

Aim

To provide an overview to illustrate

- ★ when merchants and traders need professional advice, and
- ★ the context in which to understand and use that advice

Contract

Making the contracts you want to make, and avoiding the commitments you don't want to accept

Tort

Avoiding infringement of the rights of others, and giving adequate notice to others of your rights that you may want to enforce

Regulation

Complying with regulations

- ★ So as to avoid penalties
- ★ So that rights are enforceable

Contract

Making the contracts you want to make, and avoiding the commitments you don't want to accept

Mechanics

Offer and acceptance

Offers to treat

Writing and signature

Incorporating terms

Standards

Sale of Goods Act 1979

(www.statutelaw.gov.uk)

Supply of Goods and Services Act 1982

Implied terms – different treatment of consumers

Limits

Unfair Contract Terms Act 1977

Unfair Terms in Consumer Contracts Regulations 1999

One World?

Applicable law

Place of litigation

Enforcement of foreign judgments

Arbitration

Tort

Avoiding infringement of the rights of others, and giving adequate notice to others of your rights that you may want to enforce

Defamation

Derogatory statements you cannot prove true
Linking to others' statements

Negligence

Careless advice causing injury or (sometimes) loss

Copyright

Making derivative work
Publishing others' work (linking)
Asserting your own claim: © Nicholas Bohm 2008

Trademarks

Taking others' reputation
Domain names, metatags, framing, inlining
Marking: ®, ™, narrative

Patents

Novel non-obvious inventions
Scope differences US/UK/EU
Cost

Regulation

Complying with regulations

- ★ *So as to avoid penalties*
- ★ *So that your rights are enforceable*

Distance Selling

Consumer Protection (Distance Selling) Regulations 2000

Detailed rules on content of “selling” web pages

Data Protection

Data Protection Act 1998

Need to register purposes of processing

Consumer Credit Act 1974

Formalities for credit agreements

Financial protections for cardholders

Special cases

Share dealing, insurance, banking, gambling, prescription drugs, pornography, tobacco, alcohol, fireworks, guns, etc