

Towards a reputation-driven regulation in the collaborative economy?

The economic literature has identified since the early 2000's the need to foster trust in the online environment. It has been suggested that an appropriate way to build trust was therefore to create feedback systems, which establish a reputational dimension on the platform's operation (Dellarocas, 2006). Indeed, reputation is a decisive factor involved in the creation of trustworthy relationships in knowledge economies (Adler, 2001). Although reputation-based governance is not a novel idea, it mainly focused in the past on how feedback systems could help crowdfund policy making and thus improve its outcome (Picci, 2011). The present research mainly focuses on trust, and especially reputation, as an interpretation tool for legislation related to the peer-market economies. In order to evaluate the potential of reputation and trust as general principles of law, a three-prong analysis must be carried out.

Firstly, an analysis of the legal status of reputation shows that it constitutes a stumbling block at the interface of several fundamental rights. On the individual side, people use reputation as part of the right to privacy in defamation cases (Charter, art. 7). On the corporate side, reputation is considered as a constitutive element of trademarks, an intellectual property right of a business over some of its distinctive feature (Charter, art. 17.2). In both cases, the right to freedom of expression challenges the 'reputation' (Charter, art. 11).

Secondly, human relationships are increasingly influenced by algorithms, reputation and data management. At first sight, it might thus be tempting to evacuate law as regulator of human activities because 'algorithm' is code and 'code is law'. A more careful look at feedback mechanisms is however necessary. Feedback from service providers to the users (and conversely) create an actual social relation between individuals. Furthermore, the role of law is indeed to organize relationships between humans by defining whether a behavior is allowed, compulsory or forbidden. Such legal rules are enforced under social control. These reputational feedback mechanisms establish thus what can be qualified as the equivalent to the social control that the law organizes. Indeed, users will comment, rate or alert when their fellows do not comply with commonly accepted rules whether written, or not. The importance of these feedback mechanisms as source of regulation can be best shown in practice by the dozens of cases brought by users against digital platforms (e.g. such as TripAdvisor) to erase negative feedback because they could constitute abusive sanctions.

Thirdly, a larger picture must be adopted to establish reputation not only as a source of legislation but as a *driving* principle of law. To do so, it is necessary to discard the possibility that reputation is solely part of the algorithm. The argument recourses to economics, management and psychology. Reputation is indeed intrinsically a very human interest. While gossiping (i.e. talking about someone's reputation) is social, algorithms do not understand the word-to-mouth mechanisms. Because of the unique features of computers, i.e. the capacity to process huge amount of information and almost instantly, computer can only establish *statistical reliance* statistics on individuals, but reputation is far-more-reaching: in the offline world, people have to select information and its diffusion is slower. Therefore, when individuals ultimately need to choose from several options, they will also use a trust factor on top of the *statistical* criteria given by the machine.

This approach allows therefore to consider reputation as a guideline for the future interpretation of the existing law as well as for the adoption of present and future legislation aiming at the digital economy. To ensure the viability of the feedback system, the author suggests therefore to look at the interaction of *trust* and *fundamental rights* in comparative law, e.g. in Japanese or German law which already recognize trust as general principle of law.

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Holds a driver license (class « B »)



I deeply enjoy improving my understanding of the world complexity by researching legal, political and economic resources in an international context.

Education in Belgium

- 2016-... **PhD in Law**, CRIDES, UCL, Louvain-la-Neuve, Belgium.
Research on the liability of peer platforms markets (supervision of A. Strowel and Pr. E. Traversa).
Funded by a “Special Research Fund – Fond spécial de recherche” granted by the UCL for 2016-2017.
- 2014-2016 **Master of Law**, UCL, Louvain-la-Neuve, Belgium, *cum laude*.
Option “Private International Law”.
Master dissertation on a critical assessment of the relationships between arbitration and European private international law, under the supervision of Pr. J.-F. van Drooghenbroeck (35,000 words, in English, 16/20).
- 2011-2014 **Bachelor of Law**, Université Saint-Louis, Brussels, *cum laude*.
Final paper on the relationships between competition law and intellectual property (9,000 words, in French, 16.5/20).
- 2005-2011 **Certificat d’études secondaires supérieures**, Athénée Robert Catteau, Brussels, option latin-sciences, *cum laude*.

Education abroad

- 2015-2016 **Erasmus exchange**, Durham University, United Kingdom. Second year of the master in law, UCL, orientation “transnational, comparative and foreign law”.
Modules taken: EU competition law, UK contract law, UK tort law, UK corporate finance and UK commercial law.
- 2014-2017 **International Commercial Law L.L.M.**, UC Davis, California, United States, part-time L.L.M., 2014-2017, *ongoing*, Global GPA of 4.00 (A/A+).
Modules taken: International business transactions, taxation of multinational investments, international private law (expected modules), intellectual property, antitrust, business associations, international joint ventures and alternative dispute resolution, orientation in USA law, banking law, financing international transactions.
Final paper: Analysis of procedural hurdle of the judicial review of awards under the uniform dispute resolution procedure (15,000 words in English).
- 2013 **Diploma in European Studies**, Sommerhochschule, Universität Wien, Austria, passed with a GPA of 1.75 (*good*).

Languages

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| French | C2, mother language. |
| English | C2, native fluency. |
| Dutch | B2, Eurospeak, « zeer goed ». |
| German | A2.1, passive knowledge evolving towards an active knowledge. |

Publications

- 2017 “**Aspects fiscaux de la prostitution et des activités qui y sont liées**” (with E. Traversa and A. Pirlot) in S. Gilson, *Le statut juridique des travailleurs du sexe*, Anthémis, Limal, pp.187-202.

Conference papers

- 2017 “**Remodeling the corporate social responsibility of platforms in the sharing economy**”, 4th International Workshop on the Sharing Economy, University of Lund, Lund (Sweden), 15-16 June (*abstract accepted – forthcoming*).
- 2017 “**Defining digital ownership. Refurbishing the idea of property?**”, Eastern ARC Workshop: “Bytes, Bodies & Souls: Interrogating Human Digitalization Workshop”, University of Kent, Canterbury, UK, 30 May (*abstract accepted – forthcoming*).
- 2017 “**Robots and online intermediaries: a single battle?**”, 4th Winchester Conference on Trust Risk, Information and Law: *Artificial and De-Personalised Decision-making: Machine-Learning, A.I., and Drones*, University of Winchester, UK, 3 May (*abstract accepted – forthcoming*).
- 2017 “**Prostitution et taxation**”, Journée d’étude Espace P.: *Le statut social et juridique des travailleurs du sexe*, Namur, Belgium, 15 March.
- 2016 “**Arbitration exclusion under the Brussels Recast Regulation: mutual trust and jurisdictional protection**” (poster presentation), Postgraduate Legal Research Conference: *Embracing New Approaches*, Queen Mary University London, United Kingdom, 3 June.
- 2016 “**Three judgments mobility regimes**”, Postgraduate Conference: *Moving Together*, Durham University, United Kingdom, 4 May.
- 2016 “**Differentiated integration: the case of European Union private international law**”, European Public Policy Conference: *Take the Next Exit? EU policy directions between integration and fragmentation*, organized by the Hertie School of Governance (Berlin) and the University of Ljubljana, in Ljubljana (Slovenia), 15-17 April. The travel expenses were covered by a Durham Law School grant (Enhancing Employability Fund).
- 2016 “**The arbitration exclusion under the Brussels Recast Regulation**”, *LLM Dissertation Workshop*, Durham European Law Institute, Durham University, United Kingdom, 14 March.
- 2016 “**The contribution of common values and mutual trust to the ever closer union**”, *Student debate: the UK membership of the EU*, Durham European Law Institute, Durham University, United Kingdom, 24 February.

Lectures

- 2017 “**The Internet of Things: Intellectual Property and Data Protection**”, lecture given at the UCLouvain (Belgium) in the module of “Intellectual Property and new technologies”, together with Prof. A. Strowel, 30 March.

Other relevant experiences

- 2017 Selected to participate to the *International Mobile Research Lab on the sharing and collaborative economy in cities*, Lund University, Lund (Sweden) and Copenhagen (Denmark), 12-14 June (*forthcoming*).
- 2016 *Student Delegate* for the EU Business Law & WTO Trade Practice Summer School, organized by the Institute for European Studies (Saint-Louis University, Brussels), 27 June – 8 July.

2015-2017 **Student Assistant** of Pr. P. d'Argent for the MOOC "International Law" on www.edx.org (UCLouvain Xperience).

2015-2016 Member of the UCL Team for the **Willem C. Vis Arbitration Moot** 2016 (drafting memorandums).

2013-2014 **Internship** in a law firm (Me. G.H. Beauthier), excellent report. Length of the internship: 150 hours.

Social commitments

Successful organization of social events (*e.g.* dinners and concerts) for charities.

Successful public speaking, written argumentation and oral negotiation thanks to ten years of students' representation.

Hobbies

Frequent practice of squash, tennis and improvisation.

Interest for new technologies, theatre and opera.