

Policy and Ethics

ON THE INTERNET

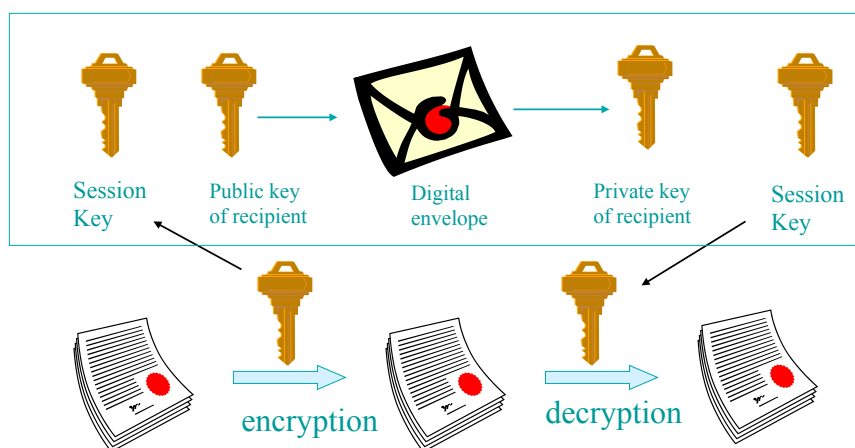
CONTRACT LAW

- UNCITRAL MODEL LAW
- (UN Commission on International Trade Law)
- ELECTRONIC SIGNATURES
- VALIDITY OF DATA MESSAGES

Article 11. Formation and validity of contracts

(1) In the context of contract formation, unless otherwise agreed by the parties, an offer and the acceptance of an offer may be expressed by means of data messages. Where a data message is used in the formation of a contract, that contract shall not be denied validity or enforceability on the sole ground that a data message was used for that purpose.

DIGITAL SIGNATURES



DIGITAL CERTIFICATE



Name
Serial no.
Key-exchange key
Signature key
Expiration
Signature of Certification
Authority

TYPES OF INTELLECTUAL PROPERTY

- TRADEMARKS
- COPYRIGHTS
- PATENTS
- DESIGN RIGHTS

DOMAIN NAME CONFLICTS

- INFRINGEMENT
- CHARACTER STRING CONFLICTS
- PARODY
- SPECULATION

CYBERSQUATTING

- ◆ Panavision vs Toeppen
(trademark dilution)
- ◆ Marks & Spencer v 'One in a Million' and Others
("passing off" – domain name registration)
- ◆ Sting (the US wrestler versus the Pop artist)

HYPERLINKS

- **DEEP LINKING**
 - ◆ Ticketmaster vs Microsoft
(linking to specific pages on another site – not the “Home” page)
- **WINDOW**
 - ◆ Shetland Times vs Wills
(clicking away – a link or an image which takes the user to another site).

BUSINESS MODEL PATENTS

- **PRICELINE V. MICROSOFT EXPEDIA**
- **SBH V. YAHOO**
- **AMAZON V. BARNES & NOBLE**

DATA PRIVACY

- EU DATA PROTECTION DIRECTIVE
- UK INFORMATION COMMISSIONER
- US PRIVACY ACT

CONDITIONS FOR USE OF PERSONAL DATA (1)

(a) the data subject has given his consent unambiguously; (b) processing is necessary for the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject entering into a contract; (c) processing is necessary for compliance with a legal obligation to which the controller is subject;

CONDITIONS FOR USE OF PERSONAL DATA (2)

: (d) processing is necessary in order to protect the vital interests of the data subject;

*(e) processing is necessary for the performance of a task carried out in the public
interest or in the exercise of official authority vested in the controller*

*or in a third party to whom the data are disclosed; or (f) processing is
necessary for the purposes of the legitimate interests pursued by the
controller or by the third party or parties to whom the data are disclosed*

IS DOWNLOADING COPYING?

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

US - COMMUNICATIONS DECENCY ACT

PROHIBITS

“any comment, request, suggestion, proposal, image, or other communication that, in context, depicts or describes, in terms patently offensive as measured by contemporary standards, sexual or excretory activities or organs.”

CONTENT BLOCKING

- DEUTSCHE TELEKOM BLOCKS ACCESS TO ANTI-SEMITIC SITES
- CHINA MINISTRY OF POSTS AND TELECOMMUNICATIONS REMOVES ANTI-COMMUNIST CONTENT FROM OVERSEAS SITES

DIGITAL DIVIDES

- INCOME, EDUCATION, RACE
- SME' S V LARGE COS.
- LDC' S V DEVELOPED NATIONS