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**SCHOOL OF ACCOUNTING & COMMERCIAL LAW**  
**COML 307 LEGAL ISSUES FOR E-COMMERCE**

Trimester One 2009

**COURSE OUTLINE**

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**Names and Contact Details**

Lecturers:

Mrs Susan Corbett – Academic Co-ordinator  
Room RH 722  
Phone number: (04) 463 5480  
Email: [Susan.Corbett@vuw.ac.nz](mailto:Susan.Corbett@vuw.ac.nz)  
Consultation Hours: By email appointment.

Ms Sally Xiong  
Room RH 728  
Email: [Ping.Xiong@vuw.ac.nz](mailto:Ping.Xiong@vuw.ac.nz)

Administrative Co-ordinator

Danielle Van Resseghem  
Room RH 708  
Phone number: (04) 463 7465  
Email: [Danielle.VanResseghem@vuw.ac.nz](mailto:Danielle.VanResseghem@vuw.ac.nz)

Office hours: Monday-Friday 8.30am-5pm  
Office closed 10.30-10.45am and 3.30-3.45pm

**Trimester Dates**

The start and the end dates for the first trimester: Monday 2 March to Wednesday 1 July.  
Examination dates for trimester one: Friday 12 June to Wednesday 1 July 2009 (inclusive).

**Class Times and Room Numbers**

Tuesday 12.40-14.30 in GB LT3  
Friday 11.30-12.20 in GB LT3

**Withdrawal dates:** Information available via

<http://www.victoria.ac.nz/home/admisenrol/payments/withdrawalsrefunds.aspx>

<b>Provisional Lecture Programme</b>			
	<i>Date</i>	<i>Lecturer</i>	<i>Topic</i>
<b>Week 1</b>	<b>3 March</b>	SC	<b>Introduction to course.</b>
	<b>6 March</b>	SC	<b>Jurisdiction, Choice of Law,</b>
<b>Week 2</b>	<b>10 March</b>	SC	<b>Jurisdiction (continued)</b>
	<b>13 March</b>	SC	<b>Contract Law, Electronic Transactions Act 2002, Encryption and Electronic signatures</b>
<b>Week 3</b> <i>(Tutorial 1- SC)</i>	<b>17 March</b>	SC	<b>Contract (continued)</b>
	<b>20 March</b>	SC	
<b>Week 4</b> <i>(Tutorial 2 - SC)</i>	<b>24 March</b>	SC	<b>e-Privacy Issues</b>
	<b>27 March</b>	SC	<b>Unsolicited Electronic Messages Act</b>
<b>Week 5</b> <i>(No Tutorial)</i>	<b>31 March</b>	SC	<b>e-Privacy (continued)</b> <b>Revision for test</b>
	<b>3 April</b>	SC	<b>TERMS TEST</b>
<b>Week 6</b> <i>(No Tutorial)</i>	<b>7 April</b>	Sally	<b>Consumer Protection</b>
	<b>10 April</b>		<b>Good Friday- no lecture</b>
<b>Weeks 7-8 Mid-semester Break</b>			
<b>Week 9</b> <i>(Tutorial 3 SC)</i>	<b>28 April</b>	Sally	<b>Copyright, digital rights management, linking, ISP liability</b>
	<b>1 May</b>		
<b>Week 10</b> <i>(Tutorial 4 Sally)</i>	<b>5 May</b>	Sally	<b>Tort (defamation, negligence, trespass to goods, breach of confidence)</b>

	<b>8 May</b>		
<b>Week 11</b> <i>(No Tutorial)</i>	<b>12 May</b> <b>15 May</b>	<b>SC</b>	<b>Internet Governance, Domain names and Trade marks</b>
<b>5 p.m. 15 May</b> <b>ASSIGNMENT DUE</b>			
<b>Week 12</b> <i>(Tutorial 5 SC)</i>	<b>19 May</b> <b>22 May</b>	<b>SC</b>	<b>Dispute Resolution</b>
<b>Week 13</b> <i>(Tutorial 6 SC)</i>	<b>26 May</b> <b>29 May</b>	<b>SC</b>	<b>Computer Crime</b> <b>Specialised areas – online auctions, gaming.</b>
<b>Week 14</b>	<b>2 June</b> <b>5 June</b>	<b>SC</b>	<b>Specialised areas (continued)</b> <b>Revision</b>

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

The completed tutorial lists will be posted on **Blackboard**.

### **Course Learning Objectives**

By the end of this course, students should be able to:	
1	analyse some conceptual and philosophical theories concerning cyberspace and consider how these relate to e-commerce;
2	state 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	describe specific cases in which commercial law principles have (i) been varied, or (ii) ‘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, and computer crime.

## **Readings & Required Texts**

1. *A Guide to E-Commerce Law in New Zealand*, Simpson Grierson's X-Tech Group, Thomson Brookers, 2002.
2. COML 307 Course Materials (2009)
3. 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. Legislation can also be accessed online, free of charge, from the government legislation website: <http://www.legislation.govt.nz/>

## Handouts

Spare copies of lecture handouts will be placed in the COML 307 boxes in Spare Handouts next to the lifts on Floor 7.

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 and e-commerce law: technology, law and policy* by Brian Fitzgerald et al.
4. "*Internet.law.nz : selected issues*" by Judge David Harvey

## **Materials and Equipment**

### Materials permitted in examination:

No restriction. Materials brought in may include, amongst other materials, textbooks, legislation, COML 307 Course Materials, and personal notes taken during the Course.

Bi-lingual dictionaries may be used, but not English dictionaries. Electronic dictionaries are not permitted.

## **Examinations**

Students who enrol in courses with examinations are obliged to attend an examination at the University at any time during the formal examination period.

Examination dates for trimester one: Friday 12 June to Wednesday 1 July 2009 (inclusive).

## Assessment Requirements

Assessment 1: Test Friday 3 April (during lecture time), Venue: GB LT3 15%

Assessment 2: A 2000-Word Assignment (assignment requirements, including topic, will be handed out in third week of course) (Due 5 pm Friday 15 May) - 25%

Assessment 3: A Three-hour Final Exam Time & Venue TBA - 60%

## Penalties

The assignment is due by 5.00 pm on 15<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.

## Mandatory Course Requirements

The **minimum** course requirements which you must satisfy are:

1. Completion of the assignment
2. Attendance at, and participation in, three out of five tutorial sessions
3. Sitting the Test
4. Obtaining a mark of 40% or better in the **Final Exam**
5. Overall mark of at least 50%.

Grades are awarded as follows:

A+	85% and over	
A	80-84%	
A-	75-79%	
B+	70-74%	
B	65-69%	
B-	60-64%	
C+	55-59%	
C	50-54%	
D	40-49%}	Fail
E	Below 40%}	Fail

To obtain a grade in the “A” or higher “B” range a student will be expected to have read relevant articles and cases beyond the indicated essential reading and to demonstrate an ability to bring an advanced level of analytical and critical skills to bear on the questions raised.

## **Tutorial Programme**

### Objectives:

1. Deepening and expansion of knowledge of the subject area;
2. Development of analytical and problem-solving skills through case problem exercises;
3. Development of oral skills through class presentations;
4. Development of cooperative group learning.

The tutorial programme commences in the third week of the course (17 March). The tutorial programme covers topics which are related to, and approximately in sequence with, the lecture programme.. Tutorials are important for assessments because the questions and exercises in the tutorial programme are used as the basis of questions in both the test and final exam.

See below “TUTORIAL SIGN-UP” for sign-up instructions

## **Communication of Additional Information**

This Course Outline is available, along with other information and materials relating to the course, on the university-wide online **Blackboard** system. Every student is expected to have access to the on-line information for this course and all announcements and notices will be posted in the Announcements section of Blackboard. Students who have problems accessing the course online should contact Student Computing Services or the Administrative Coordinator, Danielle xxxx. Lecture guides/outlines and other course handouts, where possible, will be made available on Blackboard.

## **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.

## **Use of Turnitin**

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 mis-referencing, misquotation, and the inclusion of

unattributed material, which may be forms of cheating or plagiarism. *At the discretion of the Head of 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: including the work of others will not be considered plagiarism as long as the work 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 penalised 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.



## TUTORIAL SIGN-UP

### Detailed Tutorial Signup Instructions

1. Go to the signup website at: <https://signups.vuw.ac.nz>
2. Enter your SCS username and password to login the system.
3. The “Signup Home” page opens. It displays all courses you are enrolled for and that use the S-Cubed Tutorial & Workshop Signup system. Click on the course you wish to sign up for.
4. The selected course page opens. It will show the course contact and brief details of the signup instructions. A “key” is provided at the bottom that explains all buttons and what they do.
5. The schedule of tutorials includes the day/time, location, maximum group size, and spaces left in the tutorial sessions.
6. If there are spaces left in a particular session, you will see the “ENROL” button next to it. You can click this button to enrol yourself into that tutorial session.
7. If there are NO more spaces left in a particular session, you will see the “JOIN WAITLIST” button, if available. You can click this button to join the waitlist for that tutorial session. Please note that you will be removed from any other waitlist you may have joined earlier. If somebody withdraws from this session, you will automatically be moved up the waitlist or enrolled into the session. In this case you are enrolled in the session; an email will be sent to you if you are enrolled into the session from a waitlist.
8. You can only “JOIN WAITLIST” if you have already enrolled in one of the other available sessions. In other words, “ENROL” in one session and then you can choose to join the waitlist for another preferred session.
9. You can choose to “WITHDRAW” from a session you have already enrolled for. You can also choose to “CANCEL WAITLIST” to remove yourself from a particular waitlist.
10. A “FULL” button indicates all seats and waitlist are full for that tutorial session. You must choose another session.
11. More details on the various buttons are available in the “Key” section at the bottom of the signup page.
12. You should “ENROL” in only ONE tutorial session and may “JOIN WAITLIST” for only ONE other tutorial session.
13. You can login and signup (or change your signup) anytime before the **closing date of the tutorial signup. You will NOT be able to sign up or change your choice after the tutorial signups have closed.**
14. You can view/confirm details of the sessions you are enrolled and waitlisted for, such as day/time and location by clicking on “My Signups” on the left hand menu.
15. Click on “Support” on the left hand menu if you are having problems.

This online signup system is available around the clock over the internet. Any requests after this date will need to be manually handled by the course administrator. You will need to submit a written application stating the reason why you were not able to sign up on time using the online system, along with other relevant documentation such as medical certificate etc.

Finally, **you must always attend the tutorial sessions that you have signed up for.** If you attend a different session, your attendance may not be recorded.