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

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