Introduction to the Course
Lex Informatica and Cyberspace

JUS5650 – Spring 2017

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23.01.2017

Agenda

- Course overview
  - Aims, structure, literature, assessment
- *Lex informatica* and cyberspace
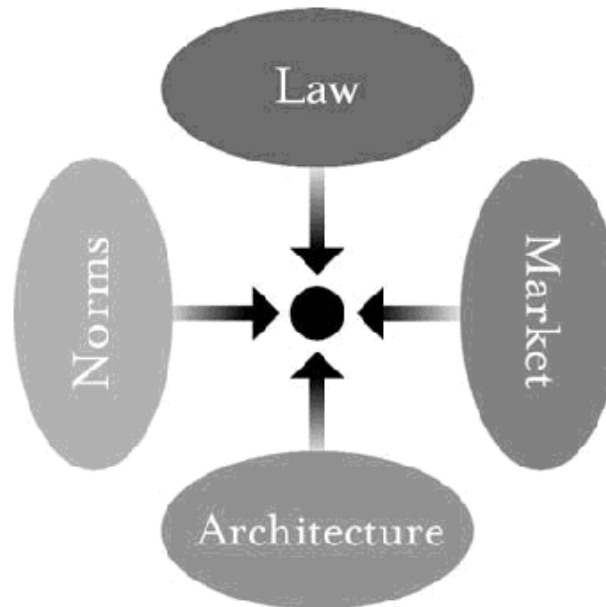 - Definition and characteristics of cyberspace

INTRODUCTION TO THE COURSE

Course overview

- **Lex informatica and cyberspace**
- **Self-regulation and co-regulation**
- **Cybercrime**
- **Dispute resolution**
  - **Jurisdiction and enforcement**
    - » **Essay question**
  - **Applicable law**
  - **Alternative dispute resolution**
    - » **Submit draft term paper**

- **Legal risk management**
- **Essay workshop**
- **Enforcement in cloud computing**
- **Cyberspace and information security**
  - » **Submit final term paper**

Lex informatica

- From lex mercatoria to lex informatica
- The regulatory role of technology
- Code is law

Self- and co-regulation

- What is self-regulation?

- What is co-regulation?

- What are their respective advantages and disadvantages?

- Variants of codes of practice/conduct

- Enforcement issues

Cybercrime

- Emergence of new forms of criminal activity related to computer use and cyberspace
- Distinguishing features of cybercrime
- Legal methodological issues
- Enforcement problems

Dispute resolution I jurisdiction

- Jurisdiction and arbitration clauses
- Consumer protection issues
- Internet enforcement
- Enforcement issues

Dispute resolution II applicable law

- Proper law of online contracts
- Proper law of torts
- Consumer protection issues
- Enforcement issues

Dispute resolution III
alternative dispute resolution (ADR)

- Types of ADR

- Mediation
  e-ADR

- Enforcement issues

Legal risk management

- How can we manage legal risk in a cyberspace context?
- Risk management
- Compliance management
- Relationship with "enforcement"

Essay workshop

- Advice on writing a good term paper
- Discussion of draft papers
- Thesis (LLM)

Enforcement in cloud computing

- Cloud computing
- Regulatory issues
- Compliance and risk issues
- Enforcement issues

Cyberspace and information security

- Information security as a field of practice
- Regulatory and enforcement issues
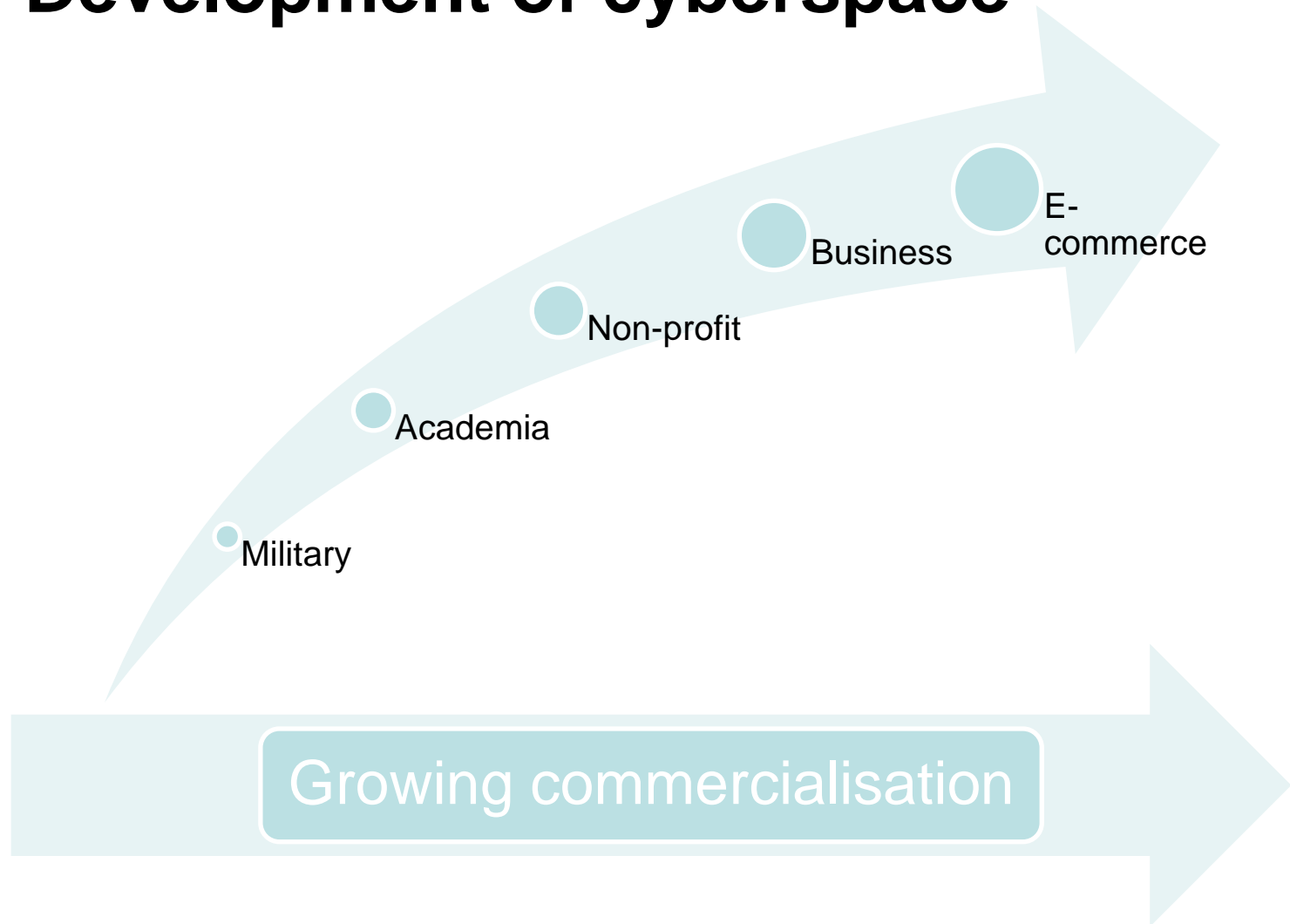
LEX INFORMATICA AND CYBERSPACE

Cyberspace

- Definition
  - "space", "realm", "environment", "domain"
  - interconnected computers systems and information resources

- Characteristics
  - global but fragmented
  - flexible and sometimes loose

- Communication
  - one2one
  - one2many

Control and ownership

- Who owns cyberspace?
  - Open/non-proprietary
  - Public/private?
- Geopolitical boundaries?
  - Country specific legislation

Development of cyberspace

Military

Academia

Non-profit

Business

E-commerce

Growing commercialisation

Other developments

- Increasing organisational empowerment
  - at some expense to individual empowerment
- Data privacy is an increasing concern
  - General Data Protection Regulation of 2016

Thank you!

Note:

The slides are revised versions of Tobias Mahler's presentation for JUS 5650 Spring 2016.