

Course Outline

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| COURSE: | LAWS 4204 A - Legal Issues in E-Commerce |
| TERM: | Winter 2026 |
| PREREQUISITES: | LAWS 2908, LAWS 2201, LAWS 2202 and fourth-year Honours standing |
| CLASS: | Day,Time Tuesdays 8:35am-11:35am &Location: Please check Carleton Central for Class Location |
| INSTRUCTOR: | Stephen Waxman BA (Hon) LLB |
| CONTACT: | Office Hrs: By appointment Telephone: 613-286-2788 Email: stephen.waxman@carleton.ca |
| BRIGHTSPACE: | https://brightspace.carleton.ca/d2l/home/366361 |

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. This course will expose students to the issue of how e-commerce has affected our way of life.

LEARNING OUTCOMES

Understand the basic principles of E-Commerce, how it applies to the basic principles of contract law, as well as the effect of artificial intelligence.

Understand the implications of E-Commerce on society at large.

Understand how the principles of E-Commerce apply to Indigenous Peoples, and Section 35 of the Constitution Act.

REQUIRED TEXTS

Canada's Internet Law in a Nutshell. Kratz, Martin (2013). Cost is \$125.

Students can either opt for curb side pick-up or order from www.carletonshop.ca.

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 (40% - Due Tuesday, April 7th, 2026)

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.). Quality of expression and critical thinking are 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.

MLA or APA footnotes required (i.e., citation found at the bottom or foot of the page corresponding to the superscript number found in the body of the work). Bibliography required; may use any commonly accepted style. All components must be successfully completed in order to get a passing grade.

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. Attendance and Participation (15%)

Students will be graded for their attendance, as well as their participation, in class discussion during the term.

4. Outline (20% - Due Tuesday, February 10th, 2026)

Each student is required to submit a detailed 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.

All components must be successfully completed in order to get a passing grade.

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 at the discretion of the instructor, who will confirm whether an extension is approved and its duration. For information about requesting short-term or long-term extensions, deferrals for final exams, or academic consideration due to illness, injury, or other extraordinary circumstances, please visit the Academic Consideration Policy page. All requests must be submitted to the instructor before the assignment due date or, in the case of exam deferrals, directly to the Registrar's Office. Full details and instructions can be found here: <https://carleton.ca/registrar/academic-consideration-policy/>.

SCHEDULE

Class 1 (Jan 6th): Introduction, grading, and a detailed course overview.

- Chapter 1: What is the Internet (pages 1-9)

Class 2 (Jan 13th): Chapter 2: The Regulation of the Internet (pages 13-34)

• Legislation:

- Telecommunications Act and Radio Communications Act, R.S.C. 1985, C.R-2
- Broadcasting Act, S.C. 1991(CANADA)
- The Copyright Act R.S.C. 1985, C.C-42

• Cases:

- [HomeAway.com](#) Inc v. Hrdlicka 2012 FC 1467 (F.C.)
- R. v. Barrett (2000), 2000 Carswell Ontario (Ont. S.C.J.)
- United States v. Thomas 74F.3d 701 (6th cir. , 1996)

- R. v. Libman [1985] 2 S.C.R. 178

Class 3 (Jan 20th): Electronic Commerce (pages 303-343)**• Legislation:****• Federal**

- PIPEDA. The Personal Information Protection and Electronics Documents Act S.C. 2000 C.5

• Provincial - Electronic Commerce Legislation

- Ontario Electronic Commerce Act, 2000, S.O. 2000 C.17
- Consumer Protection Act, 2002, SO 202, c.30

Class 4 (Jan 27th): Chapter 3 - Free Speech Balanced Against Other Values**• Legislation:**

- Communication Decency Act, 1996 47 U.S.C.A
- Charter of Rights, Section 2B

• Cases:

- Reference re Public Service Employee Relations Act (Alberta), [19987] 1 S.C.R. 313
- A.B. v. Bragg Communications Inc, 2012 SCC46

Class 5 (Feb 3rd): Chapter 4 - Copyright Law and the Internet (pages 95-157)**• Legislation:**

- Copyright Act R.S.C. 1985, C-42

Class 6 (Feb 10th): Chapter 85 - Trademarks and the Internet (pages 225-265)**• Legislation:**

- The Trademarks Act, R.S.C. 1985, C.T-13

• Cases

- Nintendo of America Inc. v. Camerica Corp., 36 C.P.R. (3d) 352 (Fed C.A.)
- British Columbia Automobile Assn. v. O.P.E.I.U., Local 378, 2001 BCSC 156

February 17th – Winter Break, No Classes**Class 7 (Feb 24th):** Chapter 6 - Confidential Information and the Internet (pages 267-281)**• Cases:**

- Cadbury Schweppes Inc. v. FBI Foodlands Ltd., [1999] 1 S.C.R. 142 (S.C.C.)
- R. v. Stewart, [1988] 1 S.C.R. 963 (S.C.C.)
- Murphy Oil Co. v. Predator Corp. 3W.W.R. 255 (Alta. Q.B.)

Class 8 (Mar 3rd): Chapter 7 - Patents and the Internet (pages 283-301)**• Legislation**

- The Patent Act, R.S.C. 1985, C.P-4

• Cases:

- Whirlpool Corp. v. Camco Inc. [2000] 2S S.C.R. 1067
- Slater Steel Industries v. R. Payer Co. (1968), 55 C.P.R. (Can. Ex. Ct)
- Ernest Scragg & Sons Ltd. v. Leesona Corp. (1964), 45 C.P.R. 1 (Can. Ex. Ct)

Class 9 (Mar 10th): Chapter 9 - Privacy**• Legislation:**

- The Canadian Charter of Rights and Freedoms
- An Act Respecting the Protection of Personal Information in the Private Sector R.S.Q., Chapter P-39
- **Cases:**
 - Waxer v. McCarthy, 2009 FC 169 (F.C.)
 - Joseph v. Daniels (1986), 11 C.P.R. (3rd) 544 (B.C.S.C.)
 - Ferenczy v. MCI Medical Clinics (2004), 70 O.R. (3rd) 278 (Ont. S.C.)
 - BMG Canada Inc. v. John Doe FC 488 (F.C.), affirmed 2005 FCA 193 (F.C.A.)

Class 10 (Mar 17th): Chapter 10 - Domain Names (pages 423-460)

Class 11 (Mar 24th): Chapter 11 - Anti-Spam Legislation (pages 463-485)

- **Legislation:**
 - The Electronic Commerce Protection Act, S.C. 2010, C.23
- **Compliance Bulletins:**
 - Compliance and Enforcement Information Bulletin CRTC 2012-548, October 10, 2012.
 - Compliance and Enforcement Information Bulletin CRTC 2012-549, October 10, 2012.

Class 12 (Mar 31st): Chapter 12 - Cloud Computing (pages 487-500)

Class 13 (Apr 7th): Chapter 13 - Social Media (pages 503-516)

| Winter 2026 Sessional Dates and University Closures | |
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| <i>Please find a full list of important academic dates on the calendar website:</i> https://calendar.carleton.ca/academicyear/ | |
| January 5, 2026 | Winter term begins. |
| January 16, 2026 | Last day for registration and course changes (including auditing) for Winter courses. |
| January 31, 2026 | Last day to withdraw from full winter courses and the winter portion of fall/winter courses with a full fee adjustment. |
| February 16, 2026 | Statutory holiday. University closed. |
| February 16-20, 2026 | Winter break. No classes. |

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| March 15, 2026 | Last day for academic withdrawal from Winter courses. |
| | Last day to request Formal Examination Accommodations for April full winter, late winter, and fall/winter final examinations from the Paul Menton Centre for Students with Disabilities. Note that it may not be possible to fulfil accommodation requests received after the specified deadlines. |
| March 25, 2026 | Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in full winter term or fall/winter undergraduate courses, before the official April final examination period. |
| April 3, 2026 | Statutory holiday. University closed. |
| April 8, 2026 | Winter term ends. |
| | Last day of winter and fall/winter classes. |
| | Classes follow a Friday schedule. |
| | Last day for take home examinations to be assigned. |
| April 9-10, 2026 | No classes or examinations take place. |
| April 11-23, 2026 | Final examinations in fall term courses and mid-term examinations in fall/winter courses will be held. |
| April 23, 2026 | All final take-home examinations are due on this day, 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. |

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

PLAGIARISM

The University Academic Integrity Policy defines plagiarism as “presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.” This 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, literacy compositions and phrases, performance compositions, chemical compounds, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT); any use of generative AI tools to produce assessed content is considered a violation of academic integrity standards;
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignments;
- using another's data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one's own; and
- failing to acknowledge sources through the use of proper citations when using another's work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course's instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

PERMISSIBILITY OF SUBMITTING SUBSTANTIALLY THE SAME PIECE OF WORK FOR ACADEMIC CREDIT

Students are strictly prohibited from submitting any work that has been previously submitted for academic credit in another course. Any such submission will be a violation of academic integrity, and the student will be referred to the university's academic integrity office for review. Re-using any portion of previous work, regardless of its extent, will be treated as a violation of academic integrity. Please refer to the following link: <https://carleton.ca/registrar/appeal-of-grade/>

USE OF GENERATIVE ARTIFICIAL INTELLIGENCE (AI) TOOLS

The use of AI tools, such as ChatGPT, to produce any part of an assignment or test is strictly forbidden. Any use of AI for content creation, even for small edits, will be a violation of academic integrity, and the student will be referred to the academic integrity office for disciplinary action. Please refer to the following link: <https://carleton.ca/registrar/appeal-of-grade/>

As well, there is no group work or collaborative work. All assignments are to be completed independently.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

For more information, please consult <https://wellness.carleton.ca/>

Emergency Resources (on and off campus):

- <https://wellness.carleton.ca/get-help-now/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

ACADEMIC ACCOMMODATIONS

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the Academic Accommodations website (students.carleton.ca/course-outline).

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

Pregnancy and Family-Status Related Accommodations

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 about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>.

Academic Accommodations for Students with Disabilities

The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic

accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

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 to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

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 where 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/equity/sexual-assault-support-services>

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

Academic Consideration for Medical and Other Extenuating Circumstances

Due to medical and other extenuating circumstances, students may occasionally be unable to fulfill the academic requirements of their course(s) in a timely manner. The University supports the academic development of students and aims to provide a fair environment for students to succeed academically. Medical and/or other extenuating circumstances are circumstances that are beyond a student's control, have a significant impact on the student's capacity to meet their academic obligations, and could not have reasonably been prevented.

Students must contact the instructor(s) as soon as possible, and normally no later than 24 hours after the submission deadline for course deliverables. If not satisfied with the instructor's decision, students can conduct an "informal appeal" to the Chair of the department within three (3) working days of an instructor's decision. We have created a webform specifically for appeals to the Chair, which can be found here: <https://carleton.ca/law/application-for-review-of-refusal-to-provide-academic-consideration/>. *Note: This form only applies to LAWS courses and is not the same as a formal appeal of grade.* More information about the academic consideration can be found [here](#).