



Liability for intermediary service providers for user actions in Ireland and the UK
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The Internet 2.0 is said to be built on social media and user-generated content, often allowing content to be shared, saved, edit, uploaded, and re-uploaded in seconds. This process allows the rapid distribution of material to a worldwide audience. While Aldous Huxley warned about the dangers of too much information, he would not have done so from the perspectives of intellectual property infringement or defamation.

This paper seeks to examine the balance between the interests of access to information and protection for the individual regarding online activities, primarily protection of their right as authors and their right to a good name. With an estimated 40% of the world connected to the internet, the area of cyberspace has become as important as the real world in day to day life. We have seen legislative efforts made to address this importance, often linking online activities to real world analogies. However technological developments create a gap between the legislation and technology and its use. As such, legislation tends to be broad to allow for future developments without seeking to inhibit innovation.

This paper seeks to determine if such legislation still achieves the balance between the interests is sought to achieve or if the gap has between the two has widened to the point of requiring new legislation. And if so, to what level. This paper uses Ireland and the United Kingdom as case studies for legislation relating to online activities and how well they are coping in light of current use. This paper examines legislation at the domestic level but also with respect to EU Directives and matters brought before the European Courts. This paper will show that we are reaching a tipping point, where existing legislation for online activities will no longer be adequate for the intended use.