

## Course Outline

<b>COURSE:</b>	<b>LAWS 4204A – Legal Issues in eCommerce</b>
<b>TERM:</b>	<b>Fall 2022</b>
<b>PREREQUISITES:</b>	<b>LAWS 2908, LAWS 2201, LAWS 2202 and fourth-year Honours standing</b>
<b>CLASS:</b>	<b>Day &amp; Time: Tuesdays 8:35 – 11:25am</b> <b>Room: Tory Building 431</b>
<b>INSTRUCTOR:</b>	<b>Stephen Waxman BA (Hon) LLB</b>
<b>CONTACT:</b>	<b>Office: Contact via email</b> <b>Office Hrs: By appointment</b> <b>Telephone: 613-286-2788</b> <b>Email: <a href="mailto:stephenwaxman@cunet.ca">stephenwaxman@cunet.ca</a></b> <b>OR</b> <b><a href="mailto:stephen.h.waxman@gmail.com">stephen.h.waxman@gmail.com</a></b>

---

### 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**

*Practical Guide to E-Commerce and Internet Law*, Eloise Gratton, Elisa Henry. Available in the CU Bookstore.

Students can either opt for curb side pick-up or order from [www.carletonshop.ca](http://www.carletonshop.ca). The textbooks will be received within 2 business days anywhere within Canada.

**EVALUATION**

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 (45% - Due Wednesday, December 7, 2022)**

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 (25%)**

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.

## **3. Participation (10%)**

Students will be graded for their participation in class.

## **4. Outline (20% - Due Wednesday, October 19, 2022)**

Each student is required to submit an outline regarding the subject matter of their paper. The outline should describe in general the paper to be researched and submitted at the end of the term, and should not be more than 3 pages single spaced.

### **LATE PENALTIES AND REQUESTS FOR EXTENSIONS**

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 granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date. [https://carleton.ca/registrar/wp-content/uploads/COVID-19\\_Self-declaration.pdf](https://carleton.ca/registrar/wp-content/uploads/COVID-19_Self-declaration.pdf) **Extensions for longer than 7 days will normally not be granted.** In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of

14 days).

### **SCHEDULE**

#### **Readings: Practical Guide to E-Commerce and Internet Law**

Class 1 (Sep 13): Course introduction, essay and presentation requirements.

Class 2 (Sep 20): The New Age in Commerce: The key principles to contracts entered into by online merchants and consumers. ( Pages 1-18 )

Class 3 (Sep 27): Online Advertising: Key principles applicable to the online advertising of goods and services including the issue of the potential liability of the parties involved. Pages 215-251 )

Class 4 (Oct 4): E-mail marketing: Comprehensive review of Canadian anti-spam legislation which came into force July1, 2014. ( pages 253-274 )

Class 5 (Oct 11): Behavioural Marketing: The legal issues triggered by online behavioural advertising will be discussed. ( pages ( pages 275-287 )

Class 6 (Oct 18): 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. ( pages 289-321 )

Class 7 (Nov 1): User Generated Content: An overview of the legal issues arising in connection of online services including the right to privacy and intellectual property rights. ( 323-339)

Class 8 (Nov 8): Promotional Contests: An overview of the regulatory environment of promotional contests in Canada including regulatory requirements specific to Quebec residents. ( pages 341-352 )

Class 9 (Nov 15): Copyright: An overview of the essential principles of copyright law. pages ( pages 43-65 )

Class 10 (Nov 22): Trade-Marks: The outline of the Canadian trade-mark legal framework. ( pages 69-83 )

Class 11 (Nov 29): Domain Names: A review of the domain name registration system and the legal issues which may arise in connection with domain names. ( pages 85-104 )

Class 12 (Dec 6): 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. Other legal issues and course wrap-up. ( pages 109-127 )

#### **Fall 2022 Sessional Dates and University Closures**

**September 7, 2022:** Fall terms begins.

**September, 20, 2022:** Last day for registration and course changes (including auditing) in fall and fall/winter courses.

**October 10, 2022:** Statutory holiday. University closed.

**October 24-28, 2022:** Fall break, no classes.

**November 25, 2022:** Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in fall term or fall/winter undergraduate courses, before the official December final examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar).

**December 9, 2022:** Fall term ends. Last day of fall classes. Classes follow a Monday schedule (fall and fall/winter courses only). Last day for final take-home examinations to be assigned, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar. Last day for handing in term work and the last day that can be specified by a course instructor as a due date for term work for full and late fall courses.

**December 10-22, 2022:** Final examinations in fall courses and mid-term examinations in fall/winter courses will be held.

## **UNIVERSITY AND DEPARTMENTAL POLICIES**

### **DEPARTMENT POLICIES AND REGULATIONS**

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

### **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/>.

### **ACADEMIC ACCOMMODATIONS**

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://students.carleton.ca/course-outline/>.

**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 Department of Equity and Inclusive Communities (EIC):

<https://carleton.ca/equity/>.

**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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>.

**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](mailto: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>.

**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/student-support/svpolicy/>.

**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. Read more here:

<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://students.carleton.ca/services/accommodation/>.

**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: <https://carleton.ca/law/student-experience-resources/>.

**COVID Update**

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower your risk and the risk you pose to those around you including being vaccinated, wearing a mask, staying home when you're sick, washing your hands and maintaining proper respiratory and cough etiquette.

**Feeling sick?** Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you must follow Carleton's [symptom reporting protocols](#).

**Masks:** Carleton has paused the [COVID-19 Mask Policy](#), but continues to strongly recommend masking when indoors, particularly if physical distancing cannot be maintained. It may become necessary to quickly reinstate the mask requirement if pandemic circumstances were to change.

**Vaccines:** Further, while proof of vaccination is no longer required as of May 1 to attend campus or in-person activity, it may become necessary for the University to bring back proof of vaccination requirements on short notice if the situation and public health advice changes. Students are strongly encouraged to get a full course of vaccination, including booster doses as soon as they are eligible, and submit their booster dose information in [cuScreen](#) as soon as possible. Please note that Carleton cannot guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend the campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact [covidinfo@carleton.ca](mailto:covidinfo@carleton.ca).