Expert Meeting on

CYBERLAWS AND REGULATIONS FOR ENHANCING E-COMMERCE:
INCLUDING CASE STUDIES AND LESSONS LEARNED

25-27 March 2015

Legal Challenges: A lawyer's perspective

By

Professor Ian Walden

Centre for Commercial Law Studies, Queen Mary, University of London

Of Counsel, Baker & McKenzie

The views reflected are those of the author and do not necessarily reflect the views of UNCTAD
Legal Challenges:
A lawyer’s perspective

Professor Ian Walden
Centre for Commercial Law Studies, Queen Mary, University of London
Of Counsel, Baker & McKenzie
Role of law

• A negative view
  – The answer is no (*so what’s the question)*!
  – Uncertainties & liabilities (*so do nothing*)
  – Which law applies (*and why are they all so different*)?

• A positive view
  – Promotion of….
  – Prevent harms & protect individual rights
  – Harmonisation (compatibility & interoperability)
Regulation

- Regulation, co-regulation & self-regulation
  - Private sector
  - Code & technical standards
  - Enforcement
  - Cost of compliance

- Building institutions
  - Capacity-building: knowledge, skills & resource
  - ‘Independent’ of…..
  - Convergence
Legal issues

- Electronic transactions
  - Evidence
- Data protection & privacy
  - Consent & contract
- Consumer protection
  - Redress
- Illegal content
  - Freedom of expression
- Information security
  - Responsibility
- Cybercrime
  - Content & LEA powers
- Intellectual property rights
  - Private use
- Telecommunications
  - Net neutrality
It depends........