

University of Pennsylvania  
The Wharton School

# **LGST 222 - Law of Electronic Commerce**

Fall 2005

## **Overview**

This course examines the law relating to the developing field of electronic commerce or electronic business. Part of the course looks at private law. Private law issues are typically commercial matters arising between the various parties engaged in e-commerce.

Examples include the laws relating to making contracts online and electronic payments, and jurisdiction over online transactions. Another part of the course involves public law issues, which involve regulatory or governance requirements that are imposed upon e-commerce participants. Examples include regulations governing privacy, Internet domain names, certain types of forbidden content, and regulation of spam and advertising. The course will examine cases and specific examples of e-commerce businesses, which demonstrate how these legal issues apply to particular scenarios.

The course presumes no knowledge of computer systems, e-commerce, or law.

## **Professor**

Kevin Werbach

## **Contact Information**

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## **Materials**

RONALD MANN & JANE WINN, ELECTRONIC COMMERCE, 2<sup>nd</sup> Edition (Aspen Books 2004). Available in the bookstore.

There will also be a photocopied bulk-pack, available at Wharton Reprographics in the basement of Steinberg-Dietrich Hall.

## **Grading**

The class will be graded based on a midterm exam (25%), a final exam (30%), a paper (30%) and class participation.

## Schedule

### LEGAL REGIMES FOR ELECTRONIC COMMERCE

- 9/7     Introduction**  
*Bulkpack Tab 1*
- 9/12    Who Makes the Rules?**  
*Bulkpack Tab 2*
- 9/14    Jurisdiction and Conflict of Laws**  
*Casebook pp. 6-19, 22-27*  
*Bulkpack Tab 3*
- 9/19    Rule Shopping: Choice of Forum and Arbitration**  
*Casebook pp. 28-48*  
*Bulkpack Tab 4*
- 9/21    Class 5: Internet Governance**  
*Casebook Appendix A (pp. 741-745)*  
*Bulkpack Tab 5*

### SETTING UP SHOP ONLINE

- 9/28    Trademarks and Domain Names**  
*Casebook pp. 54-66*  
*Bulkpack Tab 6*
- 9/30    Cybersquatting**  
*Casebook pp. 67-82, 94-95*
- 10/3    Controlling Access**  
*Casebook pp. 117-136*
- 10/5    Site Owner Liability**  
*Casebook pp. 141-142, 156-172*  
*Bulkpack Tab 7*
- 10/10   Privacy Protection**  
*Casebook pp. 218-232*  
*Bulkpack Tab 8*
- 10/12   Software Licensing and Open Source**  
*Casebook pp. 425-440, 516-523*  
*Bulkpack Tab 9*
- 10/19   Website Agreements**  
*Casebook pp. 96-98, 104-105, 109-115*
- 10/24   MIDTERM**

## ELECTRONIC TRANSACTIONS

**10/26**   **It's a Wrap: Introduction to Electronic Contracting**  
*Casebook pp. 263-289*

**10/31**   **Electronic Contracting II**  
*Casebook pp. 290-299*

**11/2**   **Encryption and Digital Signatures**  
*Casebook pp. 350-363*  
*Bulkpack Tab 10*

**11/7**   **Payments**  
*Casebook pp. 576-586, 505-606*

**11/9**   **Internet Auctions**  
*Casebook pp. 300-317*  
*Bulkpack tab 11*

**11/14**   **Information Goods**  
*Casebook pp. 380-396*

**11/16**   **The Intellectual Property Wars**  
*Bulkpack tab 12*

## E-COMMERCE REGULATION

**11/21**   **Data Protection in Europe and the US**  
*Casebook pp. 200-217*  
*Bulkpack Tab 13*

**11/23**   **Internet Taxation**  
*Casebook pp. 318-330*  
*Bulkpack Tab 14*

**11/28**   **Fighting Malware – Spam, Spyware, and Other Threats**  
*Casebook pp. 136-138*  
*Bulkpack Tab 15*

**11/30**   **Legal Limits on Online Activities**  
*Bulkpack Tab 16*

**12/5**   **Emerging Developments**  
TBA

**12/7**   **The Future of E-Commerce**  
*Bulkpack Tab 17*