

MONOGRAPHS

1. Kommunikationsdeliktsrecht – Eine transnationale Untersuchung am Beispiel des Ehrschutzes (2019), Mohr Siebeck, Tübingen, 490 pages

In my Habilitation thesis I conceptualise ‘communication torts’ as a sub-category of information and communication law. The communication of information about other persons may constitute a tort, such as defamation, violations of privacy and violations of data protection rules. Comparing three jurisdictions (Germany, England and Wales as well as federal US law), the book develops theory and doctrine of a transnational communication tort law. Using the example of the tort of defamation, the thesis analyses potentials for, and limits of, harmonisation tendencies. Where such harmonisation is lacking, the choice of law gains particular importance; therefore, the book also includes a chapter on international jurisdiction of courts and the applicable law. Finally, the book also analyses the liability of intermediaries, which play an indispensable role in the communication process, and data protection remedies, such as the ‘right to be forgotten’, as a new instrument of communication tort law.

2. European and International Media Law (2017), Cambridge University Press, 583 pages

- Reviewed by Rachael Craufurd Smith, *Journal of Media Law* 9 (2017), 288 – 291
- Reviewed by Kyu Ho Youm, *Journalism & Mass Communication Educator* 74 (2019), 104 – 106

The book provides a comprehensive analysis of European legislation as well as international conventions and treaties on media and IT law, which all have significant influence on domestic law and regulation. The chapters deal with the human rights dimension of mass media communication, regulation of electronic communication networks and services, internet governance, questions of jurisdiction and applicable law, data protection and its interaction with other areas of media law, regulation of audiovisual media services, intellectual property, competition law and state aid law.

3. Media Freedom as a Fundamental Right (2015), Cambridge University Press, 292 pages

- Reviewed by Eric Barendt, *Journal of Media Law* 7 (2015), 307 – 311
- Reviewed by Ejvind Hansen, *Empedocles Journal for the Philosophy of Communication* 7 (2016), 99 – 102
- Reviewed by Peter Coe, *Entertainment Law Review* 29 (2018), 100 – 101
- Translated into Korean by Young-Hak Han, Communication Books (2017)

The monograph provides a comparative and transnational analysis of the protection of the media by international human rights courts and tribunals. It develops the idea that although few human rights conventions include provisions expressly protecting the media, the jurisprudence of international human rights adjudicators and freedom of expression theory require enhanced protection of the media as a legal institution. The book develops rationally reviewable standards on the scope of media freedom and its limitations, such as the right to privacy, data law, intellectual property, public order and restrictions on commercial publications.

4. Normative Ermächtigungen im Regulierungsrecht – Eine vergleichende Untersuchung behördlicher Entscheidungsspielräume in der deutschen und amerikanischen Netzinfrastrukturregulierung (2010), Nomos, Baden-Baden, 340 pages

- Reviewed by Frank Schorkopf, *Die Verwaltung* 45 (2012), 461 – 462

In my PhD thesis I analyse the scope of judicial review and the discretion US and German administrative agencies enjoy when regulating network infrastructures. The focus of the thesis is on the European framework on electronic communications. I explore the topic from a comparative perspective by showing the overlaps and differences between margins of appreciation granted by US and European courts to regulatory agencies. I demonstrate that although US network infrastructure regulation has been a role model for the European wave of privatisation and liberalisation of such infrastructures in the 1990s, there are significant differences between the approaches taken by US and EU legislators and courts. These differences are owed, in particular, to a diverging understanding of the separation of powers, the system of checks and balances, and the functions ascribed to regulatory agencies and to courts.

ENGLISH ARTICLES IN PEER-REVIEWED JOURNALS

1. Code is Code and Law is Law. The Law of Digitalisation and the Digitalisation of Law, *International Journal of Law and Information Technology* 29 (2021), 101 – 117
2. Religiously Offensive Speech: A Doctrinal Inquiry, *Review of International Law and Politics* 12 (2016), 139 – 178
3. Public Policy and Human Rights, *Journal of Private International Law* 11 (2015), 542 – 567
4. Communication, defamation and liability of intermediaries, *Legal Studies* 35 (2015), 348 – 368
5. Theory and Doctrine of ‘Media Freedom’ as a Legal Concept, *Journal of Media Law* 5 (2013), 57 – 78
6. Rethinking *Shevill*: Conceptualising the EU Private International Law of Internet Torts against Personality Rights, *International Review of Law, Computers & Technology* 26 (2012), 113 – 128
7. The Commission Proposal to Amend the Regulation on Credit Rating Agencies, *Maastricht Journal of European and Comparative Law* 19 (2012), 206 – 211
8. The Criticism of Trading Corporations and their Right to Sue for Defamation, *Journal of European Tort Law* 2 (2011), 255 – 279
9. ‘Who Rates the Raters?’ – The Regulation of Credit Rating Agencies in the EU, *Maastricht Journal of European and Comparative Law* 17 (2010), 353 – 376
10. The Scope of Judicial Review in the German and U.S. Administrative Legal System, *German Law Journal* 9 (2008), 1267 – 1296

GERMAN ARTICLES IN PEER-REVIEWED JOURNALS

1. Smarte Stromlieferverträge, to be published by *Zeitschrift für das Recht der digitalen Wirtschaft*
Article on smart contracts concerning electricity supply.
2. Das allgemeine Persönlichkeitsrecht ist aufzugeben. Eine neue Deliktsrechtsdogmatik für Verletzungen von Persönlichkeitsrechtsgütern, *Zeitschrift für die gesamte Privatrechtswissenschaft* 2021, 434 – 456
Plea for the abolition of the concept of ‘general personality right’.
3. Internationale Zuständigkeit und anwendbares Recht im Datenschutz, *Zeitschrift für Europäisches Privatrecht* 2021, 275 – 306
Article on the jurisdiction and the applicable law in data protection.

4. „Information“ und „Daten“ als Ordnungsbegriffe des Rechts der Digitalisierung, *Juristenzeitung* 2021, 167 – 175
Analysis of 'information' and 'data' as key concepts of the law of digitalisation.
5. Die Beteiligung privater Rundfunkveranstalter an einer staatlich veranlassten Finanzierung, *UFITA Archiv für Medienrecht und Medienwissenschaft* 84 (2020), 495 – 528 (together with M.D. Cole)
Article on the participation of private broadcasters in licence fee fundings for public broadcasters.
6. Verstößt die Urheberrechts-Richtlinie gegen die Medienfreiheit?, *UFITA Archiv für Medienrecht und Medienwissenschaft* 84 (2020), 358 – 389
Analysis of whether the Copyright Directive 2001/29/EC is compatible with media freedom.
7. Privatrechtliche Schadensersatzansprüche zur Durchsetzung des Unionsrechts am Beispiel der Schadensersatzrichtlinie 2014/104/EU, *Europarecht* 54 (2019), 578 – 561
Article on the private enforcement of EU law, using the example of the Damages Directive 2014/104/EU.
8. Rechtliche Antworten auf die Künstliche Intelligenz im Mediensektor – Algorithmischer Journalismus zwischen Sorgfaltspflichten und Medienprivileg nach deutschem und europäischem Recht, *MedienWirtschaft* 16 (2019), 32 – 37
Article on legal responses to the challenges of the use of artificial intelligence in the media sector ('algorithmic journalism').
9. Ist Art. 5 Abs. 1, 1a EuGFVO grundrechtskonform? *Zeitschrift für Zivilprozess International* 23 (2018), 137 – 158
Article on the question whether Article 5(1), (1a) Small Claims Regulation is compatible with fundamental rights.
10. Haftung für Persönlichkeitsrechtsverletzungen durch Künstliche Intelligenz, *UFITA Archiv für Medienrecht und Medienwissenschaft* 82 (2018), 14 – 52
Article on the liability for violations of personality rights committed by artificial intelligence.
11. Die Host-Providerhaftung im Lichte des Europarechts, *Computer und Recht* 2015, Beilage, 1 – 28 (together with Dieter Frey and Matthias Rudolph)
Article on the liability on host providers under the German Telemedia Act and the e-commerce Directive.
12. Arbeitnehmererfindungen beim Betriebsübergang in der Insolvenz – Das Verhältnis von § 27 Nr. 1 ArbNErfG zu § 613a BGB, *Gewerblicher Rechtsschutz und Urheberrecht* 2012, 467 – 471
Article on the patent rights of employees in the case of transfer of an insolvent business.
13. Internetsperren und der Schutz der Kommunikation im Internet, *Multimedia und Recht* 2012, Beilage 3, 1 – 26 (together with Dieter Frey and Matthias Rudolph)
Publication of a legal opinion on the blocking of internet access and its compatibility with data protection rules.
14. Marktdefinition und Marktanalyse im System des Rechtsschutzes, *Multimedia und Recht* 2009, 454 – 458
Examination of legal remedies against market definition and market analysis in the EU framework on electronic communications.
15. Probleme des sog. „Bescheidungs-Widerspruchsbescheides“ im Baurecht, *Zeitschrift für Landes- und Kommunalrecht Hessen, Rheinland-Pfalz, Saarland* 2009, 211 – 215
Article on legal remedies in Rhineland-Palatinate construction law.

16. Die Folgen von Fehlern im energierechtlichen Regulierungsverfahren, *Recht der Energiewirtschaft* 2009, 126 – 133
Article on the legal consequences of procedural mistakes in energy regulation.
17. Das informell-kooperative Verwaltungshandeln im Umweltrecht, *Natur und Recht* 2008, 845 – 850
Article on informal and cooperative administrative activities in environmental law.
18. Voice over IP: Erscheinungsformen und ihre regulierungsrechtliche Behandlung, *Computer und Recht* 2007, 769 – 773
Article on the legal treatment of Voice over IP.
19. Grundrechtsschutz in Deutschland im Lichte des Europarechts, *Juristische Arbeitsblätter* 2007, 96 – 101
Educational article on human rights protection in Germany under the influence of European law.
20. „Skandal um Rosi“: Zur Verfassungsmäßigkeit von Art. 297 EGStGB, *Gewerbearchiv* 2006, 361 – 371 (together with Elke Gurliit)
Publication of an amicus brief on the constitutionality of ‘declarations of restricted areas’.
21. Die Verwertbarkeit „in camera“ gewonnener Informationen, *Die Öffentliche Verwaltung* 2004, 916 – 922
Article on the use of information gained by courts in ‘in camera’ proceedings.

BOOK CONTRIBUTIONS IN ENGLISH AND IN GERMAN

1. On ‘Balancing’ and ‘Social Watchdogs’: The European Court of Human Rights as a Norm Entrepreneur for Freedom of Expression, in *Bollinger/Callamard* (eds.), *Regardless of Frontiers. Global Freedom of Expression in a Troubled World*, Columbia University Press, 2021, 165 – 184
2. Kommunikation und Medien, in *Dausen/Ludwigs* (eds.), *Handbuch des EU-Wirtschaftsrechts*, 2020 (C.H. Beck), 92 pages (together with E. Wagner)
3. Theories of reputation, in *Koltay/Wragg* (eds.), *Research Handbook on Comparative Privacy & Defamation*, Edward Elgar, 2020, 48 – 64
4. Telekommunikationsrecht, in *Hoeren/Sieber/Holznapel* (eds.), *Handbuch des Multimediarechts*, 2018, 78 pages
Explanation and analysis of EU and German telecommunications law and regulation, published in one of the leading German handbooks on multimedia law.
5. Which Limits on Freedom of Expression are Legitimate? Divergence of Free Speech Values in Europe and the United States, in *Kohl* (ed.), *The Net and the Nation State*, Cambridge University Press, 2017, 39 – 47
6. Grenzen der Privatautonomie im europarechtlich determinierten Privatisierungsfolgenrecht am Beispiel des Telekommunikationssektors, in *Heid/Stotz/Verny* (eds.), *Festschrift für Manfred A. Dausen zum 70. Geburtstag*, C.H. Beck publisher, 2014, 285 – 297
Contribution on the limits of contractual freedom in post-privatisation industries in a liber amicorum.
7. Breach of Confidence Claims under English and European Private International Law, in *Dörr/Weaver* (eds.), *The Right to Privacy in the Light of Media Convergence*, DeGruyter publisher, 2012, 194 – 211

8. Kommunikation und Medien, in *Dauses/Ludwigs* (eds.), *Handbuch des EU-Wirtschaftsrechts*, 31st ed 2012, 82 pages (together with Eva Wagner)
Analysis of the EU legal framework on electronic communication and EU media law, published in the leading German handbook on EU business law.
9. Rechtsfragen der Medienkonvergenz am Beispiel der Internet-Telefonie, in *Fechner* (ed.), *Konvergenz – Datenschutz – Meinungsforen: Fragestellungen des Internetrechts*, 2009, 8 – 33
Book contribution on media convergence, taking the example of Voice over IP.

COMMENTARIES

Commentaries on the following provisions of the German Interstate Treaty on Broadcasting and Telemedia (*Rundfunkstaatsvertrag, RStV*), and the Interstate Media Treaty (*Medienstaatsvertrag, MStV*) in *Hartstein/Ring/Kreile/Dörr/Stettner/Cole/Wagner* (eds.), *Medienstaatsvertrag und Jugendmedienschutzstaatsvertrag*, C.F. Müller publisher

1. § 9c RStV (data protection and media privilege for broadcasters)
2. § 52c RStV (access to media platforms)
3. § 52d RStV (conditions for access to media platforms)
4. § 52e RStV (administrative procedure for access to media platforms)
5. § 53a RStV (revision clause)
6. § 57 RStV (data protection and media privilege for providers of online content)
7. § 59 RStV (administrative supervision of online content)
8. § 60 RStV (applicable laws)
9. § 78 MStV (scope of platform regulation)
10. § 79 MStV (general provisions on platform regulation)
11. § 80 MStV (signal integrity, overlays and scaling)

Commentaries on the following provisions of the German Act Implementing Article 17 of the Digital Single Market Directive (*Urheberrechts-Diensteanbietergesetz, UrhDaG*), in *Ahlberg/Götting/Lauber-Rönsberg* (eds.), *BeckOK UrhG mit Nebengesetzen*, Beck publisher

1. § 1 UrhDaG (communication to the public; responsibility of online platforms)
2. § 2 UrhDaG (online platform service providers)
3. § 3 UrhDaG (excluded service providers)
4. § 4 UrhDaG (obligation to obtain licences; compensation claims)
5. § 5 UrhDaG (permitted uses; compensation of the copyright holder)
6. § 6 UrhDaG (scope of permissions)
7. § 7 UrhDaG (qualified blockage)
8. § 8 UrhDaG (simple blockage)
9. § 9 UrhDaG (presumptively permitted communication to the public)
10. § 10 UrhDaG (minor uses)
11. § 11 UrhDaG (indication of permitted uses)

12. § 12 UrhDaG (compensation of the online platform service provider; responsibility)

CASE COMMENTS

1. Fussl Modestraße Mayr GmbH v. SevenOne Media GmbH, ProSiebenSat.1 TV Deutschland GmbH, ProSiebenSat.1 Media SE, *European Human Rights Cases Updates*, published 29 March 2021
2. Of Money, Poison and Secrets: Balancing Freedom of Information against Data Protection; case comment on CJEU, Case T-115/13, Dennekamp v European Parliament and Case C-615/13 P, ClientEarth and v European Food Safety Authority (EFSA), *European Data Protection Law Review* 2 (2016), 272 – 277

BOOK REVIEWS IN ENGLISH AND GERMAN

1. *Kenyon/Scott* (eds.), Positive Free Speech. Rationales, Methods and Implications, *Journal of Media Law* 12 (2020), 129 – 131
2. *Laursen*, (ed.), The Making of the EU's Lisbon Treaty. The Role of Member States, *Common Market Law Review* 52 (2015), 1430 – 1431
3. *Phinnemore*, The Treaty of Lisbon. Origins and Negotiations, *Common Market Law Review* 52 (2015), 1431 – 1433
4. *Arenz*, Der Schutz der öffentlichen Sicherheit in Next Generation Networks am Beispiel von Internet-Telefonie-Diensten (VoIP), *Computer und Recht* 2010, R93 – R94
Review of a monograph on the protection of public security in Next Generation Networks, taking the example of Voice over IP.

NEWSPAPER ARTICLES

1. Privilegiert den Journalismus! (A Privilege for Journalism!) *Frankfurter Allgemeine Zeitung Einspruch*, 15 September 2020
2. Sind Blogger Journalisten? (Are Bloggers Journalists?) *Frankfurter Allgemeine Zeitung*, 3 September 2015