of digital content.

Purpose: To consolidate knowledge about the specifics of the transfer of personal data in contractual relations for the supply of digital content.

Questions for discussion:

1. Transfer of personal data as a form of payment under the contract for the supply of digital content.
2. Peculiarities of the transfer of personal data under "click wrap" contractual structures.
3. Transfer of personal data in "browse wrap" contractual structures.
4. Storing the user's cookie files as a method of payment for the transferred digital content.
5. Regulations on monetization of personal data in EU acts.

Practical class № 6

Topic: Liability for non-performance or improper performance of contracts mediating the circulation of digital content under the legislation of Ukraine.

Purpose: To gain knowledge about responsibility for non-fulfillment or improper fulfillment of contracts that mediate the circulation of digital content under the legislation of Ukraine.

Questions for discussion:

1. Liability of the parties for breach of contractual obligations to supply digital content in the general provisions of the Civil Code of Ukraine.
2. Liability of the parties for breach of contractual obligations to supply digital content in the general provisions of legislation in the field of consumer rights protection.
3. Grounds for liability of the parties to the contract for the supply of digital content in the purchase and sale clauses.
4. Liability of parties for breach of contractual obligations to supply digital content in terms of employment.
5. Liability of the parties for breach of contractual obligations to supply digital content on the basis of contractual provisions in the field of service provision.

Practical class № 7

Topic: Liability for non-fulfillment or improper fulfillment of contractual obligations in the field of circulation of digital content in EU acts.

Purpose: To study the peculiarities of liability for non-fulfillment or improper fulfillment of contractual obligations in the field of circulation of digital content in EU acts.

Questions for discussion:

1. Liability of the parties for breach of contractual obligations for the supply of digital content in the provisions of the draft Directive of the European Parliament and the Council 2015/0287 on some aspects relating to contracts for the supply of digital content.
2. Conditions of liability of the parties to the contract for the supply of digital content in the provisions of Directive 2011/83/EU of the European Parliament and of the Council on consumer rights.
3. Directive 2019/770 of the European Parliament and the Council on some aspects of contracts for the supply of digital content and digital services as the main regulatory act, which provides for the liability of the parties for the violation of the terms of the contract for the supply of digital content.
4. Liability of the parties in the provisions of Directive 2019/771 of the European Parliament and of the Council on some aspects of contracts for the sale of goods.
5. Draft Regulation of the European Parliament and Council 2011/0284 on the common European regulation of sales contracts, as a regulator of digital content supply contracts.

6. COMPLEX PRACTICAL INDIVIDUAL TASK

Complex practical individual task (CPIT) is a form of organization of education, which aims to deepen, generalize and consolidate the knowledge that students receive in the process of learning, as well as the application of this knowledge in practice. CPIT is performed by students independently under the guidance of teachers, it is a completed theoretical or practical work within the curriculum of the course, which is performed on the basis of knowledge, skills and abilities acquired in the course of lectures and practical classes.

Types of CPIT from the study discipline «Legal Regulation of Digital Content»:

- preparation of a scientific article or theses of a scientific report for publication;
- participation in Internet conferences;
- participation in student Olympiads;
- writing essays, performing creative tasks;
- participation in a team project.

The type of CPIT is agreed with each student individually.

CPIT topics are also agreed individually.

7. STUDENT-SELF STUDY ON THE DISCIPLINE «LEGAL REGULATION OF DIGITAL CONTENT»

Student-self-study is the main way for students to learn educational material outside of classroom time without the participation of a teacher. The scope and content of independent work is determined by the work program and work plan within the established amount of hours from the academic discipline, methodical instructions of the teacher. The student's independent work is provided by a system of educational and methodological tools: notes of the teacher's lectures, textbooks, educational and methodical guides, monographic literature and periodicals, as well as self-monitoring tools (tests, situational tasks). Students have the opportunity to study the educational material independently in the library, classrooms and computer classrooms using the Internet, as well as at home (when receiving the appropriate package of educational and methodological literature).

№	Topic
1.	Topic 1. Etymology of the concept of digital content in Ukrainian and foreign legislative and doctrinal sources.
2.	Topic 2. Digital content as a service.
3.	Topic 3. Circulation of digital content on the basis of a lease contract.
4.	Topic 4. Peculiarities of the recipient's obligation under the contract in the field of digital content circulation.
5.	Topic 5. Peculiarities of transferring personal data under "click wrap" contractual structures.
6.	Topic 6. Liability of parties for breach of contractual obligations to supply digital content in general provisions of legislation in the field of consumer rights protection.
7.	Topic 7. Terms of responsibility of the parties to the contract for the supply of digital content in the provisions of Directive 2011/83/EC of the European Parliament and Council on consumer rights.

8. TRAINING ON THE DISCIPLINE «LEGAL REGULATION OF DIGITAL CONTENT»

The topic of the training

1. Development of normative provisions regulating the circulation of digital content in the form of an amendment to the Civil Code of Ukraine.
2. Development of regulations governing the circulation of digital content in the form of a special law.
3. Development of regulations regulating the circulation of digital content in the form of an amendment to the law in the field of consumer rights protection.

Training procedure

1. Division of participants into teams, in order to develop different approaches to the introduction of new regulatory regulation of digital content circulation.
2. Execution of projects by teams, and debates about the best way to introduce new regulatory regulation of digital content circulation.

9. ASSESSMENT TOOLS AND METHODS OF DEMONSTRATION OF LEARNING RESULTS

In the process of studying the discipline «Legal Regulation of Digital Content» evaluation tools and methods of demonstrating learning results are used: current survey; credit module survey; team projects; analytical reports, abstracts, essays; presentations of the results of completed tasks and research; rector's control work. The final form of control is an exam. When studying the academic discipline "Law of international treaties: practice of states", the following teaching methods are used: lectures, seminar classes, individual classes, performing scientific works under the guidance of a teacher.

10. CRITERIA, FORMS OF CURRENT AND FINAL CONTROL

The final score (on a 100-point scale) from the discipline «Legal Regulation of Digital Content » is determined as a weighted average, depending on the specific weight of each credit component.

Credit module 1	Credit module 2	Credit module 3	Total
30	40	30	100%
Oral survey during classes (1-2 topics) - 15 points per topic - max. 30 points Modular control work - max. 70 points	Oral survey during classes (3-7 topics) - 10 points per topic - max. 40 points Modular control work - max. 60 points	Preparation of CPIT - max. 40 points. Protection of CPIT - max. 40 points Participation in trainings - max. 20 points	

Rating scale:

According to the scale of the University	On a national scale	According to the ECTS scale
90–100	Excellent	A (excellent)
85-89	Good	B (very good)
75–84		C (good)
65–74	Enough	D (satisfactory)
60-64		E (enough)
35–59	Unsatisfactory	FX (unsatisfactory with possibility of reassembly)
1–34		F (unsatisfactory with mandatory repeat course)

11. TOOLS, EQUIPMENT AND SOFTWARE USED BY THE COURSE

№	Name	Number of topic
1.	Flipchart	1-7
2.	Laptop	1-7
3.	Projector	1-7
4.	Package of presentation materials	1-7

RECOMMENDED SOURCES

1. Зеров К. О. Особливості захисту авторських прав на твори, розміщені в мережі Інтернет. К. Інтерсервіс, 2018. 220 с.
2. Про схвалення Концепції розвитку цифрової економіки та суспільства України на 2018-2020 роки та затвердження плану заходів щодо її реалізації : Розпорядження Кабінету Міністрів України від 17.01.2018 р. № 67-р. URL : <https://zakon.rada.gov.ua/laws/main/67-2018-%D1%80>
3. Стахира Г. М. Проблеми визначення поняття цифрового контенту. Актуальні проблеми правознавства. № 3 (11). 2017. С. 127–131.
4. Стахира Г. М. Речово-правові проблеми природи цифрового контенту. Підприємництво, господарство і право. № 11. 2017. С. 55–58.
5. Стахира Г. М., Калаур І. Р. Відповідальність сторін за порушення договірних зобов'язань з постачання цифрового контенту. Право України. № 2. 2019. С. 77–90.
6. Стахира Г. М., Саванець Л. М. Концепція договору постачання цифрового контенту в умовах адаптації договірного права України до *acquis communitare* ЄС. Форум Права. 2020. 61(2). С. 56–64. DOI: <http://doi.org/10.5281/zenodo.3702455>.
7. Стахира Г. М., Саванець Л. М. Цифровий контент як об'єкт авторського права. Науковий вісник Ужгородського національного університету. Серія Право. 2019. № 59. С. 167–170.
8. Digital Content Services for Consumers: Assessment of Problems Experienced by Consumers (Lot 1) Report 4: Final Report. URL : http://ec.europa.eu/justice/consumer-marketing/files/empirical_report_final_-_2011-06-15.pdf
9. Directive (EU) 2019/770 of the European Parliament and theof the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services. URL : <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L0770&from=EN>
10. Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC. URL : <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L0771&from=pl>
11. Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31999L0044&from=PL>
12. Directive 2011/83/EU of the European Parliament and of the council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council. The data base of legislation of the European Union. URL : <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0083&from=EN>
13. Directive of the European Parliament and the Council concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) 2002/58/EC dated 12.07.2002. URL : <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32002L0058>
14. Directive of the European Parliament and the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data 95/46/EC dated

- 24.10.1995. URL : <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31995L0046>
15. Draft European Parliament legislative resolution on the proposal for a regulation of the European Parliament and of the Council on a Common European Sales Law (COM(2011)0635 – C7-0329/2011 – 2011/0284(COD)). URL : <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2013-0301&language=EN>
16. Fritzsche J. Kommentar zum Bürgerlichen Gesetzbuch: BGB Band 1: §§ 1-487.C. H. Beck, 2018. 2500 s.
17. Kilian W. Non-monetary counter performance in online-contracts relating to digital content. Ius est ars boni et aequi. Księga pamiątkowa dedykowana profesorowi J.zefowi Frąckowiakowi. Wrocław. 2018. 1380 s.
- Proposal for a Directive of the European Parliament and of the Council on certain aspects concerning contracts for the supply of digital content COM/2015/0634 final - 2015/0287 (COD). URL : <https://eur-lex.europa.eu/legalcontent/EN/TXT/?uri=celex%3A52015PC0634content/EN/TXT/PDF/?uri=CELEX:52011PC0635&from=PL>
18. Proposal for a Regulation of the European Parliament and of the Council on a common European sales law 2011/0284 dated 11.10.2011. The data base of legislation of the European Union. URL : <http://eur-lex.europa.eu/legal>
19. Purtova N. Property rights in personal data: A European perspective. URL : https://pure.uvt.nl/ws/files/1312691/Purtova_property16-02-2011.pdf
20. Stakhya H. Providing of data as a counter performance in contract for supply digital content. Legea si Viata. № 12/2. 2017. S. 172–175.