



Legal Aspects of Deep Links on the Internet

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Abstract. Links are found everywhere and they are these what creates the World Wide Web. Possibility to use the whole network is the essence of polycentric decentralized structure of the Internet. The user may quickly and easily surf web sites. The search engines reach editorial texts and photos presented in the news through deep links. Skipping the home page of a given web site normally means noting lower amount of visits. The amount of visits has an impact on the income from adverts. Problem of an effective defense against unwanted deep links occurs especially in the media where generally contents are protected by copyright. Many e-commerce enterprises want to be on the highest position in the results of searching. Search engines copy up-to-date press news or directly refers to them. There arises dispute over ownership and the aim of using copied information. The article discusses the significance and effects of using deep links in up-to-date press contents coming from the search engines. There are presented practical examples of disputes occurring on the basis of deep links. The author proposes the method of using deep links as a selling propulsion in the news services.

1 Introduction

Link is an electronic anchor composed into the structure of the web site. Putting the link into foreign web site on someone's page does not require permission of the owner. It is assumed that creating the web site and placing it in the network is equivalent with consent to referring back to it. The owner of the web site often does not know that there were placed links to this web site ([4]).

Taking into consideration the criteria of reference to outside web site links can be divided ([6]). Surface links point to home page of a completely different web site. Deep links directly indicate to the substantial contents of concrete web site with omission of the home page.

In general, links are profitable for the web site. The more often a given link appears on various web sites the higher will be the position in the search engine results. Especially, enterprises that get income from e-business are interested in that effect. In some situations link may be treated as unconstitutional. It is possible to talk about exceptions of freedom of placing links in the web. In the concrete case it can be recognized as acts of dishonest competition or violation of copyright.

Mainly, it refers to putting deep links, using references leading directly towards inside content of the web site with omission of the home page. Such operation reduces the number of visits on the publisher's home page because the user goes directly to a given web page. When using the search engine the access to the materials is possible directly from the search engine results page omitting the home page of a given web site. In the results of searching very often appear first words of specified press material as a description of a given link. Omitting the home page of a given web site means putting down smaller number of visits. It is visible in the income from adverts. The adverts' proprietors express smaller interest or the web site must reconcile with the reduction of rates which they are willing to pay.

In reality, solution for the observed situations in case of links is not homogeneous. It is obvious that if the author creates a web site which he will promote on his own or put links into it leading from the outside, he must take into consideration the fact that others will put the links without his permission. He must also remember that no-one will endeavor to get permission for this link. The situation will look differently when it comes to deep links. They lead directly to the substantial contents of a foreign web site. If there happens the omission of the home page that can include adverts, the publisher can notice danger in it.

The compromise solution induce to recognize deep links but they suggest some guidelines for web sites. Every page of the web site must inform the user where in the structure of the web site it is. It should also include link to the home page and characterize the content of the whole web site in general.

2 The Links in the News Services

The problem of defending against unwanted deep links is especially in media. Most often, the content is protected with the copyright. Many e-commerce enterprises willing to be on the highest position of search rankings copy current press news. Even search engines themselves copy those news or refer to them directly.

Here arises dispute over ownership and the aim of using copied news. If the author or the newspaper does not want others to popularize the whole content of the composition, there are many technological solutions that can help to block the access.

On the other hand, every user of the web can get to the published information on his own without any restrictions from the publisher. Being familiar with URL address and manual inserting it into the address bar of the web browser is sufficient. The deep links are only the technological equivalents of inscribing such web site addresses though hyper-textual links net is the basis of web work. The web site can be compared with the poster. This what is visible on it is available to the public. The dissemination of the content happens when the web site is uploaded on the server. Every user can evoke its content immediately without necessity of using the link. Knowing the address is enough.

The result of searching is fragmentation of the news in the news service. They are not only in carefully edited articles on the first pages of newspapers but also in the result pages in the search engine. The search engines currently lead one of the biggest news service in the web. News service's of the newspapers are afraid of the reduction of their income by searching. Due to that fact they demand paying subscription. At the same time they do not operate deep links thanks to which press news get on the highest positions of searching of the search engines rankings. When looking in the www for the daily portion of news, analysis and opinions, it is difficult to come across materials from newspapers which defend oneself against deep links ([1]).

There are solutions which tone down the conflict between press publishers and search engines operators. For example by blocking the content to companies which professionally occupy oneself with searching the information. There are used new variants of adverts which are connected with the topic of the article. Those adverts do not show to every user of the web but only when the user is looking for the concrete news. It happens when contextualized advert refers to specific key words. There is possibility to prepare web site in such a way that it would be impossible to put links to its resources with the omission of the home page.

More and more common are portals which collect payment for browsing one's own records, for example gazeta.pl, rzeczpospolita.pl. In such circumstances, resources are saved by codes that are available when purchasing proper access. If there is lack of such protections it is not fair to have something against the user who guessed the URL to given resources. It is good to remember that the very fact of drawing someone away from another transactor does not disturb the competition. This action is not honest when one transactor ingratiate with someone else's clientele, standing between mentioned customers and another transactor.

3 The Link As a Sale's Motive Power

Currently the publishers open their own portals and are aware that in the Internet already exists different model of informing. Portals that protect themselves against opening to everyone lose their importance. It doesn't happen because texts and analysis are weak but rather because of not adapting to the new circulation of the news' ecosystem. Publishers may allow creating links to articles that are put in the web by themselves but limit total using of portal to paid subscribers.

Such action should lead to the discovery of the future subscribers. The publishers who do not offer additional benefits from paid subscription except articles do not pay attention to recipient's demand. Most probable is that many people will pay for the subscription to materials suggested by respectable sources. It can be friends who send links by e-mail, instant messages, blogs or by other news service. We may risk a statement that target pages of such links are places where publishers will catch new readers in the easiest way. If the user appears on

the page due to recommendation of trusted source and if the page is interesting enough, it will convince the guest to the value of the remaining part of portal. Eventually, the reader will decide to attach him with the portal.

The readers deliberately referred to the pages of newspapers and news services will state that when becoming subscriber of this magazine, they will be up-to-date with the most important events. The reader may think that if so many people refer to this newspaper, maybe he should become a regular reader. Before ordering subscription he will read the article from this source only if another person point it to him. When becoming the subscriber he will be informed about the most important events personally and as the first. The deep links can become the motive power for higher sale of newspapers and news service ([1]).

4 The Links in Search Engines

It is common opinion that using deep links through search engines is permitted till the user needs these news for his own sake. It relates to the situation when the publisher popularizes his own information in an unlimited way. So it is rightly assumed that if the author of the work places it in the web, does not protect it with technological barrier and does not express any clause about 'not referring', he suggest that he does not disapprove of being in the searching results ([5]).

The solution of these arguments present are different in many European countries. In Austria and Germany in case of Meteodata and Paperboy decisions were made in favour of the web users. In Denmark courts forbade using deep links in press articles offered by similar portals. In Spain cases are in the progress ([6]). In Belgium courts imposed on Google removing from Google News quotations coming from newspapers in French language. The decision was made after taking legal steps by French and German publishers federated into Copiepresse. Their intention was to defend copyright that they had right to. They stressed that Google did not get permission for using in its services fragments of news published by them ([8, 2]).

After the verdict considering Google Belgian department of MSN got a letter from Copiepresse. The representatives of MSN met with Copiepresse lawyers to decide the rules that will enable MSN to publish articles. Negotiations concerning possibilities of using links to electronic editions of press titles are conducted. The publishers admit that search engines provide precious services but relations with them should be made formal. Maybe buying licence from publishers or different solution plays a role.

In February 2007 court supported the fact that Google broke national regulations that protect the copyright. The press publishers federated in Copiepresse which is representing 19 publishers of press published in Belgium in French and German language present arguments. Using fragments of texts in portals together with titles breaks publisher's copyright. In portals those fragments are available even when on main pages of the press they go to paid archives. As a result publishers sustain a loss. The publishers of press do not approve of mech-

anisms of searching because complete articles that got to archives can be found cache. ([9, 3]).

5 Summary

Contrary phenomenon can be observed in the web promotion. Some authors do not want to place links to them. Others hire specialists to popularize their web sites through building the link structure. The defence against links is seen especially in media where presented content is most often protected with the copyright. In other trades e-business enterprises pay huge sums to be on the highest position in searching results. It enables reaching wider range of clients.

When building a web site it is essential to have in mind users conventions and be aware of the way of searching the net. Suitable determinations visible or invisible are adequate to the ways in which search engines work. Searching is a method of navigation in the Web—the new user interface.

The owners of the search engines constantly expose themselves to expensive and time-consuming legal cases. Their results can not be entirely predicted. On the other hand, searching portals reach an agreement with the owners of copyright. They encouraging them to cooperation by sharing the profits from adverts. In the objection covering placing the links is some paradox because search engines generate traffic on companies' pages and lead clients to them. Many users could not know about the existence and the offer of these news services.

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