LAW 868

Technology and E-Commerce Law

S2 Block 2018

Dept of Law

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General Information

Unit convenor and teaching staff
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Convenor
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To be advised - Consultation will be in my office W3A 621.

Credit points
4

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.

General Assessment Information

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests.

Assessment Tasks

Name	Weighting	Hurdle	Due
RESEARCH ASSIGNMENT I	20%	No	14 September 2018
PARTICIPATION	30%	No	On campus session
RESEARCH ASSIGNMENT II	50%	No	5 November 2018

RESEARCH ASSIGNMENT I

Due: **14 September 2018**
Weighting: **20%**

Due Date: 14 September 2018

Weight: 20%

How effective is the present Australian legal framework governing trading in cryptocurrencies?

In your response you should refer to relevant primary and secondary sources and the law reform discourse in this area. You may consider international schemes for the purpose of analysing the

merits of the Australian framework.

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 ASSIGNMENT II

Due: **5 November 2018**
Weighting: **50%**

Prepare a research essay on the following question:

How effective is the safe harbour scheme created by Pt V Div 2AA of the *Copyright Act*? Do you think this scheme should be modified? Discuss with close reference to relevant primary and secondary sources and law reform discourse in the area.

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.

Note: Undertaking this Research Essay will require substantial independent legal research that goes beyond the lecture slides and tutorial materials prescribed for the course.

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 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.

Delivery and Resources

The 12 tutorials will be delivered at a 2 day Intensive On Campus Session. Attendance on both days is compulsory. Day 1 of the Intensive will consider the material presented in lectures 1-6 and involve a discussion of tutorial questions assigned for these weeks. Day 2 of the Intensive will consider the material presented 7-12 and involve a discussion of tutorial questions assigned for these weeks.

Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central (https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- Academic Appeals Policy
- Academic Integrity Policy
- Academic Progression Policy
- Assessment Policy

- Fitness to Practice Procedure
- Grade Appeal Policy
- Complaint Management Procedure for Students and Members of the Public
- Special Consideration Policy *(**Note:** The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.)*

Undergraduate students seeking more policy resources can visit the Student Policy Gateway (https://students.mq.edu.au/support/study/student-policy-gateway). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit Policy Central (https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/study/getting-started/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 ASSIGNMENT II

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

- RESEARCH ASSIGNMENT I
- RESEARCH ASSIGNMENT II

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 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 tasks

- RESEARCH ASSIGNMENT I
- RESEARCH ASSIGNMENT II

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 ASSIGNMENT II

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