

JUS5670: Electronic Commerce Law – Spring 2017

Lecture Overview & Required Reading

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

- EW: Emily Weitzenboeck, NRCCL
 - OT: Olav Torvund, NRCCL
 - TO: Thomas Olsen , Senior Lawyer/Associate, Advokatfirmaet Simonsen Vogt Wiig AS
- Expertise:** Communications, IT and media, Compliance, IT, data protection & data security

Lecture No./ Date	Lecture	Issues	Required Reading	Lecturer
Lecture 1	Introduction to E-Commerce Law and main issues	<ul style="list-style-type: none"> • What is e-commerce? • Issues : Dematerialisation ; detemporalisation ; deterritorialisation and depersonalisation 	<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. & 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"> • Formal validity of electronic contracts • Substantive validity of electronic contracts 	<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"> • Electronic contract formation 	<p>Ramberg, C.H., “The E-Commerce Directive and Formation of Contract in a Comparative Perspective”, <i>Global Jurist Advances</i>,</p>	EW

			Vol. 1, Issue 2 (2001), Article 3 (26 pages) Kunz, C.L. et al, “Browse-Wrap Agreements: Validity of Implied 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"> • Notion of consumer and aims of consumer protection law • Consumer protection at precontractual and post-contractual stages 	<p>Riefa & Hörnle, “The Changing Face of Electronic Consumer Contracts in the Twenty-first Century: Fit for Purpose?” in Edwards & Waelde (eds.) (2009), <i>Law and the Internet</i>, Chapter 2, (32 pages)</p> <p>Winn, J. & 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> <p>Recommended reading:</p> <ul style="list-style-type: none"> - Lodder, A.R. “Information Requirements Overload? Assessing Disclosure Duties Under the E-commerce Directive, Services Directive and Consumer Directive” in Savin, A. & Trzaskowski, J. (eds.) <i>Research Handbook in EU Internet Law</i> (2014) p. 358-382 (25 pages). - Weitzenboeck, E.M. (2014), ‘Looking back to see ahead: The changing face of users in European e-commerce law’, in Wiese Schartum, D., Bygrave, L.A. and A.G. Berge Bekken (eds), <i>Jon Bing: En Hyllest/A Tribute</i>, Oslo: Gyldendal. 	EW
Lecture 5	Consumer protection in B2C electronic contracting II	<ul style="list-style-type: none"> • Continued from previous lecture 	As per previous lecture	EW
Lecture 6	Liability of online intermediaries	<ul style="list-style-type: none"> • Types of intermediary liability <ul style="list-style-type: none"> ○ EU, US ○ Notion of information society service provider • E-Commerce Directive liability exception regime 	<p>Edwards, “The Fall and Rise of Intermediary Liability Online” in Edwards & 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 & High</i></p>	EW

		<ul style="list-style-type: none"> Difficulties raised by Directive, its interpretation and implementation 	<p>Technology Law Journal, 2002, Vol. 19, p. 111-130 (20 pages)</p> <p>Recommended reading:</p> <ul style="list-style-type: none"> Guadamuz, A., “Developments in Intermediary Liability” in Savin, A. & Trzaskowski, J. (eds.) <i>Research Handbook in EU Internet Law</i> (2014) p. 312-336 (25 pages). 	
Lecture 7	Electronic payment systems	<ul style="list-style-type: none"> Electronic money & digital cash systems Payment services & e-money Internet payments 	<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 & 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> <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?” <i>2009 Pacific Rim Law & Policy Journal Association</i> Vol. 18, No. 3, p. 525-546 (22 pages)</p> <p>Robertson, P. et al, “Internet Payments”, in Brindle, M & Cox, R. (eds.) (2010) <i>Law of Bank Payments</i>, 4th ed., Sweet & Maxwell, Chapter 5, p. 299-391 (92 pages)</p>	OT
Lecture 8	Electronic ID and Trust Services	<ul style="list-style-type: none"> Electronic ID Trusted services See REGULATION (EU) No 910/2014 	<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 (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> <p>Recommended reading;</p>	Thomas Olsen

			Cuijpers, C; Schroers, J., “eIDAS as guideline for the development of a pan European eID framework in FutureID”, conference paper presented at <i>Open Identity Summit 2014</i> , available at link (16 pages)	
Lecture 9	Electronic business and networks I	<ul style="list-style-type: none"> • Electronic agents and contracting • Cloud computing • Networked businesses, dynamic networks and new forms of entrepreneurial co-operation • Private international law challenges 	<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 & Security Review</i> Vol. 25, Issue 3, August 2009, p. 270-274, available from UIO at (5 pages)</p> <p>Joint, A., & Baker, E., “Knowing the past to understand the present¹ – issues in the contracting for cloud based services”, <i>Computer Law & Security Review</i> Vol. 27, Issue 4, August 2011, p. 407-415, available from UIO at (9 pages)</p> <p>Recommended reading:</p> <ul style="list-style-type: none"> - Weitzenboeck E.M. , “Crowdsourcing and user empowerment: A contradiction in terms?” in Savin, A. & Trzaskowski, J. (eds.) <i>Research Handbook in EU Internet Law</i> (2014) p. 461-487 (25 pages). 	EW
Lecture 10	Electronic and networked business II	<ul style="list-style-type: none"> • Continued from previous lecture 	As per previous lecture	EW
Lecture 11	Summing up and course revision	<ul style="list-style-type: none"> • General comments on mid-term paper • Course round-up and revision 		EW