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THE LAW OF THE INTERNET
&
RELATED ISSUES CONCERNING
E-COMMERCE DISPUTE RESOLUTION



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Internet Law: Three Key Areas of Focus

- On-line content management
- Network security & information privacy
- Commercial transaction rules

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Content Management

- Intellectual property protection
 - Copyright
 - Trademark
 - Patent
 - Trade Secrets
- Content-specific regulation

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IP Focus Topics

- Balancing trademark rights with domain name management
- Enforcement of copyright for Internet content (music, video, software)
- Patent rights for electronic commerce
- Trade secrets in shared content environment

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Content-Specific Regulation

- Defamatory material
- Harassment & threats
- Commercial content controls

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Network Security Issues

- Unauthorized access
- Network sabotage
- Information theft

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Information Privacy

- Personal information has great economic value
- Information necessary for e-commerce
- Incentive for widespread collection, analysis and distribution

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Privacy Principles

- Notice
- Disclosure of users and uses
- Consent
- Opportunity to review and correct
- Opt-out option

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E-Commerce Principles

- Secure communication
- Authentication & verification of transaction content and user identity
- Non-repudiation, enforceability

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Commercial Transactions

- Modify existing commercial law to support e-commerce transactions
- Recognize enforceability of electronic documents
- Validate electronic signatures
- Provide for certification authorities

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Taxation

- Which e-commerce transactions subject to tax?
- Which jurisdiction to enforce?
- How to manage compliance?

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Consumer Protection

- Controls on advertising & promotions
- Warranties & guarantees
- Defective products
- Fraud

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Resolving E-Commerce Conflicts

- Modification of commercial law to accommodate e-commerce activities
- Use of the Internet by traditional legal institutions
- Non-traditional methods to resolve e-commerce disputes

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Modification of Commercial Law

- Give full legal recognition to e-documents & transactions
- Recognize digital signatures
- Clarify e-commerce jurisdictional issues
 - Jurisdiction applies traditional analysis
 - Jurisdiction develops e-comm. specific rule
 - Multi-lateral action

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Use of Computer Networks by Courts & Admin. Agencies

- Case status information
- Case documents
- Submission of legal pleadings (motions, briefs, etc.)
- Opinions/decisions

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Use of Computer Networks by Attorneys/Advocates

- Litigation support
- Legal research
- Law office management

Non-Traditional Dispute Resolution Systems

- On-line arbitration to resolve domain name disputes (WIPO)
- Industry self-regulation for consumer protection
- On-line mediation