

**Annual Report of External Programme Supervisor for the LL.M. Programme in ICT Law during the period 2010-11**

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**1. Background information**

**1.1 The courses for which the report is valid**

I have been invited to review the academic quality and standards of the LL.M. Programme in Information and Communication Technology Law at the Law Faculty, University of Oslo. In particular, I am to evaluate the E-Commerce module (ICTLECOMM) of the programme in the Spring of 2011 and the Privacy, Data Protection and Lex Informatica module (JUR5630) of the programme in the Spring of 2011.

**1.2 Period of time the external programme supervisor is appointed**

I have been appointed for the time period 2010–2013. Thus, this is my second report.

**2. The evaluation process**

**2.1 Which parts of the evaluation process have you been invited to comment upon?**

I have been given, and asked to review, the following materials:

- (1) a set of 5 exam answers from the exam administered in the E-Commerce module (ICTLECOMM) of the programme in the Spring of 2011, with marks ranging from A to D;
- (2) a set of 5 exam answers from the exam administered in the Privacy, Data Protection and Lex Informatica module (JUR5630) of the programme in the Spring of 2011, with marks ranging from A to E;

- (3) a description of the ICT Law programme, the relevant exam question for ICTLECOMM and for JUR5630;
- (4) an explanation of the grading system currently used by the University of Oslo; and
- (5) descriptions of, and reading lists for, ICTLECOMM and for JUR5630.

I also reviewed additional materials and documents that were available on the programme's website.

## **2.2 Principles applied for selecting individual student examinations for evaluation**

For ICTLECOMM, I have been given answers that were given the following marks: A, B, C, C, and D. I presume this is due to no paper being awarded an E. For JUR5630, I have been given answers that received the following marks: A, B, C, D, and E.

## **2.3 Meetings with the department/Institute**

I have not had any meetings with any members of the department in person specifically to discuss the program.

## **2.4 Other comments**

My overall impression remains that, the LL.M. Programme in Information and Communication Technology Law at the Law Faculty, University of Oslo is highly relevant, well structured, well run, and deserving of its strong international reputation.

# **3. Evaluation of the course, the form of examination, and the grading of student performances**

## **3.1 Evaluation of the courses:**

The learning goals of both modules (ICTLECOMM and JUR5630) are relevant and achievable within the allocated timeframe.

The syllabus and reading lists are appropriate for students on a LL.M. level and ensure that the students get a well-rounded education. I note, however, that the

reading lists, while containing the type of materials one would expect, predominantly include materials that is more than five years old. For example, of the 26 items listed, I could only see one publication from the past two years in the reading list for JUR5630. Similar figures apply for ICTLECOMM.

Considering the availability of up-to-date materials, and bearing in mind the speed with which these areas of law develop, it may be worth considering whether a greater number of more recent publications could be added.

Looking specifically at ICTLECOMM, the range of topics covered in the course is appropriate and provides successful students with a suitably broad knowledge of e-commerce law, completely in line with the stated learning outcomes.

I am particularly pleased to see that attention is given to the key policy considerations of e-commerce law, such as self regulation vs. traditional regulation, the unavoidably international nature of e-commerce and the extent to which liability can be attributed to intermediaries in various contexts. At the same time, it is also clear that the students are exposed to an appropriate degree of application of existing law.

One suggestion I would offer for consideration, and offered already last year, is whether the component addressing private international law aspects of e-commerce law could be placed earlier in the course. The primary justification for such a change is that the relevant international concerns affect all other areas discussed in the course such as electronic contracting, intermediary liability, cyberspace crime, digital signatures and so on. Importantly, the international concerns are not limited to the (depending on how one counts) comparatively small number of actual cross-border transactions. After all, also attempts at targeting a purely domestic market may expose an e-trader to private international law issues where e.g. a website can be accessed from another country.

In light of the above, I argue that it is better to deal with the private international law issues at the start of the course so that the students can relate back to those issues when discussing substantial law areas such as electronic contracting, intermediary liability, cyberspace crime, digital signatures and the like.

Turning to JUR5630, I think the combination of data protection law and broader regulatory theory is particularly successful. In fact, I think data protection is the most interesting lens through which one can view the regulatory questions that arise in the ICT context.

The strong focus on European law is of course both natural and appropriate in both modules. Further, it is usefully supplemented with comparative materials, as noted in the programme description, particularly from the US, Canada and Australia.

Ideally, I would have liked to see a broader, and more diverse, selection of comparative materials. For example, with its emerging international importance, the relevant laws of the People's Republic of China would be a valuable addition to the comparative perspective, not least due to the fact that China has opted for several approaches that are quite different to those of the western countries already included in the comparative material. At the same time, I realise that my proposal comes with resource implications and an increased burden on the teaching staff.

Finally, students enrolled in the program can have no problem finding all relevant information regarding the exams and the grading of the exams.

### **3.2 Evaluation of the examination form, the examination process, and the grading**

I will first discuss the exam in ICTLECOMM.

As I noted last year, it is necessary to accept the impossibility of examining students on all the diverse topics covered in a course on e-commerce law. In light of this, the exam's scope is appropriate. It tests the students' understanding of the applicable law in a range of areas and provides ample opportunity for the students to demonstrate a high level of independent thinking. Further, the exam questions are drafted in a logical and clear manner, and demands an understanding of relevant policy consideration in addition to more traditional legal knowledge.

Turning to JUR5630, the exam question is well designed and appropriately linked to the overall learning objectives/outcomes of the course. It is clear and tests the students on several levels.

In general, I agree with the marks awarded, and I have no hesitation to agree with the marks awarded relative to each other (i.e. the paper that received the highest mark was better than the one that received the second highest mark and so on). In my view, however, it is doubtful whether a paper such as that written by 5412 on exam JUR5630, that fails in so many respects, truly deserves a passing grade. Even more so, I am surprised to see the very weak paper 6038 on exam ICTLECOMM be awarded a D. This is even more so considering that these exams are held well into the programme and the students should know what is expected of them.

While I acknowledge the obvious fact that the course coordinator is in a considerably better position to assess the exam papers, I would propose that the course coordinators consider whether their marking has become overly charitable.

As I noted above, students enrolled in the program can have no problem finding all relevant information regarding the exams and the grading of the exams.

Looking more generally at the evaluation process, my review of the allocated marks show that the students' work is evaluated in an impartial and professional manner. It also confirms that the examination and grading reflect an adequate level compared to similar studies.

Without detracting from what has been said above, I remain in agreement with the comments made by the previous External Programme Supervisor that the students ought to be allowed to type up their exam answers on a computer. The previous External Programme Supervisor outlined the benefits in his report and I agree with them; that is, typing the exam answers is more time-efficient for the students, and provides answers that are more legible. If such an approach was adopted, I would favour the implementation of technology to ensure that students cannot access materials they should not have access to during the exam.

To conclude, in my view, those involved in teaching and organising the LL.M. Programme in Information and Communication Technology Law at the Law Faculty, University of Oslo ought to be congratulated on a job well done.

**4. Explanation of the meetings that has been done with the Department/institute during the evaluation process (if any)**

N/A

**5. Recommendations for the Department/institute's further work:  
How was the feedback to the Department/institute regarding the evaluation from the external programme supervisor and his/hers recommendations/contributions to/measures in order to improve:**

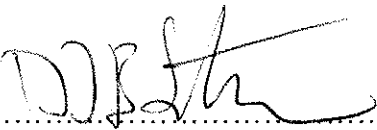
**5.1 The evaluation**

I congratulate the Law Faculty, University of Oslo on its decision to incorporate this type of quality assurance in its processes.

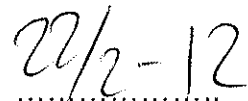
My only suggestion for the future would be to provide the External Programme Supervisors with access to any formal student feedback received (refer to the heading *Evaluation of this course* on the main pages for the respective modules).

## 5.2 The standard of the study

I am particularly pleased to see that smaller written papers are now included in the assessment.



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Dr Dan Jerker B. Svantesson