

Legal Protection of Cloud Computing

Abstract

The thesis deals with the topic of cloud computing with a particular focus on a contractual regulation of the supply of Software as a Service (SaaS). The aim of this work is to provide an insight into the issue of the obligation arising from the supply of cloud services and the various ways to contractually capture the aspects of the service between provider and user. The first part defines the technology of cloud computing with the focus on one specific model, namely Software as a Service. Furthermore, cloud computing is embedded in the legal framework within the internal legal order and the EU legal order.

The second part of the work already analyzes the obligation that arises between the provider and the user of SaaS cloud services which needs to be contractually treated. Attention is paid to the essential requirements concerning contracts, such as the applicable law, liability of the parties, change or termination of the contract, as well as requirements that are specific to the SaaS contracts, such as the issue of incorporating intellectual property rights in SaaS contracts, service level agreement and acceptable use policy.

The subject of the third part is an individual topic related to the supply of SaaS services, and that is the issue of data stored on the cloud storage and related contract requirements. The aim of this part is to point out the fact that the issue of data is quite extensive and its contractual regulation is therefore necessary. It is not only a matter of non-disclosure agreements for the confidential information and user's data security, but the provider should also ensure a smooth data migration in the event of a user switching to another provider.

The final fourth part of this work highlights and specifies the issue of two categories of data, namely data protected by intellectual property rights, which are subject to special liability conditions of cloud providers, and personal data, as processing of personal data also requires specific contractual arrangements between the parties. This work takes into account the current legislation together with the reflection of possible future changes in connection with current legislative developments in this area.

Keywords: cloud computing, Software as a Service, SaaS, contract, data