

Course Outline

COURSE: LAWS 4204A – Legal Issues in eCommerce

TERM: FALL 2019

PREREQUISITES: LAWS 2908, LAWS 2201, LAWS 2202 and Fourth-Year Honours standing

CLASS: **Day & Time:** Fridays, 8:35am – 11:25am
 Room: Please check with Carleton Central for current room location

INSTRUCTOR: Stephen Waxman, BA (Hon), LLB
(CONTRACT)

CONTACT: **Office:** Room B442 Loeb Building
 Office Hrs: By appointment only
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 Email: stephen.h.waxman@gmail.com

CALENDAR COURSE DESCRIPTION

An examination of selected legal topics relevant to the conduct of electronic commerce. Topics include types of regulation, government support, jurisdiction challenges, contract disputes and consumer protection. Court and alternative dispute resolution policy of Domain Names challenges are also included.

COURSE DESCRIPTION

The purpose of this course is to address legal issues in E-Commerce from a legal, economic, political and regulatory perspective. The students will be exposed to contract law issues and how the implementation of this new approach has affected our way of life. The course will also address important privacy and sociological issues which impact modern society.

REQUIRED TEXTS

Legal Issues in Electronic Commerce, R.L. Campbell, Fourth Edition, available in CU Bookstore.

EVALUATION

(All components must be completed in order to get a passing grade)

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

1. Essay (60% - DUE FRIDAY, DECEMBER 6th, 2019)

Students will write an essay on a topic agreed upon by the instructor. The instructor will discuss in class a range of possible essay topics. The paper will be between 3000 and 3500 words. (12-15 double spaced typed pages). Maximum length is 3500 words or approximately 15 double spaced typed pages. Penalty : The marking of the assignments will be in letter grades. Late assignments will be penalized at the rate of ½ full letter grade per day (e.g. original mark B: one day late B-, two days late C etc.). The paper should include a cover sheet, which should include the title of your paper, your name and student number. Please ensure that your paper is securely fastened. Do not use paper clips. Do not use plastic or other covers. Quality of expression is essential. Care must be taken to ensure proper spelling, grammar and style, as each will be taken into account in assigning a mark. Use headings for each section of your paper. Include a table of contents, with page numbers, for each section of your paper. The title should accurately reflect the subject matter of your paper. The introduction should include a position statement which is then explored in the paper. The introduction should define your topic and indicate the problem to be addressed. The body of the paper should include analysis, and demonstrate that you have done research and reading including course materials and other publications. Possible reform options should be explored. A conclusion which concisely and cogently summarizes your discussion is invaluable. Proper footnoting and bibliography are required. You may use any commonly accepted style.

Note that there are Instructional Offences: Assignments must be original. It is an instructional offence for any student to copy the work of another student or to submit work that is not his or her own. In relying on the ideas of others, it is important to acknowledge that you are doing so. This does not apply merely when you are paraphrasing or quoting the work of an author, but also when you are using your own words to describe the ideas of others. The onus is on each student to retain a copy of her or his assignment until the graded assignment is returned. This will avoid the risk of an assignment being lost.

2. Presentation (30%) and Participation (5%)

Each student is responsible for making a presentation of 15-20 minutes before the class based on the subject matter of the essay. The presentation will outline the main issues raised in the paper and the student must be prepared to address any questions posed as a result of the exercise. Students will in addition be graded for their participation in the presentations of other students in the class

4. Attendance (5%)

Attendance will be taken each week at the end of class.

SCHEDULE

Class 1: Course introduction, essay and presentation requirements.

Class 2: The New Age in Commerce: The key principles to contracts entered into by online merchants and consumers.

Class 3: Online Advertising: Key principles applicable to the online advertising of goods and services

including the issue of the potential liability of the parties involved.

Class 4: E-mail marketing: Comprehensive review of Canadian anti-spam legislation which came into force July 1, 2014.

Class 5: Behavioural Marketing: The legal issues triggered by online behavioural advertising will be discussed.

Class 6: Social Media: The risks to businesses and employers with social media and best practices regarding fraud protection and how privacy laws interact with social media issues in the workplace.

Class 7: User Generated Content: An overview of the legal issues arising in connection of online services including the right to privacy and intellectual property rights.

Class 8: Promotional Contests: An overview of the regulatory environment of promotional contests in Canada including regulatory requirements specific to Quebec residents.

Class 9: Copyright: An overview of the essential principles of copyright law.

Class 10: Trade-Marks: The outline of the Canadian trade-mark legal framework.

Class 11: Domain Names: A review of the domain name registration system and the legal issues which may arise in connection with domain names.

Class 12: Patents: An overview of the scope of patent protection and the general requirements for obtaining a patent. The issue of patent infringement and remedies will be explored.

Class 13: Other legal issues and course wrap-up.

NB FALL BREAK OCTOBER 21ST-25TH NO CLASSES

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: Please contact me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Equity Services website: <https://carleton.ca/equity/accommodation/academic/students/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Equity Services website: <https://carleton.ca/equity/accommodation/academic/students/>

Academic Accommodations for Students with Disabilities: If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (PMC) at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable). <https://carleton.ca/pmc/students/accommodations/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's Academic Integrity Policy can be found at:
<https://carleton.ca/registrar/academic-integrity/>

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/sexual-violence-support/>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: <https://carleton.ca/equity/accommodation/academic/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>