ELECTRONIC COMMERCE — LEGAL ISSUES

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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)

 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/

Case law: www.bailii.org/

Law books: www.squire.law.cam.ac.uk/