

JUS5650: Enforcement and Dispute Resolution in a Digital Context – Spring 2015

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
26.01.	Introduction to course; Lex informatica and cyberspace I	<ul style="list-style-type: none"> • General overview of course • Brief introduction to interlegal issues and dispute resolution • Introduction to “lex informatica” and “code” 	<ul style="list-style-type: none"> • 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
02.02.	Lex informatica and cyberspace II	<ul style="list-style-type: none"> • Continued from lecture 1 	<ul style="list-style-type: none"> • 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
09.02.	Self-regulation and co-regulation	<ul style="list-style-type: none"> • What is self-regulation? • What is co-regulation? • What are their respective advantages and disadvantages? • Variants of codes of practice/conduct 	<ul style="list-style-type: none"> • 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
23.02.	Cybercrime	<ul style="list-style-type: none"> • Emergence of new forms of criminal activity related to computer use and cyberspace • Distinguishing features of cybercrime 	<ul style="list-style-type: none"> • Wall, Cybercrime, 2007, pp. 17–19; 157–166 • Edwards & Waelde (eds.), Law and the Internet, 2009,

		<ul style="list-style-type: none"> • Legal methodological issues related to analysis and assessment of cybercrime • Enforcement problems 	Chapters 19, 20 and 21
	<i>Announcement of essay question</i>	<ul style="list-style-type: none"> • <i>See Fronter</i> 	<i>n/a</i>
02.03.	Dispute resolution I: jurisdiction and enforcement	<ul style="list-style-type: none"> • Jurisdiction and arbitration clauses • Consumer protection issues • Internet enforcement 	<ul style="list-style-type: none"> • Hörnle, “The Jurisdictional Challenge of the Internet”, in Edwards & Waelde (eds.), <i>Law and the Internet</i>, 2009, Chapter 3 • Reidenberg, “States and Internet Enforcement”, <i>University of Ottawa Law & Technology Journal</i>, 2003–04, vol. 1, pp. 213–230 • Chris Reed, <i>Making Laws for Cyberspace</i>, Chapter 3: Extraterritoriality
09.03.	Dispute resolution II: applicable law	<ul style="list-style-type: none"> • Proper law of online contracts • Proper law of torts • Consumer protection issues 	<ul style="list-style-type: none"> • Hörnle (as above) • Gilles, “Addressing the ‘Cyberspace Fallacy’: Targeting the Jurisdiction of an Electronic Consumer Contract”, <i>International Journal of Law and Information Technology</i>, 2008, vol. 16, no. 3, pp. 242–269 • Tang, “The Interrelationship of European Jurisdiction and Choice of Law in Contract”, <i>Journal of Private International Law</i>, 2008, vol. 4, no. 1, pp. 35–59
16.03.	Dispute resolution III: ADR	<ul style="list-style-type: none"> • Types of ADR • Mediation • e-ADR 	<ul style="list-style-type: none"> • Schiavetta, <i>Electronic Alternative Dispute Resolution – Increasing Access to Justice via Procedural Protections</i> (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”, <i>Journal of Information, Law and Technology</i>, 2004, no. 1
	<i>Submit draft term paper</i>	For deadline see website	
26.03.	Legal risk management	<ul style="list-style-type: none"> • Risk and legal risk • How to carry out a legal risk assessment 	<ul style="list-style-type: none"> • Mahler, <i>Legal Risk Management: Developing and Evaluating Elements of a Method for Proactive Legal Analyses, With a Particular Focus on Contracts</i>, 2010, Chapters 1, 4, 6, 13
13.04.	Essay workshop	Work-in-progress discussion of the Term Paper; includes tips on how to write a good paper (eventually, a thesis)	<i>n/a</i>

20.04.	Enforcement in cloud computing	<ul style="list-style-type: none"> • Introduction to cloud computing • Enforcement issues and cloud computing 	<ul style="list-style-type: none"> • 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
27.04.	Cyberspace and information security	<ul style="list-style-type: none"> • Introduction to information security law • Assessing security and legal risk 	<ul style="list-style-type: none"> • 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
<i>See web</i>	<i>Deadline final term paper</i>		