

# JUS5670: Electronic Commerce Law – Spring 2014

## Lecture Overview & Required Reading

For lecture dates and location, please check the course website. The lecturers are:

- EW: Emily Weitzenboeck, NRCCL
- TM: Tobias Mahler, NRCCL

Lecture No./ Date	Lecture	Issues	Required Reading	Lecturer
Lecture 1	Introduction to E-Commerce Law and main issues	<ul style="list-style-type: none"> <li>• What is e-commerce?</li> <li>• Issues: Dematerialisation; detemporalisation; deterritorialisation and depersonalisation</li> </ul>	<p>Thomas Hoeren, T., “Law, Ethics and Electronic Commerce”, in <i>International Review of Information Ethics</i>, vol. 3 (06/2005), p.46-53. (8 pages)</p> <p>Winn, J.K. &amp; Haubold, J., “Electronic Promises: Contract Law Reform and E-Commerce in a Comparative Perspective”, <i>European Law Review</i> (2002), Vol. 27, Issue: 5, p. 567-588. (31 pages)</p>	EW
Lecture 2	Electronic and web contracting I	<ul style="list-style-type: none"> <li>• Formal validity of electronic contracts</li> <li>• Substantive validity of electronic contracts</li> </ul>	<p>Brownsword, R., Howells, G., "Europe's E-Commerce Directive - A Too Hasty Legislative Rush to Judgment?" [2000] 11(1) <i>Journal of Law, Information and Science</i> p. 77-88 (11 pages)</p> <p>“Laws and contracts in an e-commerce environment”, ch. 8, in UNCTAD, <i>Information Economy Report 2006</i>, p.299-314 (16 pages)</p> <p>Boss, “Electronic Contracting: Legal Problem or Legal Solution”, in United Nation, <i>Harmonised Development of Legal and Regulatory Systems for E-commerce in Asia and the Pacific</i>, 2004, Part II, Chapter IV, pp. 125-148, also available at (24 pages)</p>	EW
Lecture 3	Electronic and web contracting II	<ul style="list-style-type: none"> <li>• Electronic contract formation</li> </ul>	<p>Ramberg, C.H., “The E-Commerce Directive and Formation of Contract in a Comparative Perspective”, <i>Global Jurist Advances</i>, Vol. 1, Issue 2 (2001), Article 3 (26 pages)</p> <p>Kunz, C.L. et al, “Browse-Wrap Agreements: Validity of Implied</p>	EW

			Assent in Electronic Form Agreements”, <i>The Business Lawyer</i> , Vol. 59, No. 1, November 2003, p. 279-312 (34 pages)	
Lecture 4	Consumer protection in B2C electronic contracting I	<ul style="list-style-type: none"> <li>• Notion of consumer and aims of consumer protection law</li> <li>• Consumer protection at precontractual and post-contractual stages</li> </ul>	<p>Riefa &amp; Hörnle, “The Changing Face of Electronic Consumer Contracts in the Twenty-first Century: Fit for Purpose?” in Edwards &amp; Waelde (eds.) (2009), <i>Law and the Internet</i>, Chapter 2, (32 pages)</p> <p>Winn, J. &amp; Webber, M., “The Impact of EU Unfair Contract Terms Law on U.S. Business-to-Consumer Internet Merchants”, in <i>The Business Lawyer</i>, Vol. 62, November 2006, p. 1-20 (20 pages)</p> <p>Howells, G., “<i>The Rise of European Consumer Law — Whither National Consumer Law?</i>”, 2006, <i>Sydney Law Review</i>, Vol. 28 p. 63-88 (26 pages)</p>	EW
Lecture 5	Consumer protection in B2C electronic contracting II	<ul style="list-style-type: none"> <li>• Continued from previous lecture</li> </ul>	As per previous lecture	EW
Lecture 6	Electronic business	<ul style="list-style-type: none"> <li>• Electronic agents and contracting</li> <li>• Networked businesses and virtual enterprises</li> <li>• Cloud computing</li> </ul>	<p>Weitzenboeck, “Electronic agents and the formation of contracts”, <i>International Journal of Law and Information Technology</i> Vol. 9, Issue 3, Autumn 2001, pp. 204-234 (31 pages).</p> <p>Joint, A. Et al, “Hey, you, get off of that cloud?”, in <i>Computer Law &amp; Security Review</i> Vol. 25, Issue 3, August 2009, p. 270-274, available from UIO at (5 pages)</p> <p>Joint, A., &amp; Baker, E., “Knowing the past to understand the present<sup>1</sup> – issues in the contracting for cloud based services”, <i>Computer Law &amp; Security Review</i> Vol. 27, Issue 4, August 2011, p. 407-415, available from UIO at (9 pages)</p>	EW
Lecture 7	Electronic payment systems I	<ul style="list-style-type: none"> <li>• Electronic money &amp; digital cash systems</li> <li>• Payment services &amp; e-money</li> <li>• Internet payments</li> </ul>	<p>Ruth Halpin a, Roksana Moore , “Developments in electronic money regulation – the Electronic Money Directive: A better deal for e-money issuers?”, <i>Computer Law &amp; Security Review</i> 25(209) 563-568 (6 pages)</p> <p>Nuth, “Making Sense of Digital Cash”, in Dag Wiese Schartum and Anne Gunn B. Bekken (eds.), <i>Yulex 2007</i>, Unipub, Oslo, 2007, pp. 67-80 (14 pages)</p>	EW

			<p>Jean J. Luyatt, “A Tale of Regulation in the European Union and Japan: Does characterizing the Business of Stored-Value Cards as a Financial Activity Impact Its Development?” 2009 Pacific Rim Law &amp; Policy Journal Association Vol. 18, No. 3, p. 525-546 (22 pages)</p> <p>Robertson, P. et al, “Internet Payments”, in Brindle, M &amp; Cox, R. (eds.) (2010) <i>Law of Bank Payments</i>, 4<sup>th</sup> ed., Sweet &amp; Maxwell, Chapter 5, p. 299-391 (92 pages)</p>	
Lecture 8	Electronic payment systems II	(Cont. from previous lecture)	As per previous lecture	EW
Lecture 9	System and transactional security (electronic signatures, trusted third parties, etc.)	<ul style="list-style-type: none"> <li>• Electronic signatures</li> <li>• Trusted third parties</li> <li>• Certification service providers</li> </ul>	<p>OECD Guidelines for security of information systems (15 pages)</p> <p>Akester, “Authorship and authenticity in cyberspace”, <i>Computer Law and Security Report</i> Vol. 20, Issue 6, November-December 2004, pp. 436-444, available at UIO from (9 pages)</p> <p>Reed, C., “What is a Signature?”, 2000 (3) <i>The Journal of Information, Law and Technology</i> (22 pages)</p> <p>Andrews S, 'Who Holds the Key? - A Comparative Study of US and European Encryption Policies', 2000(2) <i>The Journal of Information, Law and Technology (JILT)</i> (20 pages)</p>	TM
Lecture 10	Liability of online intermediaries	<ul style="list-style-type: none"> <li>• Types of intermediary liability <ul style="list-style-type: none"> <li>○ EU, US</li> <li>○ Notion of information society service provider</li> </ul> </li> <li>• E-Commerce Directive liability exception regime</li> <li>• Difficulties raised by Directive, its interpretation and implementation</li> </ul>	<p>Edwards, “The Fall and Rise of Intermediary Liability Online” in Edwards &amp; Waelde (eds.) (2009), <i>Law and the Internet</i>, Chapter 1. (42 pages)</p> <p>Baistrocchi P.A., “Liability of Intermediary Service Providers in the EU Directive on Electronic Commerce”, <i>Computer &amp; High Technology Law Journal</i>, 2002, Vol. 19, p. 111-130 (20 pages)</p>	EW
Lecture 11	Summing up and course revision	<ul style="list-style-type: none"> <li>• General comments on mid-term paper</li> <li>• Course round-up and revision</li> </ul>		EW