

**City University of Hong Kong**

**Information on a Course  
offered by School of Law  
with effect from Semester A in 2012 / 2013**

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**Part I**

**Course Title:** E-Commerce Law

**Course Code:** LW5946

**Course Duration:** One Semester

**Credit Units:** 3

**Level:** P5

**Medium of Instruction:** English

**Prerequisites:** Nil

**Precursors:** Nil

**Equivalent Courses:** Nil

**Exclusive Courses:** Nil

## Part II

### Course Aims

This course aims to:

- a) encourage students to discover the meaning and purpose of e-commerce law by developing an understanding of the substantive rules of law relating to the enforceability of electronic transactions and validity of digital signatures and to focus on current issues such as the right to privacy, consumers' rights, and intellectual property rights as it relates to e-commerce.
- b) motivate students to discover jurisdictional or transborder issues arising from electronic transactions.
- c) develop research skills and ignite a passion and motivate to discover knowledge.
- d) develop analytical and problem-solving skills which will prepare them to deal with real issues professionally in the future.
- e) encourage students to think critically and analytically in relation to e-commerce issues.

### Course Intended Learning Outcomes (CILOs)

*Upon successful completion of this course, students should be able to:*

| No. | CILOs  | Weighting (if applicable) |
|-----|--|---------------------------|
| 1.  | Analytically describe and explain the basic principles of the law dealing with electronic agreements, digital signatures, right to privacy, consumer rights, intellectual property rights and criminal aspects relating to E-Commerce in order to promote a general culture of innovation and discovery. | 25%                       |
| 2.  | Analytically and critically evaluate transborder/ jurisdictional issues involved in electronic transactions.   | 25%                       |
| 3.  | Apply the basic principles of the above areas of law to various situations that might arise by researching issues in e-commerce law.   | 25%                       |
| 4.  | Analyze applications of the above areas of law by researching issues of law and communicating solutions to problems in a logical and coherent manner.  | 25%                       |

#### Alignment of CILOs with PILOs:

|   | PILOs (Master of Science in Electronic Commerce)                     | CILOs   |
|---|--|---------|
| 5 | recognise the regulatory, security, and ethical issues of E-Commerce | 1,2,3,4 |

## Teaching and Learning Activities (TLAs)

*(Indicative of likely activities and tasks designed to facilitate students' achievement of the CILOs. Final details will be provided to students in their first week of attendance in this course)*

Class Format: 3-hour Seminar (Group size: 50)

## Teaching and Learning Activities (TLAs)

### *TLA1: Lecture*

The course leader will present and explain the substantive law on the topics listed below in the course syllabus.

### *TLA2: Interactive class discussions*

Students will learn how to apply the law to hypothetical and factual situations through solving problem-type questions given to students in advance. Students will also be engaged in debates to develop a critical view by discovering the strengths and deficiencies of the various areas of law. Course leader will promote learning by clarifying issues and questions discussed in small group sessions and raise further questions with regards to the principles of law taught in the lectures as to further promote students' analytical capabilities.

| <b>CILO No.</b> | <b>TLA1</b> | <b>TLA2</b> | <b>Hours / course (if applicable)</b> |
|-----------------|-------------|-------------|---------------------------------------|
| CILO 1          | √           | √           |                                       |
| CILO 2          | √           | √           |                                       |
| CILO 3          | √           | √           |                                       |
| CILO 4          |             | √           |                                       |

## Assessment Tasks/Activities

*(Indicative of likely activities and tasks designed to assess how well the students achieve the CILOs. Final details will be provided to students in their first week of attendance in this course)*

| <b>CILO No.</b> | <b>Type of Assessment Tasks/Activities</b> | <b>Weighting (if applicable)</b> | <b>Remarks</b> |
|-----------------|--|----------------------------------|----------------|
| CILO 1, 2, 3,4  | AT1: 3-hour examination                    | 70%                              |                |
| CILO 1,2, 3, 4  | AT2: Coursework assignment                 | 30%                              |                |

### AT1: 3-Hour Examination

This will test in a controlled and supervised environment students' acquisition of knowledge and understanding and the ability to apply the various areas of substantive law to practical fact patterns.

### AT2: Coursework Assignment

Students will write a 2000-word essay to investigate and critique on an area of law relating to E-Commerce.

A student must obtain a minimum mark of 30% in both coursework and examination and an overall mark of 40% in order to pass a course.

**Grading of Student Achievement:** Standard (A+, A, A-, ...F). Grading is based on student's performance in assessment tasks/ activities.

## **Part III**

### **Keyword Syllabus**

- Nature of contracts by electronic means; similarities and differences
- Elements of contract
- UNCITRAL and the application of Electronic Transaction Ordinance
- Digital signatures: the purpose and effect
- Incorporation of terms and vitiating factors
- Remedies, enforcement and jurisdictional issues
- Defamation and electronic transactions
- Privacy and the Personal Data (Privacy) Ordinance
- Intellectual property rights; Copyright Ordinance
- ICANN: Rules for Uniform Domain Name Dispute Resolution Policy
- Cybercrime relating to E-Commerce (such as Telecommunications Ordinance s 27A; Crimes Ordinance s 161; Unsolicited Electronic Messages Ordinance)

### **Recommended Reading**

**Text(s):** (1) Kathy Bowrey, *Law and Internet Culture*, Cambridge University Press, 2005

(2) C. Wright, W. McAuliffe & A. Gamvros, *Internet Law in Hong Kong*, Sweet & Maxwell, Asia, 2003

Recommended readings:

- (1) P. Stephenson et al., *Cyberlaw in Hong Kong*, 2<sup>nd</sup> Edition, LexisNexis, 2007
- (2) I. Lloyd, *Information Technology Law*, 6<sup>th</sup> Edition, Oxford University Press, 2011
- (3) D. Rowland & E. MacDonald, *Information Technology Law*, 3<sup>rd</sup> Edition, Cavendish Publishing, 2005
- (4) D. Baumer & J.C Poindexter, *Cyberlaw and E-Commerce*, McGraw Hill, 2002