

Title: Protection Against Unfair Practices in the Blogosphere
Author: Artur Ingram

The dissertation provides an analysis of behaviors within the blogosphere, with a particular emphasis on identifying and addressing unfair practices. It focuses on the applicability of the Suppression of Unfair Competition Act (U.Z.N.K.) and the Act on Combatting Unfair Market Practices (U.P.N.P.R.), evaluating their effectiveness in regulating activities in this rapidly evolving domain of blogosphere. The study examines the legal challenges posed by the dynamic nature of blogging, particularly as bloggers increasingly emerge as influential actors in market competition.

The dissertation opens with an analysis of the origins and evolution of blogs, tracing their transformation from personal journals into platforms wielding substantial market and societal influence. It underscores the lack of a formal legal definition for the term "blog" and advances a comprehensive definition that captures the diverse forms and styles inherent to blogging. The study positions the blogosphere as a multifaceted ecosystem, encompassing a spectrum of activities ranging from personal expression to commercial enterprise, thereby highlighting its complexity and dual nature.

The study begins by analyzing the origins and evolution of blogs, highlighting their transformation from personal journals into tools with significant market and social influence. It emphasizes the absence of a legal definition of the term "blog" and proposes a comprehensive definition, encompassing diverse forms and styles of blogging. The dissertation identifies the blogosphere as a multifaceted domain, where activities ranging from personal expression to commercial enterprise, thereby highlighting its complexity and dual nature.

The following chapters explore the socio-economic implications of blogging, presenting statistical data and market analyses to underscore the increasing economic significance of blogs. The research investigates the influence of bloggers on consumer decision-making, demonstrating their role in shaping market dynamics and the competitive environment.

The central focus of the dissertation lies in the legal challenges surrounding the classification of bloggers as entrepreneurs under the U.Z.N.K. and the U.P.N.P.R. This classification has significant implications for their legal obligations and the scope of protections available to them. The analysis delves into prevalent deceptive practices within the blogosphere, including misleading advertising, false claims, and brand misrepresentation, assessing these behaviors against the framework of current legal provisions.

The dissertation addresses legal challenges surrounding the conditions under which bloggers may be classified as entrepreneurs under U.Z.N.K. and U.P.N.P.R. In particular the implications as legal responsibilities and the protections which are associated with such designation. The analysis extends to deceptive practices commonly observed in the blogosphere, such as misleading advertising, false claims, and brand misrepresentation, and evaluates these behaviors in light of existing legal provisions.

Attention is given to advertising practices, such as hidden advertising and influencer marketing, examining enforcement efforts by the Office of Competition and Consumer Protection (UOKiK) and international guidelines. It also explores other forms of unfair competition, such as aggressive market behavior, intellectual property violations, and other behaviors that may arise, situating these within broader trends in digital commerce.

The dissertation further analyzes the mechanisms for enforcing accountability, detailing the civil, criminal, and administrative remedies available under the existing legal framework. It discusses the role of judicial and regulatory bodies in interpreting and applying relevant laws, in particular in connection with the need to adapt to constant technological advancements and evolving market practices.

In conclusion, the dissertation argues for a balanced approach to regulation, combining the refinement of existing laws with the development of soft law measures to ensure transparency and fairness in the blogosphere. By addressing the identified gaps and proposing the application of soft law solutions, such as creating further guidelines, instructions, or actions aimed at increasing both legal and commercial awareness among users, the research contributes to the broader discourse on ensuring ethical practices and protecting competitive integrity in digital environments.