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## **Internet search engine in the light of copyright law**

### **SUMMARY**

The main aim of the doctorate is to find the answer to the question whether the current copyright regime related to the internet search engines meets the needs of the information society. The main purpose of the theoretical part is to analyze the applicable legal regulations related to the possibility of using works in connection with the internet search engine functioning. The scope of the research covered such legal institutions as: private fair use, public fair use, the three-stage test as well as the exclusion of internet intermediaries liability. The practical part of the work aims to develop proposals for new legal regulations for internet search engine operators, corresponding to the needs of the information society. Taking the above mentioned objectives into account, the research problem presented in the paper is: "Do the copyright regulations in force in Poland and act on electronic services responds to the needs of the information society in the range of the search service provided by internet search engine operators?".

Following the research question posed, six research hypotheses were adopted.

H1: The information society needs for the search service provided by internet search engine operators should be defined as balancing of the interests and rights of search engine operators, search engine users, search engine content providers and rightholders, and as ensuring legal certainty.

H2: The copyright regulations in force in Poland and act on electronic services are not responsive to the needs of the information society for the search service provided by internet search engine operators.

H3: The change of legal regulations regarding the search service provided by internet search engine operators may consist in introducing public fair use for internet search engine operators or introducing an exclusion of liability for internet search engine operators, combined with a strictly regulated notice and take down procedure.

H4: The needs of the information society with regard to the search service provided by internet search engine operators are met to a greater extent by the concept of introducing the institution of the exclusion of liability rather than by the new public fair use.

H5: With the introduction an exclusion of liability for internet search engine operators, the rightholder will have an effective notice and take down protection tool, independent of the possibility of using traditional copyright claims or specific claims in the form of injunctions.

H6: The provision of a search service by the internet search engine operators does not, as a matter of principle, interfere with the related rights of press publishers.

The work consists of six chapters. The first chapter is introductory. The second chapter defines the key concepts for the work. The third chapter presents a detailed analysis of the functioning of the internet search engine with regard to the issue of using the work. The fourth chapter is devoted to the question of protecting press publications in the field of online use. Chapter five is an attempt to qualify the search service concerning the principles of liability of internet intermediaries on the basis of the act on electronic services and the e-commerce directive. The sixth chapter, in turn, describes a set of claims due to proprietary copyrights that may be used against the operator of the internet search engine.

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