



## SCHOOL OF ACCOUNTING & COMMERCIAL LAW

# COML 307 Legal Issues For Electronic Commerce

Trimester One 2006

### COURSE OUTLINE

#### Contact Details

##### Academic:

Susan Corbett, Rutherford House 722  
Email: [susan.corbett@vuw.ac.nz](mailto:susan.corbett@vuw.ac.nz)  
Office hours: Tuesday 11 a.m. – 1 p.m.

Phone: 463 5480

Leslie Brown, Rutherford House 714  
Email: [leslie.brown@vuw.ac.nz](mailto:leslie.brown@vuw.ac.nz)  
Office hours: Tuesday, Thursday 2.30 p.m. – 3.30 p.m.

Phone: 463 6787

##### Administrative:

Marina Dobrovolskaya, Rutherford House 708  
Email: [marina.dobrovolskaya@vuw.ac.nz](mailto:marina.dobrovolskaya@vuw.ac.nz)

Phone: 463 5775

#### Class Times and Room Numbers

##### Lecture Times:

Tuesday, Thursday, Friday 15.40 p.m. – 16.30 p.m. in RH LT 3

##### Tutorials:

To be advised on Blackboard

##### Course Presenters:

Susan Corbett, RH 722  
Leslie Brown, RH 714

#### Lectures

Lectures are held from Tuesday, 28<sup>th</sup> February – Friday 2<sup>nd</sup> June

Mid-Trimester break: Fri, 7<sup>th</sup> April – Fri, 21<sup>st</sup> April.

Anzac Day: Tuesday 25<sup>th</sup> April

Lectures resume: Thursday, 27<sup>th</sup> April.

University examination period: Tuesday, 6<sup>th</sup> June – Saturday 25<sup>th</sup> June 2006

#### Tutorials

Tutorials will be held in the weeks beginning 13<sup>th</sup> March. There is a gap of 4 weeks (including the 2 weeks of Mid-trimester break) in the middle of the course. There will be no tutorials during those 4 weeks.

##### Tutorial No

##### Weeks Beginning

##### Lecture Material By

1 - 3

March 13, 20, 27,

Susan Corbett

4 - 6

May 1, 8, 15

Leslie Brown

<b>Provisional Lecture Programme 2006</b>	<b>Date</b>	<b>Lecturer</b>	<b>Topic</b>
<b>Week 1</b>	28 February 2 March	SC SC	<b>Introduction to course, Internet governance</b>
	3 March	SC	<b>Contract law for electronic commerce</b>
<b>Week 2</b>	7 March 9 March 10 March	SC SC SC	<b>Contract law (<i>continued</i>)</b>  <b>Sale of Goods</b>
<b>Week 3</b>	14 March	SC	<b>Electronic Transactions Act 2002</b>
<i>(Tutorial 1)</i>	16 March 17 March	SC SC	<b>Privacy</b>
<b>Week 4</b>	21 March	SC	<b>Intellectual property: Copyright,</b>
<i>(Tutorial 2)</i>	23 March 24 March	SC SC	<b>Patents, Trade marks, Domain names, Databases</b>
<b>Week 5</b>	28 March	SC	<b>Intellectual property (<i>continued</i>)</b>
<i>(Tutorial 3)</i>	30 March 31 March	SC SC	<b>TERMS TEST</b>
<b>Week 6</b>	4 April 6 April 7 April	LB LB LB	<b>Jurisdiction</b>
<i>No Tutorial</i>			
<b>Week 7, 8</b>	<b>EASTER - Mid Semester Break</b>		
<b>Week 9</b>	<b>25 April</b>		<b>ANZAC DAY</b>
<i>No Tutorial</i>	27 April 28 April	LB LB	<b>Consumer Law</b>
<b>Week 10</b>	2 May	LB	<b>Electronic payments and Cyber-banking</b>
<i>(Tutorial 4)</i>	4 May 5 May	LB LB	
<b>Week 11</b>	9 May 11 May	LB LB	<b>Tax issues for electronic commerce</b>
<i>(Tutorial 5)</i>	12 May	LB	<b>Offences and Electronic evidence</b>
	<b>5 p.m. 16 May</b>		<b>ASSIGNMENT DUE</b>
<b>Week 12</b>	16 May 18 May 19 May	LB LB LB	<b>Tort law for electronic commerce</b>
<i>(Tutorial 6)</i>			
<b>Week 13</b>	23 May 25 May 26 May	LB LB LB	<b>Specialised Areas of Electronic Commerce</b>
<b>Week 14</b>	30 May 1 June 2 June	SC SC SC	<b>Cryptography, Electronic Signatures</b> <b>Revision</b>

## **Tutorial Sign-up**

Tutorial sign-up will be during lectures.

Tutorial classes will meet weekly, starting in the **third week** of the trimester. There are 6 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 (Marina) 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 (2006)
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 6<sup>th</sup> Floor of Rutherford House by RH623.

The following books have been placed on Reserve for COML 307 at the Commerce Library, Level 2, Railway, Pipitea:

1. "*Electronic commerce and the law*" by Patrick Quirk, and Jay Forder.
2. "*A guide to e-commerce law in New Zealand*" by Simpson Grierson's x-tech group.
3. "*Internet commerce: digital models for business*" by Elaine Lawrence et al.
4. "*Internet.law.nz : selected issues*" by Judge David Harvey.

### 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 2006.

### **Assessment Requirements**

Terms Test ( <i>open book</i> )	20%	Thursday 30 March 15.40-16.30 p.m. RH LT 3
1500-word Assignment	20%	Due 5:00 pm, Tuesday 16 May
Final Exam ( <i>open book</i> )	60%	June (TBA)

### Assignment

The assignment is due by 5:00 pm on 16<sup>th</sup> 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).

### Terms Test

The terms test (30<sup>th</sup> March) will examine topics covered in lectures up until and including week 4 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.

**All items of assessment are compulsory and necessary for terms.**

## **Penalties**

The assignment is due by 5.00 pm on 16<sup>th</sup> May. If submitted later, without prior permission from the Course Coordinator, 5% of the mark will be deducted for each additional day.

## **Mandatory Course Requirements**

Your attention is drawn to the Terms Statute as set out on page 67 of the 2003 Calendar. 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 4 of the 6 tutorials, and regular attendance at lectures (and preparation), is also required. Please note that terms will be awarded on the last lecture day, 2 June, 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.

## **Faculty of Commerce and Administration Offices**

### Railway West Wing (RWW) - FCA Student Administration Office

The Student Administration Office is located on the ground and first floors of the Railway West Wing. The ground floor counter is the first point of contact for general enquiries and FCA forms. Student Administration Advisers are available to discuss course status and give further advice about FCA qualifications. To check for opening hours call the office on (04) 463 5376.

### Easterfield (EA) - FCA/Law Kelburn Office

The Kelburn Campus Office for the Faculties of Commerce & Administration and Law is situated in the Easterfield Building - it includes the ground floor reception desk (EA005) and offices 125a to 131 (Level 1). The office is available for the following:

- Duty tutors for student contact and advice.
- Information concerning administrative and academic matters.
- FCA Student Administration forms (e.g. application for academic transcripts, requests for degree audit, COP requests).
- Examinations-related information during the examination period.

Check with the Student Administration Office for opening times (04) 463 5376.

## **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](http://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](http://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](http://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](http://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](http://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](mailto: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/](http://www.vuw.ac.nz/st_services/) or email [student-services@vuw.ac.nz](mailto: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](mailto:education@vuwsa.org.nz).

### **Manaaki Pihipihinga Maori and Pacific Mentoring programme (Faculties of Humanities and Social sciences and Commerce and Administration).**

- **What:** Academic Mentoring for Maori and Pacific students studying at all levels in the above faculties. Weekly sessions for an hour with a mentor to go over assignments and any questions from tutorials or lectures. Registered students can use the faculty's study rooms and computer suite at any time at Kelburn and Pipitea.
- Mature student and Post grad network

If you would like to register as a mentor or mentee please contact the coordinator.

#### **Where:**

Melissa Dunlop  
Programme Coordinator  
Room 109 D  
14 Kelburn Parade: back courtyard  
Ph: (04) 463 6015  
Email: [Maori-Pacific-Mentoring@vuw.ac.nz](mailto:Maori-Pacific-Mentoring@vuw.ac.nz)

Please Note: A mentoring room will also be running at Pipitea Campus starting January. Please contact the Programme Coordinator for details.