



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

Trimester One 2008

**COURSE OUTLINE**

**Contact Details**

Academic:

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**Class Times and Room Numbers**

Lecture Times:

Monday 16.40 – 17.30. GB LT 3

Wednesday 15.40 – 17.30 GB LT3

Tutorials:

To be advised on Blackboard

Course Presenters:

Susan Corbett, RH 722

Alan Cameron, RH 604

**Lectures**

Lectures are held from Monday 25<sup>th</sup> February – Friday 30<sup>th</sup> May

Easter break: Friday 21<sup>st</sup> March – Tuesday 25<sup>th</sup> March

Mid-Trimester break: Monday 14<sup>th</sup> April – Friday 25<sup>th</sup> April.

University examination period: Monday 2<sup>nd</sup> June – Wednesday 25<sup>th</sup> June

**Tutorials**

**NOTE There is no tutorial in Week 5 or Week 7. Tutorials will be held in Weeks 3, 4, 6, 10, 11 and 12.**

<u>Tutorial No</u>	<u>Weeks Beginning</u>	<u>Lecture Material by</u>
1 - 3	10, 17, 31 March	SC
4 - 6	28 April, 5, 12 May	AC

<b>Provisional Lecture Programme</b>			
	<i>Date</i>	<i>Lecturer</i>	<i>Topic</i>
<b>Week 1</b>	25 February	SC	<b>Introduction to course.</b>
	27 February	SC	<b>The Internet</b> <i>Characteristics of the Internet Reading: Materials Book</i>
<b>Week 2</b>	3 March	SC	<b>Jurisdiction, Choice of Law, Online Dispute Resolution</b> <i>Jurisdiction Readings: Materials Book</i>
	5 March	SC	
<b>Week 3</b> <i>(Tutorial 1)</i>	10 March	SC	<b>e-Privacy Issues</b> <i>Privacy Readings: Materials Book</i> <i>Privacy Act 1993</i>
	12 March	SC	
<b>Week 4</b> <i>(Tutorial 2)</i>	17 March	SC	<b>Intellectual Property: copyright, digital rights management, linking.</b>
	19 March	SC	<i>Intellectual Property Readings: Materials Book;</i> <i>Copyright Act 1994;</i> <i>Copyright (New Technologies and Performers Rights Bill) at: <a href="http://www.parliament.nz/en-NZ/PB/Legislation/Bills/b/2/a/00DBHOH_BILL7735_1-Copyright-New-Technologies-and-Performers-Rights.htm">http://www.parliament.nz/en-NZ/PB/Legislation/Bills/b/2/a/00DBHOH_BILL7735_1-Copyright-New-Technologies-and-Performers-Rights.htm</a></i>
<b>EASTER</b>			
<b>Week 5</b> <i>(No Tutorial)</i>	26 March	SC	<b>Internet Governance, Domain names and Trade marks</b> <i>Domain Name and Trade Mark Readings: Materials Book;</i> <i>Domain Name Commission Information booklets (to be provided by the lecturer)</i>

<b>Week 6</b> <i>(Tutorial 3)</i>	31 March  2 April	SC	<b>TERMS TEST</b>  <b>Tax Issues for e-Commerce</b> <i>Tax Readings: Materials Book</i>
<b>Week 7</b> <i>(No Tutorial)</i>	7 April  9 April	AC	<b>Contract Law and Electronic Transactions Act 2002</b> <i>Readings: Materials Book</i>
<b>Weeks 8, 9</b>	<b>Mid Semester Break</b>		
<b>Week 10</b> <i>(Tutorial 4)</i>	28 April  30 April	AC	<b>Consumer Law</b> <i>Readings: Materials Book</i>
<b>Week 11</b> <i>(Tutorial 5)</i>	5 May  7 May	AC	<b>Computer Criminal &amp; Civil Regulation: Computer Crime</b> <i>Readings: Materials Book</i>
	<b>5 p.m. 9 May</b>		<b>ASSIGNMENT DUE</b>
<b>Week 12</b> <i>(Tutorial 6)</i>	12 May  14 May	AC	<b>Computer Criminal &amp; Civil Regulation: Computer Crime</b> <i>Readings: Materials Book</i>
<b>Week 13</b>	19 May  21 May	AC	<b>Computer Criminal &amp; Civil Regulation: Tort</b> <i>Readings: Materials Book</i>
<b>Week 14</b>	26 May  28 May	AC	<b>Computer Criminal &amp; Civil Regulation: Mixed Criminal &amp; Civil</b> <i>Readings: Materials Book</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 (Hayley) 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 issues, intellectual property, domain names, electronic transactions, privacy, defamation, consumer payment and protection, tax and computer crime.

## Readings & Required Texts

1. COML 307 Course Materials (2008)
2. 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.

There is no charge for class handouts, and limited spare copies of these will be placed in the COML 307 pigeonholes on the 7<sup>th</sup> 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 2008.

#### **Assessment Requirements**

Terms Test ( <i>open book</i> )	15%	Monday 31st March 16.40-17.30 p.m. GB LT 3
2000-word Assignment	25%	Due 5:00 pm, Friday 9th May
Final Exam ( <i>open book</i> )	60%	June (TBA)

#### Assignment

The assignment is due by 5:00 pm on 9<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 2000 words (**not** including footnotes which should be limited to referencing and citations).

#### Terms Test

The terms test (31<sup>st</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 9<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.** 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.

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://www.blackboard.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 on the ground floor (EA005). This counter is the first point of contact for :

- 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.

## **Notice of Turnitin Use**

(All courses which make use of Turnitin must inform students prior to collection of work for assessment. The following paragraph (modified as necessary for particular circumstances) should appear in course outlines.)

Student work provided for assessment in this course may be checked for academic integrity by the electronic search engine <<http://www.turnitin.com>>. Turnitin is an on-line plagiarism prevention tool which identifies material that may have been copied from other sources including the Internet, books, journals, periodicals or the work of other students. Turnitin is used to assist academic staff in detecting misreferencing, misquotation, and the inclusion of unattributed material, which may be forms of cheating or plagiarism. *At the discretion of the School, handwritten work may be copy typed by the School and subject to checking by Turnitin.* You are strongly advised to check with your tutor or the course coordinator if you are uncertain about how to use and cite material from other sources. Turnitin will retain a copy of submitted materials on behalf of the University for detection of future plagiarism, but access to the full text of submissions will not be made available to any other party.

## **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.victoria.ac.nz/home/about/policy/students.aspx](http://www.victoria.ac.nz/home/about/policy/students.aspx)

For information on the following topics, go to the Faculty's website [www.victoria.ac.nz/fca](http://www.victoria.ac.nz/fca) under Important Information for Students:

- Academic Grievances

- Student and Staff Conduct
- Meeting the Needs of Students with Impairments
- Student Support

### **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. The University defines plagiarism as follows:

*The presentation of the work of another person or other persons as if it were one's own, whether intended or not. This includes published or unpublished work, material on the Internet and the work of other students or staff.*

It is still plagiarism even if you re-structure the material or present it in your own style or words.

*Note: It is however, perfectly acceptable to include the work of others as long as that is acknowledged by appropriate referencing.*

Plagiarism is prohibited at Victoria and is not worth the risk. Any enrolled student found guilty of plagiarism will be subject to disciplinary procedures under the Statute on Student Conduct and may be penalized severely. Consequences of being found guilty of plagiarism can include:

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

Find out more about plagiarism, and how to avoid it, on the University's website:

[www.victoria.ac.nz/home/studying/plagiarism.html](http://www.victoria.ac.nz/home/studying/plagiarism.html)

### **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](mailto:manaaki-pihipihinga-programme@vuw.ac.nz) or phone (04) 463 6015. To contact the Pacific Support Coordinator, email [pacific-support-coord@vuw.ac.nz](mailto:pacific-support-coord@vuw.ac.nz) or phone (04) 463 5842.