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Clarisse Girot

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User Protection in IT Contracts

A Comparative Study of the Protection
of the User Against Defective Performance
in Information Technology

by

Clarisse Girot



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This volume considers the theme of the protection of the user in the field of Information Technology, and more specifically in relation to software licences, electronic information services and Internet access services. Litigation in IT usually stems from the users' feeling that their expectations have been frustrated at performance. When dealing with such cases, the courts seem to increasingly take the objective of user protection into account. How is this protection implemented? Is this trend generally desirable? Is this judicial protection excessive? What are the constraints met by IT providers that should be taken into account in litigation? How can the user's position be improved? User Protection in IT Contracts extensively presents the reasons why, and the ways in which national courts may decide a case in favour of the user. Many practical issues are considered in this respect. Which factors appear relevant to deal with liability claims in IT? Are exemption clauses always enforceable? What are the implications of information duties for IT providers? How can general conditions be safely incorporated to a contract? This book exhaustively reviews these and other issues in English, Dutch and French law.