

# Table of Contents

<i>Preface</i> . . . . .	iii
<i>About the Author</i> . . . . .	v
<i>Acknowledgements</i> . . . . .	xiii
<i>Table of Cases</i> . . . . .	xxxi
<b>Part I: The Sharing Economy</b> . . . . .	<b>1</b>
<i>Chapter 1: What the Sharing Economy Is</i> . . . . .	<b>2</b>
1.1 Glossary . . . . .	12
<i>Chapter 2: Accommodation Platforms</i> . . . . .	<b>15</b>
2.1 AIRBNB . . . . .	15
2.1.1 Features . . . . .	16
2.1.2 Terms of Service . . . . .	17
2.1.3 Content Policy . . . . .	19
2.1.4 Insurance . . . . .	19
2.2 HOMEAWAY . . . . .	20
2.2.1 Features . . . . .	21
2.2.2 Terms of Service . . . . .	21
2.2.3 Content Guidelines . . . . .	22
2.2.4 Insurance . . . . .	22
2.3 Industry Challenges . . . . .	22
2.3.1 United States . . . . .	26
2.3.1.1 Regulation . . . . .	26
2.3.1.1.1 Federal . . . . .	26
2.3.1.1.2 California . . . . .	26
2.3.1.1.3 Florida . . . . .	29
2.3.1.1.4 Georgia . . . . .	30
2.3.1.1.5 Illinois . . . . .	30
2.3.1.1.6 Louisiana . . . . .	30
2.3.1.1.7 Massachusetts . . . . .	30
2.3.1.1.8 Michigan . . . . .	31
2.3.1.1.9 New York . . . . .	31
2.3.1.1.10 Oregon . . . . .	32
2.3.1.1.11 Pennsylvania . . . . .	32
2.3.1.1.12 South Carolina . . . . .	32
2.3.1.2 Private Disputes . . . . .	33
2.3.2 Other English Law Jurisdictions . . . . .	33
2.3.2.1 United Kingdom . . . . .	33
2.3.2.2 Australia . . . . .	33
2.3.3 Europe . . . . .	34
2.3.3.1 France . . . . .	35
2.3.3.2 Germany . . . . .	35
2.3.3.3 The Netherlands . . . . .	36
2.3.3.4 Spain . . . . .	36

LAW OF THE SHARING ECONOMY

	2.3.3.5 Czech Republic	36
	2.3.4 Canada	36
	2.3.4.1 Alberta	36
	2.3.4.2 British Columbia	37
	2.3.4.3 Ontario	37
	2.3.4.4 Quebec	38
<i>Chapter 3:</i>	Event-Ticketing Platforms	40
3.1	STUBHUB	41
3.1.1	Terms of Service	42
3.2	Industry Challenges	42
3.2.1	United States	42
3.2.2	Other English Law Jurisdictions	43
3.2.2.1	United Kingdom	43
3.2.3	Canada	44
<i>Chapter 4:</i>	Ride-Sharing Platforms	45
4.1	UBER	46
4.1.1	Features	47
4.1.2	Service Tiers	50
4.1.3	Terms of Service	52
4.1.4	User Generated Content Policy	53
4.1.5	Drivers	53
4.1.5.1	Driver Agreements	56
4.1.5.2	Driver Classification	58
4.1.5.3	Sexual Abuse	59
4.1.6	Insurance	60
4.1.7	Questionable Practices	61
4.1.7.1	God View	61
4.1.7.2	Greyball	61
4.1.7.3	Hell	62
4.1.7.4	Other Competitor Disruption	62
4.2	LYFT	63
4.2.1	Features	63
4.2.2	Service Tiers	63
4.2.3	Terms of Service	64
4.2.4	Drivers	64
4.3	Industry Challenges	65
4.3.1	United States	69
4.3.1.1	Alaska	70
4.3.1.2	California	70
4.3.1.3	Connecticut	71
4.3.1.4	Florida	71
4.3.1.5	Georgia	72
4.3.1.6	Illinois	72
4.3.1.7	Massachusetts	72
4.3.1.8	Missouri	73
4.3.1.9	Nevada	74

4.3.1.10	New Jersey	74
4.3.1.11	New York	74
4.3.1.12	Oregon	76
4.3.1.13	Pennsylvania	76
4.3.1.14	Texas	77
4.3.1.15	Virginia	77
4.3.1.16	Washington	77
4.3.1.17	District of Columbia	78
4.3.2	Other English Law Jurisdictions	78
4.3.2.1	United Kingdom	78
4.3.2.2	Australia	79
4.3.2.3	New Zealand	79
4.3.2.4	India	79
4.3.2.5	South Africa	80
4.3.2.6	Hong Kong	80
4.3.2.7	Israel	80
4.3.3	Europe	81
4.3.3.1	France	84
4.3.3.2	Germany	85
4.3.3.3	Italy	86
4.3.3.4	Spain	86
4.3.3.5	The Netherlands	87
4.3.3.6	Belgium	87
4.3.3.7	Luxembourg	87
4.3.3.8	Hungary	88
4.3.3.9	Portugal	88
4.3.3.10	Denmark	88
4.3.3.11	Finland	88
4.3.3.12	Norway	88
4.3.3.13	Bulgaria	88
4.3.3.14	Poland	89
4.3.3.15	Romania	89
4.3.3.16	Czech Republic	89
4.3.4	Latin America	89
4.3.4.1	Argentina	89
4.3.4.2	Brazil	89
4.3.4.3	Colombia	90
4.3.5	Other Jurisdictions	90
4.3.5.1	Russia	90
4.3.6	Canada	90
4.3.6.1	Federal Law	90
4.3.6.2	Provincial and Local Law	90
4.3.6.2.1	Alberta	91
4.3.6.2.2	British Columbia	91
4.3.6.2.3	Ontario	91
4.3.6.2.4	Quebec	93

LAW OF THE SHARING ECONOMY

<i>Chapter</i> 5:	Vehicle-Sharing Platforms . . . . .	96
5.1	TURO . . . . .	96
5.1.1	Features . . . . .	97
5.1.2	Terms of Service . . . . .	97
5.1.3	Insurance . . . . .	98
5.2	Industry Challenges . . . . .	98
5.2.1	United States . . . . .	98
5.2.1.1	California . . . . .	99
5.2.1.2	Florida . . . . .	99
5.2.1.3	Massachusetts . . . . .	100
5.2.1.4	Utah . . . . .	100
5.2.2	Canada . . . . .	100
<i>Chapter</i> 6:	Other Platforms . . . . .	101
6.1	Food Delivery Services . . . . .	101
Part II:	Legal Issues in the Sharing Economy . . . . .	103
<i>Chapter</i> 7:	Jurisdiction . . . . .	104
7.1	United States . . . . .	104
7.1.1	Ride-Sharing Platforms . . . . .	104
7.2	Canada . . . . .	104
<i>Chapter</i> 8:	Procedure . . . . .	105
8.1	United States . . . . .	105
8.1.1	Ride-Sharing Platforms . . . . .	105
8.2	Canada . . . . .	105
8.2.1	Ride-Sharing Platforms . . . . .	105
<i>Chapter</i> 9:	Evidence . . . . .	106
9.1	United States . . . . .	106
9.1.1	Accommodation Platforms . . . . .	106
9.1.2	Ride-Sharing Platforms . . . . .	106
9.2	Canada . . . . .	107
9.2.1	Ride-Sharing Platforms . . . . .	107
<i>Chapter</i> 10:	Criminal . . . . .	108
10.1	United States . . . . .	108
10.1.1	Accommodation Platforms . . . . .	108
10.1.2	Event-Ticketing Platforms . . . . .	108
10.1.3	Ride-Sharing Platforms . . . . .	108
10.1.3.1	UBER . . . . .	108
10.1.3.2	LYFT . . . . .	111
10.1.4	Other Platforms . . . . .	112
10.2	Other English Law Jurisdictions . . . . .	112
10.2.1	Australia . . . . .	112
10.2.2	India . . . . .	112
10.3	Europe . . . . .	112
10.3.1	France . . . . .	113

10.3.1.1	Ride-Sharing Platforms . . . . .	113
10.3.2	Switzerland . . . . .	113
10.3.2.1	Event-Ticketing Platforms . . . . .	113
10.4	Canada . . . . .	113
10.4.1	Accommodation Platforms . . . . .	113
10.4.2	Ride-Sharing Platforms . . . . .	114
<i>Chapter 11:</i>	Regulation . . . . .	115
11.1	United States . . . . .	115
11.1.1	Accommodation Platforms . . . . .	115
11.1.1.1	Federal Law . . . . .	116
11.1.1.2	State and Local Law . . . . .	116
11.1.1.2.1	California . . . . .	116
11.1.1.2.2	Florida . . . . .	119
11.1.1.2.3	Georgia . . . . .	119
11.1.1.2.4	Illinois . . . . .	119
11.1.1.2.5	Louisiana . . . . .	119
11.1.1.2.6	Massachusetts . . . . .	120
11.1.1.2.7	Michigan . . . . .	120
11.1.1.2.8	New York . . . . .	120
11.1.1.2.9	Oregon . . . . .	121
11.1.1.2.10	Pennsylvania . . . . .	122
11.1.1.2.11	South Carolina . . . . .	122
11.1.2	Event-Ticketing Platforms . . . . .	122
11.1.3	Ride-Sharing Platforms . . . . .	123
11.1.3.1	Federal Law . . . . .	124
11.1.3.2	State and Local Law . . . . .	125
11.1.3.2.1	Alaska . . . . .	125
11.1.3.2.2	Arizona . . . . .	125
11.1.3.2.3	California . . . . .	125
11.1.3.2.4	Colorado . . . . .	127
11.1.3.2.5	Florida . . . . .	127
11.1.3.2.6	Hawaii . . . . .	127
11.1.3.2.7	Illinois . . . . .	127
11.1.3.2.8	Kansas . . . . .	128
11.1.3.2.9	Massachusetts . . . . .	128
11.1.3.2.10	Missouri . . . . .	128
11.1.3.2.11	Nevada . . . . .	129
11.1.3.2.12	New Jersey . . . . .	129
11.1.3.2.13	New York . . . . .	129
11.1.3.2.14	Oregon . . . . .	131
11.1.3.2.15	Pennsylvania . . . . .	131
11.1.3.2.16	Texas . . . . .	132
11.1.3.2.17	Virginia . . . . .	132
11.1.3.2.18	Washington . . . . .	132
11.1.4	Vehicle-Sharing Platforms . . . . .	133
11.1.4.1	California . . . . .	133
11.1.4.2	Florida . . . . .	134

LAW OF THE SHARING ECONOMY

11.1.4.3	Maryland . . . . .	134
11.1.4.4	Massachusetts . . . . .	134
11.1.4.5	New York . . . . .	134
11.1.4.6	Oregon . . . . .	135
11.1.4.7	Utah . . . . .	135
11.1.4.8	Washington . . . . .	135
11.1.4.9	West Virginia . . . . .	135
11.1.5	Other Platforms . . . . .	135
11.2	Other English Law Jurisdictions . . . . .	136
11.2.1	United Kingdom . . . . .	136
11.2.1.1	Accommodation Platforms . . . . .	136
11.2.1.2	Event-Ticketing Platforms . . . . .	136
11.2.1.3	Ride-Sharing Platforms . . . . .	136
11.2.2	Australia . . . . .	137
11.2.2.1	Accommodation Platforms . . . . .	137
11.2.2.2	Ride-Sharing Platforms . . . . .	137
11.2.3	New Zealand . . . . .	138
11.2.3.1	Ride-Sharing Platforms . . . . .	138
11.2.4	India . . . . .	138
11.2.4.1	Ride-Sharing Platforms . . . . .	138
11.2.5	South Africa . . . . .	138
11.2.5.1	Ride-Sharing Platforms . . . . .	138
11.2.6	Hong Kong . . . . .	139
11.2.6.1	Ride-Sharing Platforms . . . . .	139
11.2.7	Israel . . . . .	139
11.2.7.1	Ride-Sharing Platforms . . . . .	139
11.2.8	Singapore . . . . .	139
11.2.8.1	Ride-Sharing Platforms . . . . .	139
11.3	Europe . . . . .	139
11.3.1	Accommodation Platforms . . . . .	140
11.3.1.1	France . . . . .	141
11.3.1.2	Germany . . . . .	142
11.3.1.3	The Netherlands . . . . .	142
11.3.1.4	Spain . . . . .	142
11.3.2	Ride-Sharing Platforms . . . . .	143
11.3.2.1	France . . . . .	146
11.3.2.2	Germany . . . . .	146
11.3.2.3	Italy . . . . .	147
11.3.2.4	Spain . . . . .	148
11.3.2.5	The Netherlands . . . . .	149
11.3.2.6	Belgium . . . . .	149
11.3.2.7	Luxembourg . . . . .	149
11.3.2.8	Hungary . . . . .	149
11.3.2.9	Portugal . . . . .	149
11.3.2.10	Denmark . . . . .	150
11.3.2.11	Finland . . . . .	150
11.3.2.12	Norway . . . . .	150
11.3.2.13	Bulgaria . . . . .	150

	11.3.2.14	Poland . . . . .	150	
	11.3.2.15	Romania . . . . .	150	
	11.3.2.16	Czech Republic . . . . .	151	
11.4		Latin America . . . . .	151	
	11.4.1	Argentina . . . . .	151	
	11.4.2	Brazil . . . . .	151	
	11.4.3	Colombia . . . . .	151	
11.5		Other Jurisdictions . . . . .	152	
	11.5.1	Russia . . . . .	152	
11.6		Canada . . . . .	152	
	11.6.1	Accommodation Platforms . . . . .	152	
		11.6.1.1 Alberta . . . . .	152	
		11.6.1.2 British Columbia . . . . .	152	
		11.6.1.3 Ontario . . . . .	153	
		11.6.1.4 Québec . . . . .	154	
	11.6.2	Event-Ticketing Platforms . . . . .	155	
	11.6.3	Ride-Sharing Platforms . . . . .	155	
		11.6.3.1 Federal Law . . . . .	155	
		11.6.3.2 Provincial and Local Law . . . . .	155	
			11.6.3.2.1 Alberta . . . . .	155
			11.6.3.2.2 British Columbia . . . . .	156
			11.6.3.2.3 Ontario . . . . .	156
			11.6.3.2.4 Québec . . . . .	158
<i>Chapter 12:</i>		Competition . . . . .	160	
12.1		United States . . . . .	161	
	12.1.1	Event-Ticketing Platforms . . . . .	161	
	12.1.2	Ride-Sharing Platforms . . . . .	161	
		12.1.2.1 Monopolization . . . . .	162	
		12.1.2.2 Price Fixing . . . . .	162	
		12.1.2.3 Predatory Pricing . . . . .	163	
		12.1.2.4 Restraint of Trade . . . . .	164	
		12.1.2.5 Other Issues . . . . .	164	
12.2		Other English Law Jurisdictions . . . . .	165	
	12.2.1	United Kingdom . . . . .	165	
		12.2.1.1 Event-Ticketing Platforms . . . . .	165	
		12.2.1.2 Other Platforms . . . . .	165	
	12.2.2	Australia . . . . .	166	
		12.2.2.1 Ride-Sharing Platforms . . . . .	166	
	12.2.3	India . . . . .	166	
		12.2.3.1 Ride-Sharing Platforms . . . . .	166	
	12.2.4	Singapore . . . . .	166	
		12.2.4.1 Ride-Sharing Platforms . . . . .	166	
		12.2.4.2 Vehicle-Sharing Platforms . . . . .	167	
12.3		Europe . . . . .	167	
	12.3.1	Spain . . . . .	167	
		12.3.1.1 Ride-Sharing Platforms . . . . .	167	
		12.3.1.2 Ride-Sharing Platforms . . . . .	167	

LAW OF THE SHARING ECONOMY

12.3.2	Italy	167
12.3.2.1	Accommodation Platforms	167
12.3.3	Luxembourg	167
12.3.3.1	Ride-Sharing Platforms	167
12.4	Other Jurisdictions	168
12.4.1	Brazil	168
12.4.1.1	Ride-Sharing Platforms	168
12.4.2	Colombia	168
12.4.2.1	Ride-Sharing Platforms	168
12.4.3	Japan	168
12.4.3.1	Accommodation Platforms	168
12.4.4	Philippines	168
12.4.4.1	Ride-Sharing Platforms	168
12.4.5	Vietnam	169
12.4.5.1	Ride-Sharing Platforms	169
12.5	Canada	169
12.5.1	Event-Ticketing Platforms	169
12.5.2	Ride-Sharing Platforms	169
<i>Chapter 13:</i>	<i>Privacy</i>	171
13.1	Regulation	171
13.1.1	United States	171
13.1.1.1	Federal Law	171
13.1.1.2	State and Local Law	171
13.1.1.3	Accommodation Platforms	172
13.1.1.4	Event-Ticketing Platforms	172
13.1.1.5	Ride-Sharing Platforms	172
13.1.1.5.1	Federal Law	172
13.1.1.5.2	State and Local Law	173
13.1.1.6	Vehicle-Sharing Platforms	174
13.1.2	Other English Law Jurisdictions	175
13.1.2.1	United Kingdom	175
13.1.2.1.1	Ride-Sharing Platforms	175
13.1.3	Europe	175
13.1.3.1	Ride-Sharing Platforms	175
13.1.3.1.1	Italy	175
13.1.3.1.2	The Netherlands	175
13.1.4	Other Jurisdictions	175
13.1.4.1	China	175
13.1.5	Canada	176
13.1.5.1	Accommodation Platforms	176
13.1.5.2	Ride-Sharing Platforms	176
13.1.5.2.1	Federal Law	176
13.1.5.2.2	Provincial Law	176
13.2	Private Disputes	177
13.2.1	United States	177
13.2.1.1	Accommodation Platforms	177
13.2.1.2	Ride-Sharing Platforms	178



	13.2.1.2.1 Passengers . . . . .	178
	13.2.1.2.2 Drivers . . . . .	179
	13.2.2 India . . . . .	181
	13.2.2.1 Ride-Sharing Platforms . . . . .	181
	13.2.3 Canada . . . . .	181
	13.2.3.1 Ride-Sharing Platforms . . . . .	181
<i>Chapter 14:</i>	Accessibility . . . . .	182
14.1	United States . . . . .	182
14.1.1	Event-Ticketing Platforms . . . . .	184
14.1.2	Ride-Sharing Platforms . . . . .	184
14.1.2.1	UBER . . . . .	184
14.1.2.2	LYFT . . . . .	185
14.1.2.3	Other Ride-Sharing Platforms . . . . .	185
14.1.3	Vehicle-Sharing Platforms . . . . .	186
14.1.4	Other Platforms . . . . .	186
14.2	Canada . . . . .	186
<i>Chapter 15:</i>	Discrimination . . . . .	187
15.1	Regulation . . . . .	187
15.1.1	United States . . . . .	187
15.1.1.1	Accommodation Platforms . . . . .	187
15.1.1.2	Ride-Sharing Platforms . . . . .	188
15.1.1.3	Other Platforms . . . . .	188
15.1.2	Other Jurisdictions . . . . .	188
15.1.2.1	China . . . . .	188
15.1.3	Canada . . . . .	189
15.2	Private Disputes . . . . .	189
15.2.1	United States . . . . .	189
15.2.1.1	Accommodation Platforms . . . . .	189
15.2.1.2	Ride-Sharing Platforms . . . . .	190
15.2.2	Canada . . . . .	190
15.2.2.1	Accommodation Platforms . . . . .	190
<i>Chapter 16:</i>	Legal Profession . . . . .	191
16.1	United States . . . . .	191
16.1.1	Ride-Sharing Platforms . . . . .	191
16.1.1.1	UBER . . . . .	191
16.1.1.2	LYFT . . . . .	191
16.1.1	Other Platforms . . . . .	191
16.2	Canada . . . . .	192
16.2.1	Ride-Sharing Platforms . . . . .	192
<i>Chapter 17:</i>	Securities . . . . .	193
17.1	United States . . . . .	193
17.1.1	Ride-Sharing Platforms . . . . .	193
17.1.1.1	Uber . . . . .	193
17.1.1.2	Lyft . . . . .	193
17.1.1	Other Platforms . . . . .	193
17.2	Canada . . . . .	194

LAW OF THE SHARING ECONOMY

<i>Chapter 18:</i>	Taxation . . . . .	195
18.1	United States . . . . .	195
18.1.1	Accommodation Platforms . . . . .	195
18.1.2	Event-Ticketing Platforms . . . . .	196
18.1.3	Ride-Sharing Platforms . . . . .	196
18.1.4	Other Platforms . . . . .	196
18.2	Other English Language Jurisdictions . . . . .	197
18.2.1	United Kingdom . . . . .	197
18.2.1.1	Accommodation Platforms . . . . .	197
18.2.1.2	Event-Ticketing Platform . . . . .	197
18.2.1.3	Ride-Sharing Platform . . . . .	197
18.2.2	Australia . . . . .	197
18.2.2.1	Ride-Sharing Platforms . . . . .	197
18.3	Europe . . . . .	197
18.3.1	France . . . . .	197
18.3.2	Germany . . . . .	198
18.3.3	Italy . . . . .	198
18.4	International . . . . .	198
18.5	Other Jurisdictions . . . . .	199
18.5.1.1	Taiwan . . . . .	199
18.6	Canada . . . . .	199
18.6.1	Accommodation Platforms . . . . .	199
18.6.2	Event-Ticketing Platforms . . . . .	199
18.6.3	Ride-Sharing Platforms . . . . .	199
18.6.3.1	Federal Law . . . . .	199
18.6.3.2	Provincial Law . . . . .	199
18.6.3.2.1	Québec . . . . .	199
<i>Chapter 19:</i>	Security . . . . .	200
19.1	United States . . . . .	201
19.1.1	Event-Ticketing Platforms . . . . .	201
19.1.2	Ride-Sharing Platforms . . . . .	201
19.1.2.1	Regulation . . . . .	201
19.1.2.1.1	Federal . . . . .	201
19.1.2.1.2	State . . . . .	201
19.1.2.2	Private Disputes . . . . .	202
19.2	Europe . . . . .	203
19.2.1	Accommodation Platforms . . . . .	203
19.2.2	Ride-Sharing Platforms . . . . .	203
19.2.2.1	France . . . . .	203
19.3	Canada . . . . .	203
19.3.1	Ride-Sharing Platforms . . . . .	203
19.3.1.1	Regulation . . . . .	203
19.3.1.1.1	Federal Law . . . . .	203
19.3.1.1.2	Provincial and Local Law . . . . .	204
19.3.1.1.3	Private Disputes . . . . .	204

<i>Chapter</i> 20:	Spam . . . . .	205
20.1	United States . . . . .	205
20.1.1	Ride-Sharing Platforms . . . . .	205
20.1.1.1	Regulation . . . . .	205
20.1.1.2	Private Disputes . . . . .	205
20.1.1.2.1	UBER . . . . .	205
20.1.1.2.2	LYFT . . . . .	206
20.1.2	Other Platforms . . . . .	206
20.2	Canada . . . . .	207
<i>Chapter</i> 21:	Scraping . . . . .	208
21.1	United States . . . . .	208
21.1.1	Accommodation Platforms . . . . .	208
21.1.2	Event-Ticketing Platforms . . . . .	208
21.2	Canada . . . . .	209
<i>Chapter</i> 22:	Contracts . . . . .	210
22.1	United States . . . . .	210
22.1.1	Accommodation Platforms . . . . .	210
22.1.1.1	AIRBNB . . . . .	210
22.1.1.2	HOMEAWAY . . . . .	211
22.1.1.3	Landlords and Tenants . . . . .	212
22.1.2	Event-Ticketing Platforms . . . . .	212
22.1.3	Ride-Sharing Platforms . . . . .	213
22.1.3.1	Passengers . . . . .	213
22.1.3.1.1	UBER . . . . .	213
22.1.3.1.2	Arbitration . . . . .	213
22.1.3.2	Drivers . . . . .	215
22.1.3.2.1	UBER . . . . .	217
22.1.3.2.2	LYFT . . . . .	220
22.1.3.2.3	Others . . . . .	221
22.1.4	Other Platforms . . . . .	221
22.1.4.1	Customers . . . . .	221
22.1.4.2	Suppliers . . . . .	222
22.2	Other English Law Jurisdictions . . . . .	222
22.2.1	United Kingdom . . . . .	222
22.2.1.1	Accommodation Platforms . . . . .	222
22.2.2	Australia . . . . .	223
22.2.2.1	Accommodation Platforms . . . . .	223
22.2.2.2	Other Platforms . . . . .	223
22.2.3	Singapore . . . . .	223
22.2.3.1	Ride-Sharing Platforms . . . . .	223
22.3	Canada . . . . .	223
22.3.1	Accommodation Platforms . . . . .	224
22.3.1.1	Alberta . . . . .	224
22.3.1.2	British Columbia . . . . .	224

LAW OF THE SHARING ECONOMY

	22.3.1.3 Nova Scotia . . . . .	225
	22.3.1.4 Ontario . . . . .	225
	22.3.1.5 Prince Edward Island . . . . .	226
	22.3.1.6 Québec . . . . .	226
	22.3.1.7 Saskatchewan . . . . .	231
	22.3.2 Other Platforms . . . . .	231
<i>Chapter</i>	23: Franchising . . . . .	232
	23.1 United States . . . . .	233
	23.2 Canada . . . . .	233
<i>Chapter</i>	24: Workers . . . . .	234
	24.1 Ride-Sharing Platforms as Example . . . . .	236
	24.2 United States . . . . .	238
	24.2.1 Classification of Workers . . . . .	238
	24.2.1.1 Tests for Classification . . . . .	240
	24.2.2 Legislation . . . . .	242
	24.2.2.1 Federal . . . . .	242
	24.2.2.2 State . . . . .	244
	24.2.2.2.1 Pro-Business Legislation . . . . .	244
	24.2.2.2.2 Pro-Worker Legislation . . . . .	247
	24.2.3 Accommodation Platforms . . . . .	249
	24.2.4 Ride-Sharing Platforms . . . . .	249
	24.2.4.1 Federal Regulation . . . . .	250
	24.2.4.2 State Legislation . . . . .	250
	24.2.4.2.1 Florida . . . . .	250
	24.2.4.2.2 Texas . . . . .	250
	24.2.4.3 State Regulation . . . . .	250
	24.2.4.3.1 Alaska . . . . .	250
	24.2.4.3.2 California . . . . .	251
	24.2.4.3.3 New Jersey . . . . .	251
	24.2.4.4 Municipal Regulation . . . . .	251
	24.2.4.5 Classification of Workers . . . . .	252
	24.2.4.5.1 UBER . . . . .	252
	24.2.4.5.2 LYFT . . . . .	257
	24.2.4.6 On-call Time . . . . .	258
	24.2.4.7 Compensation . . . . .	258
	24.2.4.7.1 UBER . . . . .	258
	24.2.4.7.2 LYFT . . . . .	260
	24.2.4.8 Benefits . . . . .	260
	24.2.4.7.1 UBER . . . . .	260
	24.2.4.7.2 LYFT . . . . .	260
	24.2.4.9 Discrimination . . . . .	260
	24.2.4.10 Working Conditions . . . . .	261
	24.2.4.11 Harassment . . . . .	261
	24.2.4.12 Violence . . . . .	261
	24.2.4.12.1 By Drivers . . . . .	261
	24.2.4.12.2 Against Drivers . . . . .	263
	24.2.4.13 Privacy and Confidentiality . . . . .	264

	24.2.4.13.1 UBER . . . . .	264
	24.2.4.13.2 LYFT . . . . .	264
	24.2.4.14 Unfair Practices . . . . .	265
	24.2.4.14.1 UBER . . . . .	265
	24.2.4.14.2 LYFT . . . . .	265
	24.2.4.15 Unionization . . . . .	265
	24.2.5 Other Platforms . . . . .	266
	24.2.6.1 Worker Classification . . . . .	266
	24.2.6.2 On-Call Time . . . . .	267
	24.2.6.3 Compensation . . . . .	267
24.3	Other English Law Jurisdictions . . . . .	268
	24.3.1 United Kingdom . . . . .	268
	24.3.1.1 Ride-Sharing Platforms . . . . .	269
	24.3.1.2 Other Platforms . . . . .	270
	24.3.2 Australia . . . . .	270
	24.3.2.1 Ride-Sharing Platforms . . . . .	270
	24.3.2.2 Other Platforms . . . . .	270
24.4	Europe . . . . .	270
	24.4.1 Ride-Sharing Platforms . . . . .	271
	24.4.1.1 France . . . . .	271
	24.4.1.1.1 Ride-Sharing Platforms . . . . .	271
	24.4.1.1.2 Other Platforms . . . . .	272
	24.4.1.2 Spain . . . . .	272
	24.4.1.2.1 Other Platforms . . . . .	272
	24.4.1.3 Italy . . . . .	273
	24.4.1.3.1 Other Platforms . . . . .	273
	24.4.1.4 Belgium . . . . .	273
	24.4.1.4.1 Ride-Sharing Platforms . . . . .	273
	24.4.1.5 Switzerland . . . . .	273
	24.4.1.5.1 Ride-Sharing Platforms . . . . .	273
	24.4.1.6 Finland . . . . .	273
	24.4.1.6.1 Ride-Sharing Platforms . . . . .	273
24.5	Other Jurisdictions . . . . .	273
	24.5.1 Brazil . . . . .	273
	24.5.1.1 Ride-Sharing Platforms . . . . .	273
	24.5.2 Chile . . . . .	274
	24.5.2.1 Ride-Sharing Platforms . . . . .	274
	24.5.3 China . . . . .	274
	24.5.3.1 Ride-Sharing Platforms . . . . .	274
24.6	Canada . . . . .	274
	24.6.1 Ride-Sharing Platforms . . . . .	279
	24.6.2 Other Platforms . . . . .	280
<i>Chapter</i> 25:	Academia . . . . .	281
	25.1 United States . . . . .	281
	25.1.1 Accommodation Platforms . . . . .	281
	25.2 Canada . . . . .	281

LAW OF THE SHARING ECONOMY

<i>Chapter</i> 26:	Defamation . . . . .	282
26.1	United States . . . . .	282
26.1.1	Accommodation Platforms . . . . .	282
26.1.2	Event-Ticketing Platforms . . . . .	282
26.1.3	Ride-Sharing Platforms . . . . .	282
26.1.4	Other Platforms . . . . .	283
26.2	Canada . . . . .	283
<i>Chapter</i> 27:	Harassment . . . . .	284
27.1	United States . . . . .	284
27.1.1	Accommodation Platforms . . . . .	284
27.1.2	Ride-Sharing Platforms . . . . .	284
27.1.2.1	UBER . . . . .	284
27.1.2.2	LYFT . . . . .	284
27.2	Canada . . . . .	285
27.2.1	Ride-Sharing Platforms . . . . .	285
<i>Chapter</i> 28:	Violence . . . . .	286
28.1	United States . . . . .	286
28.1.1	Accommodation Platforms . . . . .	286
28.1.2	Ride-Sharing Platforms . . . . .	286
28.1.2.1	UBER . . . . .	287
28.1.2.2	LYFT . . . . .	290
28.2	Canada . . . . .	290
28.2.1	Ride-Sharing Platforms . . . . .	290
<i>Chapter</i> 29:	Product Liability . . . . .	291
29.1	United States . . . . .	291
29.1.1	Ride-Sharing Platforms . . . . .	291
29.2	Canada . . . . .	291
<i>Chapter</i> 30:	Other Torts . . . . .	292
30.1	United States . . . . .	292
30.1.1	Accommodation Platforms . . . . .	292
30.1.1.1	AIRBNB . . . . .	292
30.1.1.2	HOMEAWAY . . . . .	292
30.1.2	Event-Ticketing Platforms . . . . .	293
30.1.3	Ride-Sharing Platforms . . . . .	293
30.1.3.1	UBER . . . . .	293
30.1.3.2	LYFT . . . . .	295
30.1.4	Other Platforms . . . . .	295
30.2	Canada . . . . .	296
30.2.1	Accommodation Platforms . . . . .	296
30.2.2	Vehicle-Sharing Platforms . . . . .	296
<i>Chapter</i> 31:	Confidential Information . . . . .	297
31.1	United States . . . . .	297
31.1.1	Accommodation Platforms . . . . .	297
31.1.2	Event-Ticketing Platforms . . . . .	297
31.1.3	Ride-Sharing Platforms . . . . .	297
31.1.3.1	UBER . . . . .	297

	31.1.3.2 LYFT . . . . .	299
	31.1.4 Other Platforms . . . . .	299
	31.2 Canada . . . . .	299
<i>Chapter</i>	32: Patents . . . . .	300
	32.1 United States . . . . .	300
	32.1.1 Accommodation Platforms . . . . .	300
	32.1.2 Ride-Sharing Platforms . . . . .	300
	32.1.3 Other Platforms . . . . .	301
	32.2 Canada . . . . .	301
<i>Chapter</i>	33: Copyright . . . . .	302
	33.1 United States . . . . .	302
	33.1.1 Accommodation Platforms . . . . .	302
	33.1.2 Event-Ticketing Platforms . . . . .	302
	33.2 Europe . . . . .	302
	33.2.1 France . . . . .	303
	33.2.1.1 Accommodation Platforms . . . . .	303
	33.3 Canada . . . . .	303
	33.3.1 Accommodation Platforms . . . . .	303
<i>Chapter</i>	34: Personality Rights and Impersonation . . . . .	304
	34.1 United States . . . . .	304
	34.1.1 Accommodation Platforms . . . . .	304
	34.1.2 Ride-Sharing Platforms . . . . .	304
	34.2 Canada . . . . .	304
<i>Chapter</i>	35: Advertising . . . . .	305
	35.1 United States . . . . .	305
	35.1.1 Regulation . . . . .	305
	35.1.1.1 Event-Ticketing Platforms . . . . .	305
	35.1.1.1.1 Federal Law . . . . .	305
	35.1.1.1.2 State and Local Law . . . . .	305
	35.1.1.2 Ride-Sharing Platforms . . . . .	306
	35.1.1.2.1 Federal Law . . . . .	306
	35.1.1.2.2 State and Local Law . . . . .	306
	35.1.1.3 Vehicle-Sharing Platforms . . . . .	307
	35.1.1.4 Other Platforms . . . . .	307
	35.1.2 Private Disputes . . . . .	307
	35.1.2.1 Accommodation Platforms . . . . .	307
	35.1.2.1.1 AIRBNB . . . . .	307
	35.1.2.1.2 HOMEAWAY . . . . .	307
	35.1.2.2 Event-Ticketing Platforms . . . . .	308
	35.1.2.3 Ride-Sharing Platforms . . . . .	308
	35.1.2.3.1 UBER . . . . .	308
	35.1.2.3.2 LYFT . . . . .	310
	35.1.2.4 Vehicle-Sharing Platforms . . . . .	311
	35.1.2.5 Other Platforms . . . . .	311
	35.2 Other English Law Jurisdictions . . . . .	311
	35.2.1 United Kingdom . . . . .	311

LAW OF THE SHARING ECONOMY

35.2.1.1	Event-Ticketing Platforms . . . . .	311
35.2.2	Australia . . . . .	312
35.2.2.1	Event-Ticketing Platforms . . . . .	312
35.3	Europe . . . . .	312
35.3.1	Accommodation Platforms . . . . .	312
35.3.2	Germany . . . . .	312
35.3.3	Italy . . . . .	313
35.3.3.1	Event-Ticketing Platforms . . . . .	313
35.3.4	Switzerland . . . . .	313
35.3.4.1	Event-Ticketing Platforms . . . . .	313
35.4	Canada . . . . .	313
35.4.1	Regulation . . . . .	313
35.4.1.1	Event-Ticketing Platforms . . . . .	313
35.4.2	Private Disputes . . . . .	313
35.4.2.1	Accommodation Platforms . . . . .	313
35.4.2.2	Event-Ticketing Platforms . . . . .	314
<i>Chapter 36:</i>	Trademarks . . . . .	315
36.1	United States . . . . .	315
36.1.1	Ride-Sharing Platforms . . . . .	315
36.1.1.1	UBER . . . . .	315
36.1.1.2	LYFT . . . . .	316
36.1.2	Other Platforms . . . . .	316
36.2	Other English Law Jurisdictions . . . . .	316
36.2.1	United Kingdom . . . . .	316
36.2.1.1	Accommodation Platforms . . . . .	316
36.2.2	Singapore . . . . .	317
36.2.2.1	Ride-Sharing Platforms . . . . .	317
36.3	Canada . . . . .	317
<i>Index</i>	. . . . .	319



# Index

*References given are to page numbers.*

**Academia**, 281

**Accessibility**, 182-187

**Accommodation platforms**

- advertising, 307
- AIRBNB, 15-20, *see also* AIRBNB
- Australia, 33, 137
- Canada, 36-39, 152-154
- competition, 167, 168
- confidential information, 297
- contracts, 210-212, 222, 223, 224-231
- copyright, 302-303
- criminal issues, 108, 112, 113-114
- defamation, 282
- defined, 15
- discrimination, 187-188, 189, 190
- Europe, 34-36, 141-143
- evidence, 106
- harassment, 284
- HOMEAWAY, 20-22, *see also* HOMEAWAY
- industry challenges, 22-25
- patents, 300
- privacy
  - private disputes, 177
  - regulation, 172, 176
- regulation, 115-122, 136, 137, 140-143, 152-154
- scraping, 208
- security issues, 203
- taxation issues, 195-196, 197, 199
- trademarks, 315, 316
- United Kingdom, 33, 136
- United States
  - private disputes, 33

- regulation, 26-33, 115-122
- university dormitories, 281
- violence, 286, 290

**Advertising**, 305-314

**AIRBNB**

- advertising, 307, 312
- content policy, 19
- contracts, 210, 224-231
- features, 16-17
- generally, 15-16
- insurance, 19-20
- patents, 300
- terms of service, 17-19

**Competition**, 160-171

**Confidential information**, 297-299

**Contracts**, 210-231

**Copyright**, 302-303

**Criminal issues**

- accommodation platforms, 108, 112, 113-114
- event-ticketing platforms, 108, 113
- ride-sharing platforms, 108-112, 113, 114
- yacht-sharing platform, 112

**Defamation**, 282-283

## LAW OF THE SHARING ECONOMY

### **Discrimination**

- private disputes, 189-190
- regulation, 187-189

### **DOORDASH**

- classification of drivers, 216-207, 222, 248, 266-267
- generally, 101
- tips, action re, 221, 268, 307
- trademarks, use of, 317

### **Event-ticketing platforms**

- accessibility, 184
- advertising, 305-306, 308, 311-312, 313-314
- competition, 161, 165, 169
- confidential information, 297
- contracts, 212-213
- copyright, 302
- criminal issues, 108, 113
- defamation, 282
- generally, 40-41
- privacy regulation, 172
- regulation, 122-123, 136, 155
- scraping, 208
- security issues, 201
- STUBHUB, *see also* STUBHUB
  - Canada, 44
  - generally, 41-42
  - industry challenges, 42
  - terms of service, 42
  - United Kingdom, 43, 136, 165
  - United States, 42-43, 161
- taxation issues, 196

### **Evidence**, 106-107

### **Food delivery platforms**, 101-102, *see also* DOORDASH, GRUBHUB

### **Franchising**, 232-233

### **Glossary**, 12-14

### **GRUBHUB**

- accessibility, 186
- contracts, 222
- generally, 101
- securities, 193-194
- spam, 206
- torts, 295
- worker classification, 266-267

### **Harassment**, 284-285

### **HOMEAWAY**

- advertising, 307-308
- content policy, 22
- contracts, 211-212
- features, 21
- generally, 20-21
- insurance, 22
- patents, 300
- terms of service, 21-22

### **Impersonation**, 304

### **Jurisdiction**, 104

### **Landlord and tenant issues**

- prohibition against subleasing, 210, 212, 223, 225-231, 292, 296
- restraining short-term rentals, 33
- termination of residential lease, 137

### **Legal profession**, 191-192

### **LYFT**

- confidential information, 299
- contracts, 216, 220
- criminal issues, 111-112
- drivers, 64
- features, 63
- generally, 63

- patents, 300
  - service tiers, 63
  - terms of service, 64
  - violence, 290
- Patents**, 300-301
- Personality rights and impersonation**, 304
- Privacy**
- private disputes, 177-181
  - regulation, 171-177
- Procedure**, 105
- Product liability**, 291
- Regulation**
- accommodation platforms, 115-122, 136, 137, 140-143
  - event-ticketing platforms, 122-123, 136, 155
  - other platforms, 135
  - ride-sharing platforms, 123-133, 136, 137-138, 143-152, 155-159
  - vehicle-sharing platforms, 133-135
- Ride-sharing platforms**
- accessibility, 184-185
  - advertising, 306, 308-310
  - Australia, 79, 137-138, 166
  - Canada, 90-95, 105, 107, 155-159, 169-170
  - competition, 161-165, 166-170
  - confidential information, 297-299
  - contracts
    - drivers, 216-221
    - passengers, 213-216
  - criminal issues, 108-112, 113, 114
  - defamation, 282
  - discrimination, 188, 190
  - Europe, 81-89, 139-140, 146-151, 167
  - evidence, 106-107
  - harassment, 284-285
  - Hong Kong, 80, 139
  - India, 79-80, 138, 166
  - industry challenges, 65-69
  - Israel, 80, 138
  - jurisdiction, 104
  - Latin America, 89-90, 151
  - LYFT, *see also* LYFT
    - advertising, 310
    - confidential information, 299
    - criminal issues, 111-112
    - drivers, 64
    - features, 63
    - generally, 63
    - patents, 300
    - service tiers, 63
    - terms of service, 64
    - trademarks, 316
    - violence, 290
  - New Zealand, 79, 138
  - patents, 300
  - procedure, 105
  - product liability, 291
  - privacy
    - private disputes, 178-181
    - regulation, 172-174, 175, 176-177
  - regulation, 123-133, 136, 137-140, 143-152, 155-159
  - Russia, 90, 152
  - security issues, 201-204
  - South Africa, 80, 138
  - taxation issues, 196, 197, 199
  - trademarks, 315-316, 317
  - UBER, *see also* UBER
    - confidential information, 297-298
    - criminal issues, 108-111
    - drivers, 53-60
    - features, 47-50
    - generally, 46-47
    - insurance, 60

## LAW OF THE SHARING ECONOMY

- patents, 300
- questionable practices, 61-62
- service tiers, 50-52
- terms of service, 52-53
- trademarks, 315-316
- user generated content policy, 53
- violence, 287-289
- United Kingdom, 78-79, 136
- United States, 69-78, 105, 106-107, 123-133, 161-165
- violence, 286-290

**Scraping**, 208-209

**Securities**, 193-194

**Security issues**, 200-204

**Sharing economy defined**, 1, 2-11

**Spam**, 205-207

### **STUBHUB**

- advertising, 305, 308, 314
- Canada, 44
- competition, 161, 165
- confidential information, 297
- contracts, 212
- criminal issues, 108
- generally, 41-42
- industry challenges, 42
- privacy, 172
- regulation, 136
- scalping, 293
- security, 201
- terms of service, 42
- United Kingdom, 43
- United States, 42-43

**Taxation issues**, 195-199

### **Torts**

- fraud, 292
- nuisance, 292
- other torts, 293-296
- product liability, 291
- tortious interference with business, 293

**Trademarks**, 315-317

### **TURO**

- advertising, 134, 307, 311
- airports, and, 99-100, 133-134
- features, 97
- generally, 6, 96-97
- insurance, 98, 134, 307
- terms of services, 97-98

### **Types of platforms**

- accommodation platforms, 15-39
- event-ticketing platforms, 40-44
- food delivery platforms, 101-102
- ride-sharing platforms, 45-95
- vehicle-sharing platforms, 96-100

### **UBER**

- advertising, 308-310
- confidential information, 297-298
- contracts, 213-215, 217-220
- criminal issues, 108-111
- drivers
  - driver agreements, 56-58
  - driver classification, 58-59
  - generally, 53-55
  - sexual abuse, 59-60
- features, 47-50
- generally, 46-47
- insurance, 60
- patents, 300
- questionable practices
  - generally, 61
  - God View, 61
  - Greyball, 61

- Hell, 62
- other competitor disruption, 62
- service tiers, 50-52
- terms of service, 52-53
- trademarks, 315-316
- user generated content policy, 53
- violence, 59-60, 287-289

**Vehicle-sharing platforms**

- accessibility, 186
- advertising, 307, 311
- generally, 96
- industry challenges, 98-100
- insurance, 98
- privacy regulation, 174
- regulation, 133-135
- TURO, *see also* TURO
  - advertising, 311
  - features, 97
  - generally, 96-97
  - insurance, 98
  - terms of services, 97-98

**Violence, 286-290**

**Workers**

- classification of workers
  - Australia, 270
  - Brazil, 273
  - Canada, 274-280
  - Chile, 274
  - China, 274
  - Europe, 270
  - United Kingdom, 268-270
  - United States, 238-268
- generally, 234-236
- ride-sharing example, 236-238