

"Contracts for digital goods and services: A law and economics primer on Directive 2019/770"

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„Since January 1, 2022 the new rules on contracts for the supply of digital content and digital services as provided for by the European Directive 2019/770 have to be applied in all EU Member States. Germany has implemented the Directive at the heart of its Civil Code in Sections 327-327u BGB. Other Member States have chosen an implementation in their consumer acts or in special legislation. The Directive introduces a number of innovative solutions for issues raised by consumer contracts on digital markets. It recognizes that consumers need protection on those markets irrespective of whether they pay money as consideration or provide personal data instead. It introduces a primarily objective standard of conformity of digital goods and services and raises the bar for contractual deviations from the objective quality standards. It provides a mandatory right for updates that may last for years. And it acknowledges a locus standi for consumer association since it can not be expected that individual consumer will enforce their rights against international providers of digital goods and services. The lecture introduces the core concepts of the Directive and provides a primer from a law and economics perspective."