

III Conference New technologies and artificial intelligence. Legal and practical aspects of the trust ecosystem

"< Blind> lawsuit as a remedy for the problems of personal rights injury proceedings"

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Main subject of research: Analysis of the provisions of the draft act on the protection of freedom of expression in online social networks (prepared by the Ministry of Justice) with regard to personal property protection proceedings against persons of undetermined identity (so-called "blind" lawsuits).

Main thesis:

- a) The provisions of the Polish Code of Civil Procedure require that the statement of claim must contain personal data of the defendant. The absence of such data makes it impossible for the action to be successfully brought.
- b) In the case of violation of personal rights on the Internet by anonymous Internet users, the victim is forced to file a claim before the Police in order to obtain the personal data of the defendant.
- c) The regulations proposed by the Ministry of Justice are to allow filing a claim without specifying the identity of the defendant. It is supposed to be sufficient to present a document confirming the fact of violating personal interests on the Internet.
- d) In such a case, the court is obliged to request the electronic service provider to disclose the personal data of the defendant.
- f) In case of unjustified refusal to disclose such data, the electronic service provider may be fined

Conclusions:

- 1. The institution proposed by the Ministry of Justice seems to be right, however needs to be refined.**
- 2. First of all, it is necessary to create effective tools to enforce electronic service providers to disclose personal data of the violators of personal rights.**
- 3. It also seems reasonable to limit the scope of application of the new institution to serious cases of violations of personal rights.**