



SCHOOL OF ACCOUNTING & COMMERCIAL LAW

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COML 307 Legal Issues For Electronic Commerce

Trimester One 2005

COURSE OUTLINE

Contact Details

Academic:

Susan Corbett, Rutherford House 722 Phone: 463 5480
Email: susan.corbett@vuw.ac.nz
Office hours: Wednesday, Thursday 10 - 11 am

Leslie Brown, Rutherford House 715 Phone: 463 6787
Leslie.Brown@vuw.ac.nz
Office hours: Wednesday, Thursday 1.30 – 2.30 pm

Administrative:

Debbie Fowler, Rutherford House 708 Phone: 463 5383
Email: Debbie.Fowler@vuw.ac.nz

Class Times and Room Numbers

Lecture Times:

Monday, Wednesday, Thursday 14.40 – 15.30 pm in RH LT 2

Tutorials:

To be advised on Blackboard

Course Presenters:

Susan Corbett, RH 722
Leslie Brown, RH 715

Lectures

Lectures are held from Monday, 21st February – Thursday 26th May

Mid-Trimester break: Fri, 25th March – Fri, 8th April.

Lectures resume: Mon, 11th April.

University examination period: Friday, 3 June – Friday 17th June 2005

Tutorials

Tutorials will be held in the weeks beginning 7th March.

There is **no** tutorial in the week beginning 11th April

<u>Tutorial No</u>	<u>Weeks Beginning</u>	<u>Lecture Material By</u>
1 - 4	March 7, 14, 21, April 18	Susan Corbett
5 - 8	April 25, May 2, 9, 16	Leslie Brown

**Provisional
Lecture
Programme 2005**

Date

Lecturer

Topic

Week 1	21 February 23 February 24 February	SC SC SC	Introduction to course Cyberlaw - the Law of the Horse? Jurisdiction issues
Week 2	28 February 2 March 3 March	SC SC SC	Contract law for electronic commerce
Week 3 (Tutorial 1) SC	7 March 9 March 10 March	SC SC SC	The Electronic Transactions Act 2002
Week 4 (Tutorial 2) SC	14 March 16 March 17 March	SC SC SC	Intellectual property issues for electronic commerce
Week 5 (Tutorial 3) SC	21 March 23 March 24 March	SC SC SC	Domain Names
Week 6, 7	EASTER - Mid Semester Break		
Week 8	11 April		TERMS TEST
<i>No Tutorial</i>	13 April 14 April	SC SC	Privacy law for electronic commerce

Week 9 <i>(Tutorial 4)</i> SC	18 April	LB	Consumer law for electronic commerce
	20 April	LB	
	21 April	LB	
Week 10 <i>(Tutorial 5)</i> LB	25 April		ANZAC DAY
	27 April	LB	<i>(Consumer law continued)</i>
	28 April	LB	
Week 11 <i>(Tutorial 6)</i> LB	2 May	LB	Electronic payments and Cyber-banking
	4 May	LB	Tax issues for electronic commerce
	5 May	LB	
	5 p.m. 9 May		ASSIGNMENT DUE
Week 12 <i>(Tutorial 7)</i> LB	9 May	LB	<i>(Tax issues continued)</i>
	11 May	LB	Offences and Electronic evidence
	12 May	LB	
Week 13 <i>(Tutorial 8)</i> LB	16 May	LB	Tort law for electronic commerce
	18 May	LB	
	19 May	LB	
Week 14	23 May	LB	Specialised Areas of Electronic Commerce
	25 May	LB	Revision
	26 May	LB	

Tutorial Sign-up

Tutorial sign-up will be via **Blackboard** at **Course COML 307** and should be done during the first week of term. The instructions for signing up are attached as page **8** of this Course Outline and will also be posted on the Announcements section of **Course COML 307** on Blackboard.

The completed tutorial lists will be posted on the Commercial Law notice board on the Mezzanine Floor of Rutherford House.

Tutorial classes will meet weekly, starting in the **third week** of the trimester. There are 8 tutorials in all.

An attendance register will be kept. If you find it necessary to miss a tutorial please try to notify the tutor or administrative coordinator (Debbie) in advance, so arrangements can be made for you to attend another tutorial stream.

Course Objectives

To enable students to:

1. Appreciate some conceptual and philosophical theories concerning cyberspace and consider how these relate to e-commerce.
2. Achieve familiarity with traditional commercial law principles.
3. Analyse the e-commerce environment and assess which traditional commercial law principles require to be varied or adapted to make them suitable for e-commerce.
4. Appreciate in which specific cases commercial law principles have
 - i. been varied, or
 - ii. have 'stretched' to enable the law to cope without specific variation,and assess the success or otherwise of these 'solutions'.

Course Content

This course will examine selected legal issues relating to the evolving area of electronic commerce, including legal aspects of information management in an electronic environment. As electronic commerce is not necessarily confined to the domestic market, there is an international dimension to many of the topics discussed. Therefore the course will consider both the potential for conflict of laws and also the increasing calls for international harmonisation of laws relating to electronic commerce. Because this area of law is still evolving, the course also encourages students to read and evaluate selected recent research articles on various legal issues.

Topics covered will include:

- Contract
- Privacy
- Intellectual property law.
- Consumer law
- Cyber-banking,
- Tax issues
- Offences and electronic evidence
- Specialised areas of electronic commerce

Readings & Required Texts

1. COML 307 Course Materials (2005)
2. CCH New Zealand Contract and Commercial Legislation (any edition after 1994)
3. Simpson Grierson's X-tech group *A Guide to E-Commerce Law in New Zealand*, Thomson Brookers, Wellington, 2002.

There is no charge for class handouts, and limited spare copies of these will be placed in the COML 307 pigeonholes on the 6th Floor of Rutherford House by RH623.

Research Materials

The Law Library, located in the Old Government Building, contains additional resources that may be used for completing the Research Essay. The Law Library is a University resource and is open to students of all Faculties. Library staff will assist with reasonable research requests, however students should be prepared to find most of the materials they need without assistance. Note that the Law Library is a reference library only and no books may be removed from the premises. However, photocopying cards may be purchased.

Materials permitted in Test and Examination

The Terms Test and Final Exam are both open book and you may bring whatever materials you like into the exam room. **Note:** That during the course additional copies of legislation may be distributed during the course. **These should be brought to the terms test and final exam if relevant to the examinable material.**

Tutor Details

These are yet to be finalised. Information about your Tutor for COML 307 will be put up on Blackboard in mid-February 2005.

Assessment Requirements

Terms Test (<i>open book</i>)	20%	Monday 11 April 14.40-15.30 p.m. RH LT 2
1500-word Assignment	20%	Due 5:00 pm, Monday 9 May
Final Exam (<i>open book</i>)	60%	June (TBA)

Assignment

The assignment is due by 5:00 pm on 9th May. Completed assignments should be placed in the COML 307 Assignment Box (on the Mezzanine Floor, Rutherford House).

Assignments should **not** exceed 1500 words (**not** including footnotes which should be limited to referencing and citations).

Penalties

Extensions will not be granted after the due date unless in exceptional circumstances. Late assignments will have a flat 5% penalty deducted per day late. (For example, a mark of 67% would become 62% if a day later). Assignments can, of course, be handed in early.

Internal Assessment

The terms test (11 April) will examine topics covered in lectures up until and including week 5 of the course. The test will consist of two compulsory questions having equal marks, at least one of which is likely to be a problem style question. The terms test is open book.

Mandatory Course Requirements

All items of assessment are compulsory and necessary for terms.

You must complete both the Terms Test and Assignment and obtain at least a 40% grade in each. Attendance and satisfactory participation in at least 6 of the 8 tutorials, and regular attendance at lectures (and preparation), is also required. Please note that terms will be awarded on the last lecture day, 26 May, and will be posted on Blackboard. It is your responsibility to check this.

Everyone is expected to prepare the assigned reading for each class and to prepare for tutorials irrespective of whether a question has been specifically allocated to them. Even a modest amount of preparation for class and tutorials will greatly assist you in mastering the materials.

Communication of Additional Information

Once you have registered for this course you should be able to connect to Blackboard at <http://blackboard.scs.vuw.ac.nz>. If you are not registered, please contact the FCA office on the ground floor of the Railway West Wing opposite Rutherford House. If you cannot access Blackboard after 48 hours please come to our office at RH708 where we can enrol you on Blackboard. Please see page 8 of this Course Outline for tutorial signup instructions.

General University Policies and Statutes

Students should familiarise themselves with the University's policies and statutes, particularly those regarding assessment and course of study requirements, and formal academic grievance procedures.

Student Conduct and Staff Conduct

The Statute on Student Conduct together with the Policy on Staff Conduct ensure that members of the University community are able to work, learn, study and participate in the academic and social aspects of the University's life in an atmosphere of safety and respect. The Statute on Student Conduct contains information on what conduct is prohibited and what steps can be taken if there is a complaint. For queries about complaint procedures under the Statute on Student Conduct, contact the Facilitator and Disputes Advisor. This Statute is available in the Faculty Student Administration Office or on the website at: www.vuw.ac.nz/policy/StudentConduct.

The policy on Staff Conduct can be found on the VUW website at: www.vuw.ac.nz/policy/StaffConduct.

Academic Grievances

If you have any academic problems with your course you should talk to the tutor or lecturer concerned or, if you are not satisfied with the result of that meeting, see the Head of School or the Associate Dean (Students) of your Faculty. Class representatives are available to assist you with this process. If, after trying the above channels, you are still unsatisfied, formal grievance procedures can be invoked. These are set out in the Academic Grievances Policy which is published on the VUW website:

www.vuw.ac.nz/policy/AcademicGrievances.

Academic Integrity and Plagiarism

Academic integrity is about honesty – put simply it means **no cheating**. All members of the University community are responsible for upholding academic integrity, which means staff and students are expected to behave honestly, fairly and with respect for others at all times.

Plagiarism is a form of cheating which undermines academic integrity. Plagiarism is **prohibited** at Victoria.

The University defines plagiarism as follows:

Plagiarism is presenting someone else's work as if it were your own, whether you mean to or not.

'Someone else's work' means anything that is not your own idea, even if it is presented in your own style. It includes material from books, journals or any other printed source, the

work of other students or staff, information from the Internet, software programmes and other electronic material, designs and ideas. It also includes the organization or structuring of any such material.

Plagiarism is not worth the risk.

Any enrolled student found guilty of plagiarism will be subject to disciplinary procedures under the Statute on Student Conduct (www.vuw.ac.nz/policy/studentconduct) and may be penalized severely. Consequences of being found guilty of plagiarism can include:

- an oral or written warning
- suspension from class or university
- cancellation of your mark for an assessment or a fail grade for the course.

Find out more about plagiarism and how to avoid it, on the University's website at: www.vuw.ac.nz/home/studying/plagiarism.html.

Students with Disabilities

The University has a policy of reasonable accommodation of the needs of students with disabilities. The policy aims to give students with disabilities an equal opportunity with all other students to demonstrate their abilities. If you have a disability, impairment or chronic medical condition (temporary, permanent or recurring) that may impact on your ability to participate, learn and/or achieve in lectures and tutorials or in meeting the course requirements, then please contact the Course Coordinator as early in the course as possible. Alternatively you may wish to approach a Student Adviser from Disability Support Services to confidentially discuss your individual needs and the options and support that are available. Disability Support Services are located on Level 1, Robert Stout Building, or phoning 463-6070, email: disability@vuw.ac.nz. The name of your School's Disability Liaison Person can be obtained from the Administrative Assistant or the School Prospectus.

Student Support

Staff at Victoria want students' learning experiences at the University to be positive. If your academic progress is causing you concern, please contact the relevant Course Co-ordinator, or Associate Dean who will either help you directly or put you in contact with someone who can.

The Student Services Group is also available to provide a variety of support and services. Find out more at www.vuw.ac.nz/st_services/ or email student-services@vuw.ac.nz.

VUWSA employs two Education Coordinators who deal with academic problems and provide support, advice and advocacy services, as well as organising class representatives and faculty delegates. The Education Office is located on the ground floor, Student Union Building, phone 463 6983 or 463 6984, email education@vuwsa.org.nz.

Tutorial Sign-up Instructions

To sign up for your COML 307 tutorial you need to carefully follow the instructions below. Please note that the [Blackboard](#) login procedure has changed. To login to [Blackboard](#) you must use your Victoria University student domain (SCS) user name and password.

1. To sign up select the '**Discussion Board**' button on the left hand side of the screen.
2. Click on '**Tutorial Sign-up**', which will open a list of tutorial times. Click on the tutorial time of your choice. To register your name for this tutorial you must then click on the '**Reply**' button at the bottom of the page.
3. Place an '**x**' in the **message** box which is below **subject** and click on '**submit**' at the bottom of the page. You have now registered for this tutorial. Your name should appear under the tutorial of your choice. **Please remember only 16 students per tutorial are accepted.** Count the number of names under the tutorial to ensure that there are no more than 16 names.
4. If you need to change your tutorial group, please **remove** your name from the first tutorial you signed up for. To do this, follow steps 1-3. Select '**Tutorial Sign-up**' and double click on the tutorial time beside your name. Click the '**remove**' button, followed by **OK**. You can now choose a different tutorial time by following steps 3 and 4.
5. If a student signs up for more than **one** tutorial group, the Administrator Assistant will select an available tutorial group at their discretion.
6. Any student who has signed up **after** a tutorial group has been filled will be placed into the next available tutorial group according to availability.