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Hiperligações – uma breve introdução ao admirável mundo dos
mecanismos de associações de conteúdos

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Abstract

Hyperlinks are one of the most important mechanisms to retrieve data, where large amounts of digitized information are available.

A further thorough analysis of this mechanism and its legal implications should thus be undertaken so as to better understand its complexity. This article explores the concepts, taxonomy and some of the legal aspects of the use of hyperlinks, divided into two major areas. The first section analyses whether the mere act of making a hyperlink available can infringe third parties' rights over the content to which that hyperlink gives access, and, consequently, whether the provider of the hyperlink should ask for consent before he makes it available. The second section analyses the possible liability of the hyperlink provider regarding the content to which the hyperlink gives access, whether it concerns an illicit content or even a licit content. In this last case, the limitation on the use of hyperlinks determined by privacy concerns and, in particular, by the right to be forgotten, is also addressed.
