JUS5650: Enforcement and Dispute Resolution in a Digital Context – Spring 2017 Lecture Overview & Reading

Please see the lecture hours and lecture rooms in the schedule published on the course website. In case of a discrepancy between the website and this course overview, the website has priority. Kindly inform the teacher about any inconsistencies you notice. Thank you.

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

#	Lecture	Issues	Reading
23.01.	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. 553–584
30.01	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
06.02.	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
27.02	Dispute resolution I: jurisdiction and enforcement	• Jurisdiction and arbitration clauses	• Hörnle, "The Jurisdictional Challenge of the Internet", in Edwards & Waelde (eds.), Law and the Internet, 2009, Chapter 3

		• Consumer protection issues • Internet enforcement	• 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 • Further reading: Dan Svantesson, "Private International Law and the Internet", 2nd ed, Kluwer Law International, 2012
See web	*Announcement of term paper question*		*n/a*
06.03	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
13.03	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
17.03	Cyberspace and information security	• Introduction to information security law	• Chris Reed, Making Laws for Cyberspace, Chapter 5: Sources of authority, Chapter 8: Three ways to make meaningless law, Chapter 9: Aims and effectiveness NIS Directive: DIRECTIVE (EU) 2016/1148 concerning measures for a high common level of security of network and information systems across the Union
	Submit draft term paper	For deadline see website	
20.03	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
27.03	Essay workshop	Work-in-progress discussion of the Term Paper; includes tips on how to write a good paper (eventually, a thesis)	n/a
3.04	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
24.04	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
See web	*Deadline final term paper*		