

# ELECTRONIC COMMERCE — LEGAL ISSUES

*Nicholas Bohm, solicitor*

## MAKING CONTRACTS

Purpose: selling or buying goods, services, land, investments

Method: exchange of promises treated by law as binding

Defined: offer, acceptance, “consideration”; formalities

Analysis: offer to sell or offer to treat (e.g. supermarket shelves or self-service fuel)

acceptance by conduct

writing, signatures (e.g. Land Registration Act 2002 section 91)

offline and online distinctions – evidence

## EU ISSUES

### Distance Selling Regulations:

simple information requirements, often neglected

cancellation rights for consumers

### Data Protection:

registration for processing of personal data

purposes of processing must be registered

compliance with commendable but rather general principles

## GLOBAL ISSUES

Choice of law

Place of jurisdiction

Arbitration

Default rules

Enforcement of judgments and arbitration awards

Locality: place of establishment (tax; regulation)

place of target of advertising (consumer protection)

nationality of target of advertising (securities laws)

## OTHER LIABILITY ISSUES

Negligence (disclaimers)

Libel (forums)

Special cases (e.g. Nazi memorabilia, codeine, pornography, gambling, fund-raising for political parties or charities, tobacco, alcohol, herbal remedies).

Whose responsibility?

## FINDING THE LAW

Statute law: [www.statutelaw.gov.uk/](http://www.statutelaw.gov.uk/)

Case law: [www.bailii.org/](http://www.bailii.org/)

Law books: [www.squire.law.cam.ac.uk/](http://www.squire.law.cam.ac.uk/)