JUS5650: Enforcement and Dispute Resolution in a Digital Context – Spring 2014 Lecture Overview & Reading

Please see the lecture hours and lecture rooms in the schedule published on the course website.

The lecturers are:

- TM: Tobias Mahler, Associate Professor, NRCCL (responsible for overall course)
- EW: Emily Weitzenboeck, Postdoctoral Research Fellow, NRCCL

Literature should be read before the lectures; the references below point to both required and supplemental literature listed in the course syllabus.

Date	Lecture	Issues	Reading	Lecturer
27.01.	Introduction to course; Lex informatica and cyberspace I	- General overview of course - Brief introduction to interlegal issues and dispute resolution - Introduction to "lex informatica" and "code"	- Chris Reed, Making Laws for Cyberspace, Introduction, Chapter 1: Command and control, Chapter 2: The route to lawfulness - Lessig, Code version 2.0, 2006, Chapters 1, 7,17 - Reidenberg, "Lex Informatica: The Formulation of Information Policy Rules Through Technology", Texas Law Review, 1998, vol. 76, pp. 553–593	TM
03.02.	Lex informatica and cyberspace II	Continued from lecture 1	- Rotenberg, "Fair Information Practices and the Architecture of Privacy (What Larry Doesn't Get)", Stanford Technology Law Review, 2001 - Greenleaf, "An Endnote on Regulating Cyberspace: Architecture vs Law?" University of New South Wales Law Journal, 1998, vol. 21, no. 2	TM
10.02. NB! 08:15-10:00	Self-regulation and co-regulation	- What is self-regulation? - What is co-regulation? - What are their respective advantages and disadvantages? - Variants of codes of practice/conduct	- Koops et al, "Should Self-Regulation be the Starting Point?" in Koops et al (eds.) Starting Points for ICT Regulation: Deconstructing Prevalent Policy One-Liners, 2006, pp. 109–149 - Mifsud Bonnici, 3, Self-regulation in Cyberspace, 2008, pp. 9–32	TM

24.02.	Cybercrime	- Emergence of new forms of criminal activity related to computer use and cyberspace - Distinguishing features of cybercrime - Legal methodological issues related to analysis and assessment of cybercrime - Enforcement problems	- Wall, Cybercrime, 2007, pp. 17–19; 157–166 - Edwards & Waelde (eds.), Law and the Internet, 2009, Chapters 19, 20 and 21	TM
28.02.	*Announcement of essay question*	*See Fronter*	*n/a*	*n/a*
03.03.	Dispute resolution I: jurisdiction and enforcement	- Jurisdiction and arbitration clauses - Consumer protection issues - Internet enforcement	- Hörnle, "The Jurisdictional Challenge of the Internet", in Edwards & Waelde (eds.), Law and the Internet, 2009, Chapter 3 - Reidenberg, "States and Internet Enforcement", University of Ottawa Law & Technology Journal, 2003–04, vol. 1, pp. 213–230 - Chris Reed, Making Laws for Cyberspace, Chapter 3: Extraterritoriality	EW
10.03.	Dispute resolution II: applicable law	- Proper law of online contracts - Proper law of torts - Consumer protection issues	- Hörnle (as above) - Gilles, "Addressing the 'Cyberspace Fallacy': Targeting the Jurisdiction of an Electronic Consumer Contract", International Journal of Law and Information Technology, 2008, vol. 16, no. 3, pp. 242–269 - Tang, "The Interrelationship of European Jurisdiction and Choice of Law in Contract", Journal of Private International Law, 2008, vol. 4, no. 1, pp. 35–59	EW
17.03.	Dispute resolution III: ADR	- Types of ADR - Mediation - e-ADR	- Schiavetta, Electronic Alternative Dispute Resolution – Increasing Access to Justice via Procedural Protections (doctoral thesis), 2008, Chapter 1, pp. 23– 48 - Schiavetta, "The Relationship between e-ADR and Article 6 of the European convention of Human Rights pursuant to the case law of the European Court of Human Rights", Journal of Information, Law and Technology, 2004, no. 1	TM
22.03.	*Submit draft term paper*			n/a
24.03.	Legal risk management	- Risk and legal risk - How to carry out a legal risk assessment	Mahler, Legal Risk Management: Developing and Evaluating Elements of a Method for Proactive Legal Analyses, With a Particular Focus on Contracts, 2010, Chapters 1, 4, 6, 13	TM

31.03.	Essay workshop	Work-in-progress discussion of the Term Paper; includes tips on how to write a good paper (eventually, a thesis)	n/a	n/a
07.04.	Enforcement in cloud computing	• Introduction to cloud computing • Enforcement issues and cloud computing	• Council of Europe, "Cloud Computing and cybercrime investigations: Territoriality vs. the power of disposal?", 2010 • Chris Reed, Making Laws for Cyberspace, Chapter 4: Enforcement in cyberspace	TM
28.04.	Cyberspace and information security	• Introduction to information security law • Assessing security and legal risk	• Chris Reed, Making Laws for Cyberspace, Chapter 5: Sources of authority, Chapter 8: Three ways to make meaningless law, Chapter 9: Aims and effectiveness • Proposal for a Directive of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union - COM(2013) 48 final - 7/2/2013 - EN	TM
See web	*Deadline final term paper*			