JUS5650: Enforcement and Dispute Resolution in a Digital Context – Spring 2012 Lecture Overview & Required Reading

For lecture dates and location, please check the course website. The lecturers are:

- JB: Jon Bing, Professor at NRCCL
- EW: Emily Weitzenboeck, Postdoctoral Fellow at NRCCL
- TM: Tobias Mahler, Postdoctoral Fellow at NRCCL
- IMS: Inger Marie Sunde, Associate Professor, Politihøgskolen (Norwegian Police University College)

Lecture No./ Date	Lecture	Issues	Required Reading	Lecturer
Lecture 1	Introduction to the Course; Lex Informatica and Cyberspace I	- General Overview - Brief Introduction to PIL issues, Dispute Resolution - Introduction to Lex Informatica - Includes DRM & PETs as examples - Representation of legal norms in computer programs	Lessig, L., *Code version 2.0*, chapters 1 (8 pages), 7 (18 pages), 17 (10 pages) available as eBook at http://codev2.cc/ Reidenberg, J: "Lex Informatica: The Formulation of Information Policy Rules Through Technology", *Texas Law Review*, 1998, volume 76, pp. 553–593; available at http://reidenberg.home.sprynet.com/lex_informatica.pdf (40 pages). Rotenberg, M: "Fair Information Practices and the Architecture of Privacy (What Larry Doesn't Get)", *Stanford Technology Law Review*, 2001, available at http://stlr.stanford.edu/pdf/rotenberg-fair-info-practices.pdf (34 pages). Greenleaf, G: "An Endnote on Regulating Cyberspace: Architecture vs Law?", University of New South Wales Law Journal, 1998, volume 21, number 2, available at http://www.austlii.edu.au/au/journals/UNSWLJ/1998/52.html (29 pages)	JB

Lecture 2	Lex Informatica and Cyberspace II	(Cont. from lecture 1)	As above	JB
Lecture 3	Self Regulation and Co-regulation	- What is self-regulation? - Advantages and disadvantages of self-regulation - Variants of codes of practice/conduct	Bert-Jaap Koops et al (2006), "Should Self-Regulation be the Starting Point?" in Koops et al (eds.) *Starting Points for ICT Regulation: Deconstructing Prevalent Policy One-Liners*, TMC Asser Press, The Hague, p. 109-149. (40 pages) Jeanne P. Mifsud Bonnici (2008), in particular chapters 2, 3, *Self-regulation in Cyberspace*, TMC Asser Press, The Hague, p.9-32 (24 pages)	EW
Lecture 4	Legal Risk Management	- Notion of risk - Notion of *legal* risk - How to carry out a legal risk assessment	Mahler, Tobias. *Legal Risk Management: Developing and Evaluating Elements of a Method for Proactive Legal Analyses, With a Particular Focus on Contracts*, University of Oslo, 2010: Chapter 1 (Introduction), Chapter 4 (Risk), Chapters 6 (Legal Risk), Chapter 13 (A Legal Risk Management Process) (56 pages)	TM
Lecture 5	Cyberspace Crime I	- Nature of cyberspace crime. - Emergence of new forms of criminal activity: hacking, computer viruses. - The Internet as a new arena for "traditional" crime: computer fraud, blackmail, piracy, defamation obscenity, indecency and pornography. - The problem with enforcement.	David S. Wall, "Cybercrime" (2007), p. 17-19; p. 157-166 (13 pages total) Chapters 19, 20 and 21 in Edwards & Waelde (eds.) (2009), *Law and the Internet*, (92 pages) Council of Europe discussion paper "Cloud Computing and cybercrime investigations: Territoriality vs. the power of disposal?", 31 August 2010, available at http://www.coe.int/t/dghl/cooperation/economiccrime/cybercrime/Documents/Internationalcooperation/2079_Cloud_Computing_power_disposal_31Aug10a.pdf (10 pages)	IMS
Lecture 6	Cyberspace Crime II	(Cont. from lecture 4.)	As above.	IMS
Lecture 7	Dispute Resolution I: Jurisdiction and Enforcement	Private International law issues I: Jurisdiction and arbitration clauses	Hörnle, "The Jurisdictional Challenge of the Internet", in Edwards & Waelde (eds.) (2009), *Law and the Internet*, Chapter 3.	EW

		• Consumer protection issues • Internet Enforcement	(38 pages) Reidenberg "States and Internet Enforcement" (2003–04) 1 *University of Ottawa Law & Technology Journal* 213-230. Available at http://www.uoltj.ca/articles/vol1.1-2/2003-2004.1.1-2.uoltj.Reidenberg.213-230.pdf (18 pages)	
Lecture 8	Dispute Resolution II: Applicable Law	• Private International law issues II: Proper law of online contracts • Proper law of torts • Consumer protection issues	Hörnle, (As above) Gilles, L.E.,"Addressing the 'Cyberspace Fallacy': Targeting the Jurisdiction of an Electronic Consumer Contract, *International Journal of Law and Information Technology* Vol. 16 No. 3, 2008, p. 242-269, available from the UIO at http://ijlit.oxfordjournals.org/content/16/3/242.full.pdf+html (28 pages) Tang, Z., "The Interrelationship of European Jurisdiction and Choice of Law in Contract", *Journal of Private International Law*, April 2008, p. 35-59 available from the UIO from http://www.ingentaconnect.com/content/hart/jpil/2008/00000004/00000001/art00002 (25 pages)	EW
Lecture 9	Dispute Resolution III: ADR	• Types of ADR • Mediation • e-ADR	Susan Schiavetta, (2008), *Electronic Alternative Dispute Resolution – Increasing Access to Justice via Procedural Protections*, doctoral thesis, Chapter 1. P.23-48 (26 pages) Susan Schiavetta, (2004), "The Relationship between e-ADR and Article 6 of the European convention of Human Rights pursuant to the case law of the European Court of Human Rights", Journal of Information, Law and Technology, 2004, No. 1, at http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/2004_1/schiavetta (35 pages)	EW
Lecture 10	Essay Workshop	Work-in-progress discussion of the Term Paper; includes tips on how to write a good paper (eventually, a thesis)		EW & TM