Consumers in the cloud

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EU consumer protection in cloud computing contracts

Propositions

1. Some online applications that fulfil the definition of cloud computing have been on the market for several years. The change related to the advent of cloud computing, however, lies in the scale and range of applications available through this model of access.

2. Cloud computing is effectively a new public utility, like electricity, and should be regulated as such. Computing power became an infrastructure for the digital economy.

3. EU consumer law should specifically regulate cloud computing because the consumer is not in possession of physical and software elements of the product and more aspects need to be regulated contractually.

4. Cloud computing has a broader societal relevance beyond purely economic aspects. It may exemplify a more general trend in society. We are moving away from owning "things" towards models, based on use and access, which depend on needs.

5. Standard terms and conditions of cloud providers still contain a number of provisions which are unfair under EU consumer law.

6. Consumers never read terms and conditions of contracts.

7. Any business-to-consumer product that collects personal data should not be described as free. Any provision of personal data by a consumer, not strictly needed for the performance of the contract, is effectively a counter-performance.

8. Consumer risks in cloud computing or potential market failures can become a significant issue and deserve special attention from the regulatory perspective (impact paragraph)

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