

Civil law aspects of self-driving vehicles

Abstract

This dissertation focuses on the civil law aspects of the still relatively new phenomenon of self-driving cars. Considering that what distinguishes an autonomous car from a conventional car is mainly the autopilot software, which enables its autonomous driving without driver intervention, the legal analysis of the autopilot is given special attention. The aim is to provide a comprehensive analysis of this phenomenon from all fundamental aspects of civil law.

The dissertation is divided into a total of five parts. The first introduces autonomous cars and their classification from a technical point of view. The second part deals with the civil law nature of the autonomous car and the autopilot software. After an initial definition of the terms, the autonomous car and its software are considered in terms of their nature as a thing, their status, their copyright protection and their nature as a product. The third part provides a legal assessment of the main contracts that may typically be entered into in connection with their use. These include the purchase contract and, given the interdependence of the autonomous car with the autopilot software, the licence and the software-as-a-service agreement. The fourth part is devoted to the ethical aspects of the use of self-driving vehicles and their impact on the distribution of harm, on the grounds that harm and its compensation are among the most debated aspects of the issue of self-driving vehicles and, at the same time, the values and moral principles underlying the legal order are most clearly manifested in the right to compensation. The fifth and final part analyses the current legislation on liability for damage and assesses its applicability in the context of autonomous cars.

Keywords: autonomous vehicles, autopilot, software, civil-law nature, contractual relations, tort relations, ethics