



E-commerce Law

National and Transnational Topics and Perspectives

**Edited by
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Ecommerce Law National And Transnational Topics And Perspectives

Fabrizio Cafaggi, Horatia Muir Watt



Ecommerce Law National And Transnational Topics And Perspectives:

E-commerce Law Henk Snijders, 2003-01-01 This book elaborates and updates a staff exchange that took place in 2001 among legal scholars from the Universities of Oxford and Leiden Its insights represent some of the best informed thinking on the legal aspects of this all pervasive feature of contemporary society Cross-border Online Gambling Law and Policy Julia Hörnle, Brigitte Zammit, 2010-01-01 This engaging book written in an accessible and concise manner methodically unravels the complexities of regulating cross border online gambling The focus of the well researched materials highlights the tensions which arise between the execution of national policies and the international ubiquity of internet based trade With well thought out examples the narrative illustrates how national policy choices clash with one another not only via attempts to liberalize markets but also through the application of rules of private international law **Recordkeeping, Ethics and Law** Livia Iacovino, 2006-07-20 Distributed networks such as the Internet have altered the fundamental way a record is created captured accessed and managed over time and therefore who controls has access to and is responsible for its authenticity Law and ethics provide the major sources of regulatory controls over participants in such networks This book analyses the interrelationship of recordkeeping ethics and law in terms of existing regulatory models and their application to the Internet environment It proposes the legal and social relationship model as an analytical tool for identifying the rights and obligations of recordkeeping participants in networked business transactions within communities of common interest based on trust The model is also used to examine the legal concepts of property access privacy and evidence with particular reference to its Internet context As legal relationships have their basis in the law of obligations found in both common and civil law systems as well as archival science the model has a broad based application The approach in this book has been to reconcile a number of archival traditions the common strands rather than the differences in particular concepts of identity trust acts actors and social relationships as fundamental concepts to social regulation It is therefore primarily directed to archives and records academics and practitioners especially those working within the realm of electronic records in order to provide them with a sound theoretical and practical knowledge of the legal and ethical dimensions of records created in distributed environments International Trade Law Indira Carr, Peter Stone, 2017-11-22 International Trade Law offers a clear overview of the complexities of an international sale transaction through informed analysis of case law legislation and international conventions and rules Fully updated with changes to the law and new directions in legal debate this new edition considers Standard trade terms including INCOTERMS 2010 the Convention on International Sales of Goods 1980 and the UNIDROIT Principles for International Commercial Contracts E Commerce issues including electronic bills of lading Insurance and payment mechanisms such as letters of credit and the UCP 600 International transportation of cargo including the Rotterdam Rules Dispute resolution including jurisdiction applicable law arbitration and mediation with particular reference to the relevant EU regulations and the developing case law thereon Corruption and anti corruption conventions

including the UK Bribery Act 2010 and developments relating to deferred prosecution agreements In addition to clarifying a range of topics through tables and diagrams the book directs readers to relevant further reading and online resources throughout offering students an accessible resource to this often challenging area of the law *Electronic Signatures for B2B Contracts* Aashish Srivastava,2012-08-31 The last few centuries have seen paper based documents and manuscript signatures dominate the way businesses enter into a contractual relationship with each other With the advent of Internet replacing paper based contracts with B2B electronic contracts is a possibility However an appropriate technology and an enabling legislation are crucial for this change to happen On the technology front this feature has the potential to enable business executives to sit in front of their computer and sign multi million dollar deals by using their electronic signatures On the legal front various pieces of legislation have been enacted and policies developed at both national and international levels to give legal recognition to such type of contracts This book presents the findings of an empirical study on large public listed Australian companies that examined businesses perception towards the use of electronic signatures in B2B contracts Essentially it identifies six key factors that create a disincentive to businesses to move from the practice of paper based signatures to the new technology of electronic signatures This book offers legal practitioners academics and businesses insights into issues associated with the use of electronic signatures and suggests a number of measures to promote its usage in B2B contracts **The Law of Contributory Liability on the Internet** Berrak Genç-Gelgeç,2022-01-10 This book explores the contributory liability of Internet intermediaries that arises from trademark infringements committed by third parties on the Internet providing a comprehensive analysis of the law applicable to the matter in an EU context It also considers the applicable laws of Germany and England to demonstrate how the rules are implemented in national laws as the current state of the law is two tiered In providing a framework of the law applicable to online contributory trademark liability the book also addresses ongoing and emerging issues that are specific to trademark law and proposes specific solutions to the issues arising in the context of online contributory trademark liability The liability of Internet intermediaries has been a popular and lively subject from different substantive rights angles However trademark law has not received a great deal of attention from either scholars or legislators As such this book fills a gap in the literature by undertaking a trademark specific examination and will be of great interest to all those involved in the research and legal practice of trademark law Online Resolution of E-commerce Disputes Jie Zheng,2020-10-03 This book discusses how technological innovations have affected the resolution of disputes arising from electronic commerce in the European Union UK and China Online dispute resolution ODR is a form of alternative dispute resolution in which information technology is used to establish a process that is more effective and conducive to resolving the specific types of dispute for which it was created This book focuses on out of court ODR and the resolution of disputes in the field of electronic commerce It explores the potential of ODR in this specific e commerce context and investigates whether the current use of ODR is in line with the principles of access to justice and

procedural fairness Moreover it examines the major concerns surrounding the development of ODR e g the extent to which electronic ADR agreements are recognized by national courts in cross border e commerce transactions how procedural justice is ensured in ODR proceedings and whether ODR outcomes can be effectively enforced To this end the book assesses the current and potential role of ODR in resolving e commerce disputes identifies the legal framework for and legal barriers to the development of ODR and makes recommendations as to the direction in which practice and the current legal framework should evolve In closing the book draws on the latest legislation in the field of e commerce law and dispute resolution in order to make recommendations for future ODR design such as the EU Platform to Business Regulation on Promoting Fairness and Transparency for Business Users of Online Intermediation Services 2019 and the United Nations Convention on International Settlement Agreements Resulting from Mediation 2018 which provide the legal basis for ODR s future development

Technology and Legal Systems Noel Cox,2016-12-14 The advent of the knowledge economy and society has made it increasingly necessary for law reformers and policy makers to take account of the effects of technology upon the law and upon legal and political processes This book explores aspects of technology s relationship with law and government and in particular the effects changing technology has had on constitutional structures and upon business Part I examines the legal normative influence of constitutional structures and political theories It focuses on the interrelationship between laws and legal procedure with technology and the effect technology can have on the legal environment Part II discusses the relationship between government and technology both at the national and international level The author argues that technology must be contextualized within a constitution and draws on historical and contemporary examples to illustrate how technology has both shaped civilizations and been the product of its political and constitutional environment The

Law's Beginnings Ferdinand J.M. Feldbrugge,2021-09-13 Law as we know it with its rules and rituals its procedures and professionals has not been around forever It came into being it emerged at different places and different times Sources which allow us to observe the processes of law s beginnings have survived in some cases In this book scholars from various disciplines linguists lawyers historians anthropologists present their findings concerning the earliest legal systems of a great variety of peoples and civilizations from Mesopotamia and Ancient India to Greece and Rome from the early Germanic Celtic and Slavic nations but also from other parts of the world The general picture is complemented by an investigation into the Indo European roots of a number of ancient legal systems contributions from the point of view of legal philosophy and theory and an overview of the insights gained

European Intermediary Liability in Copyright: A Tort-Based Analysis Christina Angelopoulos,2016-09-15 In step with its rapid progress to the centre of modern social political and economic life the internet has proven a convenient vehicle for the commission of unprecedented levels of copyright infringement Given the virtually insurmountable obstacles to successful pursuit of actual perpetrators it has become common for intermediaries providers of internet related infrastructure and services to face liability as accessories Despite advances in policy at the

European level the law in this area remains far from consistently applicable This is the first book to locate and clarify the substantive rules of European intermediary accessory liability in copyright and to formulate harmonised European norms to govern this complicated topic With a detailed comparative analysis of relevant regimes in three major Member State jurisdictions England France and Germany the author elucidates the relationship between these rules and the demands of EU law on fundamental rights and the principles of European tort law She clearly presents the interrelations between such areas as the following accessory liability in tort joint tortfeasance European fault based liability fault causation defences negligence negligence balancing rights based or utility based Germany's disturbance liability *Störerhaftung* fair balance in human rights end users fundamental rights The European Commission's 2015 Communication on a Digital Single Market Strategy for Europe The E Commerce Directive and other relevant provisions Safe harbours mere conduit caching hosting Intermediary actions monitoring filtering blocking removal of infringing content and application of remedies damages and injunctions The strong points of each national system are highlighted as are the commonalities between them and the author uses these to build a proposed harmonised European framework for intermediary liability for copyright infringement She concludes with suggestions for the future possible integration of the proposed framework into EU law The issue of the liability of internet intermediaries for third party copyright infringement has entered into the political agenda across the globe giving rise to one of the most complex contentious and fascinating debates in modern copyright law This book offers an opportunity for a re conceptualisation and rationalisation of the applicable law in a way which additionally better accounts for the cross border nature of the internet It will be of inestimable value to many interested parties lawyers internet intermediaries NGOs policymakers universities libraries researchers lobbyists in matters regarding the information society

The Regulatory Function of European Private Law Fabrizio Cafaggi, Horatia Muir Watt, 2009-01-01 In twelve topical papers written by renowned experts in distinct areas of the law the reader will find out how private law and private international law instruments can serve public policy goals such as the protection of the environment product safety or services of general economic interest and how these instruments interact with regulation in the proper sense A must for those who want to explore the borderline if it exists between public and private law in the EU Jules Stuyck Leuven University Belgium In the context of the current debate on the desirability and process of forming European private law EPL this book considers one fundamental question addressing its descriptive and normative dimension does and should EPL pursue regulatory objectives beyond market integration The editors argue that because national categories are of little help in grasping the characteristics of a multi level regulatory system it is necessary to link three perspectives private law regulation and conflict of laws This book explores this interaction in four distinct fields product liability environmental protection public utilities and e commerce The results show that EPL is highly regulatory and that the implications of this change have not been adequately considered by institutions and by scholars *The Regulatory Function of European Private Law* will be of great interest to academics of law

as well as to private and public lawyers and European policymakers *The International Space Station* Frans Gerhard von der Dunk, Marcel M. T. a. Brus, 2006 The present book offers the first overview of applicable law and regulation which is not merely superficial as well as some directions for future legislative and regulatory developments written by a number of highly reputed experts in space law *Blurry Boundaries of Public and Private International Law* Poomintr

Sooksripaisarnkit, Dharmita Prasad, 2022-02-23 This book examines interactions and discusses intersectionality between public international law and private international law With contributions from scholars from USA Canada Australia India and EU this book brings out truly international perspectives on the topic The contributions are arranged in four themes Public international law and private international law historical and theoretical considerations of the boundary Harmonisation of private international law by public international law instruments evaluation of process problems and effectiveness Case studies of intersectionality between public international law and private international law Future trends in the relationship between public international law and private international law The ultimate aim of this book is to analyse whether these two legal disciplines become convergent or they are still divergent as usual With wide coverage spanning across these four themes the book has takeaways for a wide readership For scholars and researchers in the fields of public international law and private international law this book sparks further thoughts and debates in both disciplines and highlight areas for continuing research For practitioners this book offers fresh insights and perspectives on contemporaneous issues of significance This book is also be a great resource for students at both undergraduate and postgraduate levels taking subjects such as public international law or private international law or some related disciplines such as international sale of goods international trade law or international investment law to advance their knowledge and understanding of the disciplines

Compliance with European Consumer Law Felix Pflücke, 2024-09-09 European Consumer Law has adapted and evolved in response to the rapid growth of e commerce in the last two decades Compliance with European Consumer Law The Case of E Commerce examines the evolving legal framework at the EU and national levels from mandatory disclosures to unfair contract terms and analyses the extent to which scientifically grounded evidence or theories underpin these legislative choices At the heart of the book lies an original data driven inquiry assessing compliance among e commerce traders with consumer protection rules The empirical analysis investigates whether 300 traders from four jurisdictions France Germany the Netherlands and the United Kingdom comply with their legal duties and identifies reasons for non compliance It translates the evidence of previously undiscovered non compliance patterns into targeted and actionable policy recommendations presenting a significant new interpretation of the regulatory landscape Compliance with European Consumer Law offers a unique analytical perspective and contributes to a deeper understanding of e commerce regulation Innovative and engaging this book advocates for a more evidence driven approach within European Consumer Law aimed at strengthening the effectiveness of the rules and fostering trader compliance *Regulating the Internal Market* Niamh Nic

Shuibhne,2006-01-01 The insight given by the book is absolutely indispensable for those who interact with the internal market It is a goldmine of thought waiting to be discussed used and put to the test Ida Otken Eriksson European Law Journal This fascinating book explores the management of the internal market from a legal perspective While the EU agenda is currently dominated by the processes of Treaty reform this assessment of both market and constitutional governance evaluates the coherence or otherwise of the project at the very core of European integration Confronted with a free market nearing completion with a relatively formulaic application of internal market law the book portrays how this is mirrored in a growing tendency to hand the market back to the Member States and increasingly to authorities and bodies both public and private therein We see too however an internal market framework that strains to cope with a series of challenges both internal and external to the EU itself The approach of the contributors is twofold on one hand they reflect thematically on questions of regulation which cut across the spectrum of the market and its freedoms On the other hand they adopt more sector specific lenses including for example regulation of the media and the Internet through which contemporary regulatory dynamics can be reconsidered Providing analysis of contemporary challenges facing the internal market this book will be of great interest to academics researchers and students working in the field of EC law It will also appeal to national and Community policy makers as it seeks to locate the constitutional and regulatory boundaries of the internal market sphere

Global Perspectives on E-Commerce Taxation Law Dr Subhajit Basu,2013-01-28 In its most advanced form e commerce allows unidentified purchasers to pay obscure vendors in electronic cash for products that are often goods services and licenses all rolled into one This book considers the implications for the domestic and international tax systems of the growth of e commerce It covers a wide variety of activities from discussion of the principles governing direct and indirect taxation to explanation of the implementation and use of e commerce on the part of businesses as well as the application of existing tax principles in this field With its focus on the broader issues surrounding the expansion of e commerce and its attention to the problems arising internationally in this field Global Perspectives in E Commerce Taxation Law will appeal to scholars worldwide

Current Publications in Legal and Related Fields ,2003 *E-Commerce and Intelligent Methods* Javier Segovia,Piotr S. Szczepaniak,Marian Niedzwiedzinski,2013-06-05 This book covers significant recent developments in the field of Intelligent Methods applied to eCommerce The Intelligent Methods considered are mainly Soft Computing Methods that include fuzzy sets rough sets neural networks evolutionary computations probabilistic and evidential reasoning multivalued logic and related fields There is not doubt about the relevance of eCommerce in our daily environments and in the work carried out at many research centers throughout the world The application of AI to Commerce is growing as fast as the computers and networks are being integrated in all business and commerce aspects We felt that it was time to sit down and see how was the impact into that field of low level AI i.e softcomputing We found many scattered contributions disseminated in conferences workshops journal books or even technical reports but nothing like a common framework that

could serve as a basis for further research comparison or even prototyping for a direct transfer to the industry We felt then the need to set up a reference point a book like this We planned this book as a recompilation of the newest developments of researchers who already made some contribution into the field The authors were selected based on the originality and quality of their work and its relevance to the field Authors came from prestigious universities and research centers with different backgrounds

Contemporary Issues in International Law B.C. Nirmal,Rajnish Kumar Singh,2018-02-13 This book explores the changing nature of international law and its ability to respond to the contemporary issues related to international environment trade and information technology The evolution of international law has reached a stage where we are witnessing diminishing power of the state and its capacity to deal with the economic matters challenging the existing notions of territory and sovereignty Recent trends in international law and international relations show that states no longer have exclusive control over the decision making process at the global level Keeping this in mind the book brings together the perspectives of various international and national scholars The book considers diverse issues such as sustainable development climate change global warming Rio 20 technology transfer agro biodiversity and genetic resource authority for protection of environment human right to water globalization human rights sui generis options in IP laws impact of liberalization on higher education regulation of international trade intellectual property rights collective administration of copyright broadcast reproduction rights implementation of copyright law communication rights under copyright law arbitration for IP disputes doctrine of exhaustion of rights trans border reputation of trademark information as an asset cyber obscenity and pornography e governance taxation of e commerce computer crime information technology domain names research excellence in legal education ideological perspective on legal education challenges for law teachers and clinical legal education The topics though diverse are closely interrelated with the common concern throughout being that the global environment international trade information technology and legal education need appropriate national normative and institutional responses as well as the global cooperation of members of the international community Presenting reflections of a number of Asian African and European scholars on these varied facets the book is of great value to scholars practitioners teachers and students associated with contemporary international law

A Handbook of International Trade in Services Aaditya Mattoo,Robert M. Stern,Gianni Zanini,2008 This title provides a comprehensive introduction to the key issues in trade and liberalization of services Providing a useful overview of the players involved the barriers to trade and case studies in a number of service industries this is ideal for policymakers and students interested in trade

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