

University of Oslo
Faculty of Law
JUS5650 - Enforcement and Dispute Resolution in a Digital Context
Spring 2015

Case

The company “Miniupload” (MU), based in the United Kingdom, offered a cyberlocker to users world-wide (including language versions in Spanish and French). A cyberlocker is an online service that provides file-storing and file-sharing services for various types of media files and data. MU’s cyberlocker was used both to store private files (40 %) and to share files containing copyrighted content (60 %).

Following complaints from rights holders in the USA and Australia, the company’s domain name was seized by US authorities and the service was effectively closed in a collaborative action involving police forces in several countries (UK, US and New Zealand). As a consequence, the sharing of copyrighted files was stopped, and all users lost access to their files. Users of the cyberlocker did not get a warning before the site was closed, but the MU company website FAQ insisted that their users not solely rely upon MU– as "they assume the full risk of complete loss or unavailability of their data". MU users in France and Spain ask advice in terms of applicable law and jurisdiction for their cases against MU (or perhaps even against police authorities).

Assignment

Analyze this case as an example of challenges with dispute resolution and enforcement in an Internet context. Your paper must focus on three (3) of the following perspectives;

- A. Cyberlocker technology as an example of “lex informatica” or “code”;
- B. The degree to which self-regulation could have avoided the above-mentioned problems;
- C. The file-sharing facilitated by MU as an example of cybercrime;
- D. Jurisdiction and choice of law issues illustrated by the case;
- E. How could alternative dispute resolution have been applied in this case;
- F. How MU users, or the company MU, could have proactively managed their risks;
- G. To what extent does the MU case illustrate legal challenges with cloud computing?

Your paper should explicitly specify the 3 selected focus areas. Preferably, the 3 focus areas should also be briefly mentioned in your term paper title or subtitle.

Instructions

- Submit a draft and a final paper;
- Submit both as pdf and word/odt document in Fronter;
- Use **only** the following as file name: [your candidate number]JUS5650; for example 01JUS5650 or 02JUS5650 or 03JUS5650. **Failure to name your file correctly will lead to delayed feedback.** Please ask the information office if you are in doubt about your number.
- See further instructions in separate document on the course website.

