THE SELLER'S LIABILITY FOR DAMAGE CAUSED BY THE PRODUCTS SOLD.

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The decision of the California Court of Appeals (Cal. Ct. App., 4th Dist., No. D075738 - Bolger vs Amazon.com Inc.) in the case of a laptop battery exploding in the face of the buyer, months after the purchase, established that the seller is liable for damage caused by the products sold.

The decision reaffirms the non-liability ("neutrality") of e-commerce operators, but, in this specific case, Amazon is liable. Amazon, in fact, is an element of the sales chain producer-end user and manages communication with the consumer, the provision of the product, the logistics of delivery, payment and guarantee of the products. It is therefore clear that Amazon's role implies liabilities, in compliance with the principles expressed by the EU e-commerce directive.

Particularly relevant is that the Court overcomes the concept of producer's liability or seller's liability, stating that in California the strict liability overcomes these technicalities and compensates the plaintiff for damages caused by defective products.

Source: Il Sole 24 Ore.

Link: https://www.ilsole24ore.com/art/e-commerce-amazon-risponde-i-danni-causati-prodotti-venduti-ADIR4Bj