



SCHOOL OF ACCOUNTING & COMMERCIAL LAW
COML 307 Legal Issues For Electronic Commerce

Trimester One 2007

COURSE OUTLINE

Contact Details

Academic:

Susan Corbett, Rutherford House 722 Phone: 463 5480
Email: susan.corbett@vuw.ac.nz
Office hours: Thursday 2.30 – 3.30 p.m.
Friday 9.30 – 10.30 a.m.
or by appointment

Alan Cameron, Rutherford House 604 Phone: 463 5758
Email: alan.cameron@vuw.ac.nz
Office hours: Wednesday 2.00 – 4.00 p.m. or
By appointment

Administrative:

Marina Dobrovolskaya, Rutherford House 708 Phone: 463 5775
Email: marina.dobrovolskaya@vuw.ac.nz

Class Times and Room Numbers

Lecture Times:

Monday, Tuesday, Thursday 12.40 p.m. – 13.30 p.m. RH LT 3

Tutorials:

To be advised on Blackboard

Course Presenters:

Susan Corbett, RH 722
Alan Cameron, RH 604

Stephen Revill, Solicitor, Bell Gully

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Lectures

Lectures are held from Monday, 26th February – Friday 1st June

Mid-Trimester break: Fri, 6th April – Fri, 20th April.

University examination period: 5th - 29th June

Tutorials

Tutorials will be held in the weeks beginning 12th 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.

<u>Tutorial No</u>	<u>Weeks Beginning</u>	<u>Lecture Material by</u>
1 - 3	March 12, 19, 26	Susan Corbett
4 - 6	April 30, May 7, 14	Alan Cameron & Stephen Revill

Provisional Lecture Programme 2007

	<i>Date</i>	<i>Lecturer</i>	<i>Topic</i>
Week 1	26 February	SC	Introduction to course. <i>(pgs 491-507 "internet.law.nz")</i>
	27 February 1 March	SC SC	Jurisdiction <i>(pgs 27-33, 54-82 "internet.law.nz")</i>
Week 2	5 March 6 March 8 March	SC SC SC	Consumer protection <i>Privacy Act (Statutes book)</i> and "The Office of the Privacy Commissioner" at www.privacy.org.nz and "Consumer Law" Materials <i>Book readings)</i>
Week 3 <i>(Tutorial 1)</i>	12 March	SC	Online dispute resolution <i>("A brave new world: mediation in cyberspace, hand-out)</i>
	13 March 15 March	SC SC	Internet Governance, Domain names and Trade marks, <i>(pgs 103, 130 – 154, 161 - 179 "internet.law.nz")</i> and "The Office of the Domain Name Commissioner" at www.dnc.org.nz and relevant Materials Books <i>Readings as advised by the lecturer</i>
Week 4 <i>(Tutorial 2)</i>	19 March 20 March 22 March	SC SC SC	Copyright <i>Copyright Act 1994 (Statutes Book)</i> and (pgs 571 – 577, 587 – 603, 663 - 686 "internet.law.nz")

Week 5 <i>(Tutorial 3)</i>	26 March 27 March 29 March	SC SR SR	TERMS TEST Electronic payments and Cyber-banking
Week 6 <i>No Tutorial</i>	2 April 3 April 5 April	SR SR SR	Authentication and Digital Identity
Week 7, 8	EASTER - Mid Semester Break		
Week 9 <i>No Tutorial</i>	23 April 24 April 26 April	AC AC AC	Contract law and Electronic Transactions Act 2002 <i>(chapter 7 "internet.law.nz")</i>
Week 10 <i>(Tutorial 4)</i>	30 April 1 May 3 May	AC AC AC	Contract law and Electronic Transactions Act 2002 <i>(continued)</i>
Week 11 <i>(Tutorial 5)</i>	7 May 8 May 10 May	AC AC AC	Computer crime <i>(chapter 4 "internet.law.nz")</i>
	5 p.m. May 11		ASSIGNMENT DUE
Week 12 <i>(Tutorial 6)</i>	14 May 15 May 17 May	AC AC AC	Computer crime <i>(continued)</i>
Week 13	21 May 22 May 24 May	AC AC AC	Tort law for electronic commerce <i>(chapter 6 "internet.law.nz")</i>
Week 14	28 May 29 May 31 May	AC AC AC	Tort law for electronic commerce <i>(continued)</i>

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: jurisdictional concerns, domain names, intellectual property, electronic transactions, privacy, defamation, consumer payment and protection, digital identity and authentication, and computer crime.

Readings & Required Texts

1. COML 307 Course Materials (2007)
2. CCH New Zealand Contract and Commercial Legislation (any business legislation text, provided it includes the following statutes: Copyright Act 1994, Privacy Act 1993, Electronic Transactions Act 2002, Sale of Goods Act, Contractual Mistakes Act, Fair Trading Act and Consumer Guarantees Act)
3. Judge David Harvey, "internet.law.nz" (2nd edn) Wellington, LexisNexis, 2005

There is no charge for class handouts, and limited spare copies of these will be placed in the COML 307 pigeonholes on the 7th Floor of Rutherford House by the elevators.

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 2007.

Assessment Requirements

Terms Test (<i>open book</i>)	15%	Monday 26 March 12.40-13.30 p.m. RH LT 3
2000-word Assignment	25%	Due 5:00 pm, Friday 11 May
Final Exam (<i>open book</i>)	60%	June (TBA)

Assignment

The assignment is due by 5:00 pm on 11th May. Completed assignments should be placed in the COML 307 Assignment Box (on the Mezzanine Floor, Rutherford House).

Assignments should **not** exceed 2000 words (**not** including footnotes which should be limited to referencing and citations).

Terms Test

The terms test (26th 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 11th 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 and Academic Services Office

The Faculty's Student and Academic Services 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 Student and Academic Services Office on (04) 463 5376.

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

The Kelburn Campus Office for the Faculties of Commerce and Administration, Education 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.
- Forms for FCA Student and Academic Services (e.g. application for academic transcripts, requests for degree audit, COP requests).
- Examinations-related information during the examination period.

To check for opening hours call the Student and Academic Services Office on (04) 463 5376.

General University Policies and Statutes

Students should familiarise themselves with the University's policies and statutes, particularly the Assessment Statute, the Personal Courses of Study Statute, the Statute on Student Conduct and any statutes relating to the particular qualifications being studied; see the Victoria University Calendar or go to www.vuw.ac.nz/policy.

For information on the following topics, go to the Faculty's website www.vuw.ac.nz/fca under Important Information for Students:

- Academic Grievances
- Academic Integrity and Plagiarism
- Student and Staff Conduct
- Meeting the Needs of Students with Impairments
- Student Support

Manaaki Pihipihinga Programme

Manaaki Pihipihinga is an academic mentoring programme for undergraduate Māori and Pacific students in the Faculties of Commerce and Administration, and Humanities and Social Sciences. Sessions are held at the Kelburn and Pipitea Campuses in the Mentoring Rooms, 14

Kelburn Parade (back courtyard), Room 109D, and Room 210, Level 2, Railway West Wing. There is also a Pacific Support Coordinator who assists Pacific students by linking them to the services and support they need while studying at Victoria. Another feature of the programme is a support network for Postgraduate students with links to Postgraduate workshops and activities around Campus.

For further information, or to register with the programme, email manaaki-pihipihinga-programme@vuw.ac.nz or phone (04) 463 5233 ext. 8977. To contact the Pacific Support Coordinator, email pacific-support-coord@vuw.ac.nz or phone (04) 463 5842.