

School of Accounting and Commercial Law

## **COML 307 LEGAL ISSUES FOR E-COMMERCE**

Trimester Two 2016

### **COURSE OUTLINE**

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#### **Prescription**

Selected aspects of the law relating to e-commerce, including electronic transactions, intellectual property, privacy, consumer payment and protection, cross-border concerns and tax implications.

#### **Course Learning Objectives**

The subject matter of the course is electronic commerce. The course examines selected areas of law that are relevant to the e-trader and analyses and critiques the application of those laws to the online environment. Because electronic commerce has an international dimension there will be a component of comparative study incorporated into the course.

Students successfully completing this course are expected to:

1. Explain the application of existing laws to e-commerce.
2. Compare and critique selected regulatory frameworks relevant to e-commerce in New Zealand with those in overseas jurisdictions.
3. Describe the areas of law that should be considered when setting up an e-business.
4. Analyse legal problems in 'real-life' scenarios and provide advice for their solution.

#### **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: privacy, security, copyright, trade marks, domain names, electronic contracts, defamation, and computer crime.

#### **Trimester Dates**

Teaching Period: Monday 11<sup>th</sup> July – Friday 14<sup>th</sup> October

Study Period: Monday 17<sup>th</sup> October – Thursday 20<sup>th</sup> October

Examination Period: Friday 21<sup>st</sup> October – Saturday 12<sup>th</sup> November (inclusive)

#### **Withdrawal from Course**

1. Your fees will be refunded if you withdraw from this course on or before Friday 22<sup>nd</sup> July 2016.

2. The standard last date for withdrawal from this course is Friday 23<sup>rd</sup> September 2016. After this date, students forced to withdraw by circumstances beyond their control must apply for permission on an 'Application for Associate Dean's Permission to Withdraw Late' including supporting documentation. The application form is available from either of the Faculty's Student Customer Service Desks or [online](#).

### **Names and Contact Details**

<i>Course Coordinator &amp; Lecturer</i>	Susan Corbett susan.corbett@vuw.ac.nz Office hours: By email appointment	RH 722	463 5480
<i>Lecturer</i>	Craig Dickson craig.dickson@vuw.ac.nz Office Hours: By email appointment	RH 714	463 6787
<i>Course Administrator</i>	Rachel Qi rachel.qi@vuw.ac.nz Office hours: Monday-Friday, 8.30am-5pm (Note: Office closed 10.30am-10.45am and 3.30pm-3.45pm)	RH 708	463 7465

### **Class Times and Room Numbers**

Tuesday 10.30am -12.20pm in GB LT3

### ***Tutorials***

Tutorials will start in the **third** week of the trimester, i.e. in the week commencing 25 July 2016. Tutorial sign up instructions for 'MyAllocator' can be found on Blackboard under 'Tutorials'.

### **Course Delivery**

Lectures and tutorials.

**Note:** 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.

**Provisional Lecture Schedule – COML 307 2016**

<b>Week</b>	<b>Dates</b>	<b>Topic</b>	<b>Lecturer</b>
1	12 July	<b>i) Introduction to course.</b> <b>(ii) Online Privacy and Spam</b>  <b>Readings:</b> <i>E-Commerce and the Law</i> pages 174-219 <i>Privacy Act 1993</i> (excerpt posted on Blackboard) <i>Unsolicited Electronic Messages Act 2007</i> (excerpt posted on Blackboard)	SC
2	19 July	<b>Online Defamation; Jurisdictional issues</b>  <b>Readings:</b> <i>E-Commerce and the Law</i> Chapter 8	SC
3 Tutorial One (SC): <i>Privacy; Defamation</i>	26 July	<b>Electronic Contracts</b>  <b>Readings:</b> <i>E-Commerce and the Law</i> Chapter 3 <i>Electronic Transactions Act 2002</i> (excerpt posted on Blackboard)	SC
4 Tutorial Two (SC): <i>Jurisdictional issues; Electronic contracts</i>	2 August	<b>Trade marks</b>  <b>Readings:</b> <i>E-Commerce and the Law</i> Chapter 2	CD
5 No Tutorial	9 August	<b>Domain names.</b>  <b>Readings:</b> <i>E-Commerce and the Law</i> Chapter 1	CD
6 Tutorial Three (CD): <i>Trade marks and domain names</i>	16 August	<b>Copyright</b>  <b>Readings:</b> <i>E-Commerce and the Law</i> Chapter 7	CD
<b>Mid Trimester Break</b>			
7 No Tutorial	6 September	<b>Copyright (continued)</b>  <b>Readings:</b> <i>E-Commerce and the Law</i> Chapter 7  <b>TEST (date and time TBA) Topics Weeks 1-3</b>	CD
<b>Test on 8 September</b>			
8 Tutorial Four (CD): <i>Copyright</i>	13 September	<b>Guest Speaker: Domain Name Commissioner</b>	SC
<b>ASSIGNMENT DUE 19 SEPTEMBER at 2 pm.</b>			

9 No Tutorial	20 September	<b>Consumer law</b> <b>Readings:</b> <i>E-Commerce and the Law</i> Chapter 3	CD
10 Tutorial Five (CD): <i>Consumer</i>	27 September	<b>Internet Security</b> <b>Readings:</b> <i>E-Commerce and the Law</i> Chapter 5 <i>Crimes Act 1961</i> (excerpt posted on Blackboard) <i>Electronic Transactions Act 2002</i> (excerpt posted on Blackboard)	SC
11 No Tutorial	4 October	<b>Security (continued)</b>	SC
12 Tutorial Six (SC): <i>Security</i>	11 October	<b>Course review</b>	SC

## **Readings**

### ***Required Textbook***

S Corbett and A Sims *E-Commerce and the Law* (Thomson Reuters, 2014).

### ***Recommended***

Any business legislation text, provided it includes the following statutes: Copyright Act 1994, Privacy Act 1993, the Unsolicited Electronic Messages Act 2007, and the Electronic Transactions Act 2002. Legislation can also be accessed online, free of charge, from the government legislation website: <http://www.legislation.govt.nz/>

### ***Supplementary Readings***

Any additional reading will be available on Blackboard.

The following books have been placed on reserve for COML 307 at the Commerce Library:

1. S Corbett and A Sims *E-Commerce and the Law* (Thomson Reuters, 2014)
2. D Harvey *internet.law.nz: selected issues*, (revised 4<sup>th</sup> edition) (LexisNexis, 2016,)
3. A Davidson *Social Media and Electronic Commerce Law* (2<sup>nd</sup> edition) (Cambridge University Press, 2016)

## **Mandatory course requirements**

In addition to obtaining an overall course mark of 50 or better, students must:

1. Sit the Test.
2. Submit the Assignment

Any student who is concerned that they have been (or might be) unable to meet any of the MCRs because of exceptional personal circumstances, should contact the course coordinator as soon as possible.

If you cannot complete an assignment or sit a test or examination, refer to [www.victoria.ac.nz/home/study/exams-and-assessments/aegrotat](http://www.victoria.ac.nz/home/study/exams-and-assessments/aegrotat)

## **Expected Workload**

As a 15-point paper, it is expected that students will work for 150 hours across this course (this includes the 12 teaching weeks, mid-trimester break, study week and the examination period). Class accounts for 24 hours of this time. Accordingly, students are expected to give 10 hours per week outside of class to lecture preparation, lecture review, and readings.

## **Assessment**

The Assessment Handbook will apply to all VUW courses: see

<http://www.victoria.ac.nz/documents/policy/staff-policy/assessment-handbook.pdf>.

**Assessment 1: Test (open book)** (8 September) – 20%

**Assessment 2: 1200-Word Assignment** (Due 2 pm 19 September) - 20%

**Assessment 3: Final Exam (2 hours, open book)** Time & Venue TBA - 60%

The assignment will consist of a comparative study of laws in New Zealand and overseas. (Course objective 2) The test and the exam will predominantly consist of problem questions. The problem questions will give students the opportunity to describe, explain and apply the law (Course objectives 1, 3, 4).

## **InternetNZ Academic Prize**

An annual prize of \$750 is awarded by InternetNZ for academic achievement in COML 307 – this will be awarded to the student who receives the highest overall marks.

## **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. The final examination for this course will be scheduled at some time during the following period:

Friday 21st October – Saturday 12<sup>th</sup> November (inclusive)

## **Penalties**

In fairness to other students, any assignment submitted after the deadline will be subject to a penalty of 5% of the total marks available for every day or part of a day (including Saturdays and Sundays) that the assignment is submitted late. For example, an assignment marked out of 100 due by 2pm on Monday 1 January but submitted at 1pm on Wednesday 3 January, would be marked out of 100 and then have 10 marks deducted from the marks awarded. No marks will be awarded to any assignment submitted after the assignment has been discussed in class or marked and returned to other students or after 10 days have elapsed, whichever occurs first.

If you believe that exceptional circumstances may prevent you from meeting the mandatory course requirements, contact the Course Coordinator for advice as soon as possible.

If you cannot complete an assignment, refer to [www.victoria.ac.nz/home/study/exams-and-assessments/aegrotat](http://www.victoria.ac.nz/home/study/exams-and-assessments/aegrotat)

## **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 compares submitted work with a very large database of existing material. At the discretion of the Head of School, handwritten work may be copy-typed by the School and submitted to Turnitin. A copy of submitted materials will be retained 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.

### **Student feedback**

Student feedback on University courses may be found at [www.cad.vuw.ac.nz/feedback/feedback\\_display.php](http://www.cad.vuw.ac.nz/feedback/feedback_display.php). This course will be taught for the first time this trimester. Feedback from this trimester is likely to result in adjustments to the course in the future.

### **Class Representative**

A class representative will be elected in the first class, and that person's name and contact details made available to VUWSA, the course coordinator and the class. The class representative provides a communication channel to liaise with the course coordinator on behalf of students.

### **Communication of Additional Information**

Additional information will be communicated via email or Blackboard.

#### **Link to general information**

For general information about course-related matters, go to

<http://www.victoria.ac.nz/vbs/studenthelp/general-course-information>

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### **Note to Students**

Your assessed work may also be used for quality assurance purposes, such as to assess the level of achievement of learning objectives as required for accreditation and academic audit. The findings may be used to inform changes aimed at improving the quality of VBS programmes. All material used for such processes will be treated as confidential, and the outcome will not affect your grade for the course.

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