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Abstract:

The study aims to analyse the issue of cloud computing in the light of the provisions of the Civil Code, in particular the legal qualification of an agreement on the provision of services in a cloud computing environment. The second aim of the text is to determine whether the agreement has the nature of an unnamed agreement (including a mixed agreement) or a named agreement. In the author's opinion, this issue has not yet been subject to any in-depth theoretical and legal analysis, although it is also of great practical value. It should be mentioned that a great number of cloud computing service contracts are concluded daily, i.e. from those related to e-mail, through contracts concerning office packages, or those enabling the use of social networking sites. It may be assumed in limine that the extensive casuistry of the contracts in question makes it difficult, if not impossible, to translate the conclusions of the analysis in question in an 'automatic' manner, both as far as the legal nature of the contract in question and the findings concerning its legal regime are concerned, It will be shown, however, that analogies can be found about how these contracts are concluded, their specific features or the categories of provisions they contain.

Hence, this paper will first discuss the issue of the practice of entering into cloud computing contracts, and its conclusions will be used to assess the legal nature of the contracts in question and their legal regime.