



LAW 868

Technology and E-Commerce Law

S2 Day 2017

Dept of Law

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Disclaimer

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General Information

Unit convenor and teaching staff

Lecturer

Julian Dight

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Contact via Email

Consultation will be online via email or by appointment.

Convenor

Associate Professor Niloufer Selvadurai

Niloufer.selvadurai@mq.edu.au

Contact via Email

W3A 621

To be advised - Consultation will be in my office W3A 621.

Credit points

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Prerequisites

Admission to LLM or MIntLawGovPP or MIntTrdeComLaw or MIntRelMIntTrdeComLaw or 42cp in LAW or LAWS units at 400 or 500 level or (admission to JD and 24cp in LAW or LAWS units at 800 level)

Corequisites

Co-badged status

Unit description

This unit examines the law underlying the use of the internet and electronic commerce. The cross border nature of the internet has opened up global markets for goods and services, meaning that the unique nature of such transactions calls for a framework to promote legal certainty. The unrestricted flow of electronic information through cyberspace has meant that the relevant laws by necessity cannot be limited to national laws only. Instead, the internationalisation of law is essential to deal with this new medium. Topics to be studied include jurisdictional analysis of business transactions, Australian and international approaches, online consumer protection and internet gambling.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

Learning Outcomes

On successful completion of this unit, you will be able to:

1. Explain and critique specific legal principles relevant to e-commerce law.
2. Identify legal issues relevant to ecommerce law and provide legal advice on e-commerce problems or disputes, including an accurate assessment of the likely outcome.
3. Examine policy debates and law reform discourse in key areas involving the development of laws to new and emerging technologies and propose law reforms where appropriate.
4. Demonstrate effective communications skill through intensive class participation and discussion.
5. Describe and analyse the fundamental principles of e-commerce law.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Case Analysis</u>	20%	No	8 September 2017
<u>Participation</u>	30%	No	On campus session
<u>Research essay</u>	50%	No	27 October 2017

Case Analysis

Due: **8 September 2017**

Weighting: **20%**

Due Date: 9 September 2016

Weight: 20%

The task is to write a case note on *Dallas Buyers Club LLC v iiNet Limited (No 3)* [2015] FCA 317.

Whilst the case concerned an application for preliminary discovery, it has implications for the potential liability of internet service providers for the acts of copyright infringement committed by their customers. Write a case note analysing the potential significance of this case. In your response, you should refer to both primary and secondary sources and consider the present law reform discourse in this area.

Word limit: 2,000 words. (Not including bibliography or footnotes. Footnotes must be confined to references.)

Submission: Submission is via Turnitin. A Turnitin icon will appear under the Assessment tab on

ilearn.

On successful completion you will be able to:

- 1. Explain and critique specific legal principles relevant to e-commerce law.
- 4. Demonstrate effective communications skill through intensive class participation and discussion.
- 5. Describe and analyse the fundamental principles of e-commerce law.

Participation

Due: **On campus session**

Weighting: **30%**

The class participation mark will be based on your contribution to discussions at the On Campus Session. One of the aims of the On Campus Sessions is to develop your competence and skills in argument and discussion with others on the problems we consider. A marking rubric pertaining to the assessment of participation is available on iLearn.

On successful completion you will be able to:

- 1. Explain and critique specific legal principles relevant to e-commerce law.
- 2. Identify legal issues relevant to ecommerce law and provide legal advice on e-commerce problems or disputes, including an accurate assessment of the likely outcome.
- 4. Demonstrate effective communications skill through intensive class participation and discussion.

Research essay

Due: **27 October 2017**

Weighting: **50%**

Prepare a research essay on the following question:

How effective is the present Australian criminal law governing unauthorised access, modification and disclosure of computer data? Discuss with close reference to relevant legislation, case law and secondary sources. In your response you may also refer to international developments and laws, and consider the present law reform discourse.

Alternatively - You may design your own research question and submit it to your lecturer for approval. Please note that you may only undertake a research question if it has been approved by your lecturer. This approval may be requested and obtained via email.

Word limit: 3,500 words. (Not including footnotes. Footnotes must be confined to references.)

Submission: Submission is via Turnitin. A Turnitin icon will appear under the Assessment tab on ilearn.

Please note: Students are expected to conduct *extensive* research for this essay and the nature and quality of research forms a part of the marking criteria.

On successful completion you will be able to:

- 1. Explain and critique specific legal principles relevant to e-commerce law.
- 2. Identify legal issues relevant to e-commerce law and provide legal advice on e-commerce problems or disputes, including an accurate assessment of the likely outcome.
- 3. Examine policy debates and law reform discourse in key areas involving the development of laws to new and emerging technologies and propose law reforms where appropriate.
- 4. Demonstrate effective communications skill through intensive class participation and discussion.
- 5. Describe and analyse the fundamental principles of e-commerce law.

Delivery and Resources

DELIVERY

All 12 lectures will be delivered through digital audio recordings - To access the recordings, please go to the LAW 868 iLearn site and click on the "Echo" sound recordings button.

Tutorials

The 12 tutorials will be delivered at a 3 day Intensive On Campus Session. Attendance on all three days is compulsory. Day 1 of the Intensive will consider the material presented in lectures 1-4 and involve a discussion of tutorial questions assigned for these weeks. Day 2 of the Intensive will consider the material presented 5-8 and involve a discussion of tutorial questions assigned for these weeks. Day 3 of the Intensive will consider the material covered in lectures 9-12 and involve a discussion of tutorial questions assigned for these weeks.

RESOURCES

The lecture slides, readings and tutorial questions are on the ilearn site for LAW 868. The ilearn site provides students with reading lists comprising textbooks, journals, websites and other relevant reading materials

Students will be required to critically read in order to further develop concepts and ideas referred to in this unit.

In addition to the readings, student will be expected to reflect on the application of the concepts to their careers.

Reflective activities assist students in integrating the course content and in developing the ability to transfer knowledge and skills from the learning environment into the workplace. Reflective activities facilitate the development of communication skills and an orientation to lifelong

learning.

Students have access to the lecturer for one-on-one assistance/consultation when they have particular queries relating to unit content. This consultation may be in the form of a face-to-face meeting, phone call, chat session or via the discussion forum.

This unit uses research from external sources and provides you practice in applying research findings in assignments.

This unit gives you opportunities to conduct your own research.

Technologies

PC and Internet access are required. Basic computer skills (e.g., internet browsing) and skills in word processing are

also a requirement.

Please consult teaching staff for any further, more specific requirements.

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy http://mq.edu.au/policy/docs/academic_honesty/policy.html

Assessment Policy http://mq.edu.au/policy/docs/assessment/policy_2016.html

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Complaint Management Procedure for Students and Members of the Public http://www.mq.edu.au/policy/docs/complaint_management/procedure.html

Disruption to Studies Policy (in effect until Dec 4th, 2017): http://www.mq.edu.au/policy/docs/disruption_studies/policy.html

Special Consideration Policy (in effect from Dec 4th, 2017): <https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policies/special-consideration>

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/support/student_conduct/

Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit ask.mq.edu.au.

Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

IT Help

For help with University computer systems and technology, visit http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/.

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.

Graduate Capabilities

PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

Learning outcomes

- 2. Identify legal issues relevant to ecommerce law and provide legal advice on e-commerce problems or disputes, including an accurate assessment of the likely outcome.
- 3. Examine policy debates and law reform discourse in key areas involving the

development of laws to new and emerging technologies and propose law reforms where appropriate.

Assessment task

- Research essay

PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

Learning outcomes

- 1. Explain and critique specific legal principles relevant to e-commerce law.
- 5. Describe and analyse the fundamental principles of e-commerce law.

Assessment tasks

- Case Analysis
- Research essay

PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

Learning outcomes

- 2. Identify legal issues relevant to e-commerce law and provide legal advice on e-commerce problems or disputes, including an accurate assessment of the likely outcome.
- 3. Examine policy debates and law reform discourse in key areas involving the development of laws to new and emerging technologies and propose law reforms where appropriate.

Assessment tasks

- Case Analysis
- Research essay

PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

Learning outcome

- 3. Examine policy debates and law reform discourse in key areas involving the development of laws to new and emerging technologies and propose law reforms where appropriate.

Assessment tasks

- Participation
- Research essay

PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

Learning outcomes

- 2. Identify legal issues relevant to ecommerce law and provide legal advice on e-commerce problems or disputes, including an accurate assessment of the likely outcome.
- 4. Demonstrate effective communications skill through intensive class participation and discussion.

Assessment task

- Participation

Law School Assessment Policy

In the absence of a successful application for special consideration due to a disruption to studies, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero. Applications for a Disruption to Studies are made electronically via ask.mq.edu.au and should be accompanied by supporting documentation. Students should refer to the Disruption to Studies policy for complete details of the policy and a description of the supporting documentation required. Word limits will be strictly applied and work above the word

limit will not be marked. All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

Detailed marking rubrics will be made available on iLearn. Markers in this unit undertake a process of 'blind marking' to establish a common marking standard and all Fail papers are double marked.