

## Conclusions of the summary report on jurisprudence related to the violations of personality rights in the online sphere

In recent years, the acceleration of technological progress has led to significant changes in people's daily lives, and as a specific social aspect of this, a number of new developments have surfaced in private law relations too.

With the emergence of the so-called online sphere, those regulations which were based on traditional conditions and on the Hungarian legal tradition – and especially practicing lawyers who apply these rules – had to face several new life phenomena whose rules are sometimes unclear, or which did not occur in court proceedings before. It remains to be seen as to what extent the legal environment and the application of law can adapt to these rapidly evolving developments, and to what extent they can rise to new challenges; there is no doubt that the Internet has become an integral part of our daily lives; at the same time, it is a place not only for obtaining information and maintaining contacts, but also for committing violations; it has given rise to many new types of infringements.

Recognizing all this, the President of the Curia has set up a jurisprudence-analyzing working group. The composition of the group was diverse: it included judges from different levels and branches of the judicial organization (court secretaries and judicial employees), colleagues of other bodies - notably those of the National Authority for Data Protection and Freedom of Information (NAIH) and the Constitutional Court - as well as prominent legal scholars. This composition facilitated the comprehensive processing of the subject under examination, while the group's primary objective was to review and systematize judicial practice, identify potential problems and discrepancies, and propose solutions to support practice, if necessary. The analysis focused on the area of civil law, and more specifically on the review of violations of personality rights in the online sphere. The team examined a total of 266 cases which were closed with a final judgement at a court of second instance. The summary opinion contained an analysis of the decisions sent by the courts to the Curia and was accompanied by the full text of the summary documents prepared by the members.

The analysis produced a number of valuable findings. In their summary opinion, group members touched upon specific circumstances in which violations were committed and upon the characteristics of online platforms (self-regulatory systems), and also examined, for example, how frequently personality rights were violated and on what types of platforms. Then, they went on to describe the specific nature of those personality rights which were violated, analyzed the Internet-specific facts of several cases, and summarized the types of actions brought by the plaintiffs in these lawsuits and the defendants' strategies to mount defense against them. The analysis also covered judicial proceedings, in particular the difficulties of providing evidence, and the special characteristics of final judgements at the end of proceedings. In their summary opinion, group members highlighted a number of problems and put forward constructive proposals on several of them. To sum up, Hungarian judicial practice found solutions to several new situations; for example, it reassuringly handled the proper assessment of defamatory posts on the most popular social networking sites and of

"tags," which were rated as a specific form of expressing an opinion. At the same time, the professional drafting of the operative part of court decisions, the appropriate choice of applicable legal consequences or even the difficulties of providing evidence (the possibility of rapid changes ([deletion] due to the dynamism of social platforms) entailed a number of difficulties that would have to be resolved in the litigation process in the future.