



DTL/MISC/2023/15
(23/165gd)

NOTIFICATION

Legal aspects of electronic commerce

Online course for Member States and delegates from permanent missions to the United Nations Office at Geneva and the World Trade Organization

30 October–8 December 2023

The UNCTAD secretariat is pleased to announce that the Train for Trade Programme (TrainForTrade) electronic learning course on legal aspects of electronic commerce (e-commerce) will be held from 30 October to 8 December 2023, with a follow-up webinar on 6 December 2023.

The overall objective of the course is to enhance the capacities of government officials, lawmakers and other stakeholders in all aspects to be considered in drafting e-commerce laws.

Upon completion of the course, participants will be able to:

- Explain a wide range of regulatory issues that concern e-commerce
- Describe new developments in and the scope of e-commerce issues
- Exchange experiences in and knowledge on harmonization aspects of e-commerce

This course will contribute to strengthening capacities among small island developing States in Africa, Asia and the Pacific and the Caribbean to adopt trade policies that foster digital economy development and enhance crisis responsiveness. It will also enhance capacities among small island developing States with regard to key aspects of the digital economy by developing skills and knowledge through innovative approaches based on a recognized blended learning method and state-of-the-art technological solutions.

Registration is open to all relevant stakeholders from small island developing States and delegates from permanent missions in Geneva. Women are particularly encouraged to participate. Nominated officials may self-register at <https://tft-reg.unctad.org> by selecting “Legal aspects of e-commerce 2023” and using access code “2023.Legal”.

Queries concerning the course should be addressed to Mr. Mark Assaf, Chief, Human Resource Development Section/TrainForTrade, Trade Logistics Branch, Division on Technology and Logistics, UNCTAD; email: trainfortrade@un.org.

A handwritten signature in black ink, reading 'Rebeca Grynspan'.

Rebeca Grynspan
Secretary-General of UNCTAD

5 October 2023



eTrade for all
Connecting the dots



UNITED NATIONS
UNCTAD

Course description

I. Background

Among small island developing States, information and communications technology and e-commerce have significant potential to support participation in international and regional markets, build resilience and help better recover from disasters. Despite this potential, the digital economy remains in an early phase of development in small island developing States. These countries face similar challenges, such as in improving access to affordable digital infrastructure, building adequate legal frameworks and creating digital identity systems, which is an essential element in the transition to the digital economy. Furthermore, the lack of official national statistics on the use of information and communications technology and e-commerce hinders the formulation and evaluation of digital development policies. Finally, the pandemic has reinforced pre-existing bottlenecks in the e-commerce ecosystem in small island developing States.

UNCTAD statistical resources give an overview of e-commerce legislation worldwide, showing that small island developing States are below the world average in four areas, namely, e-transaction laws, consumer protection laws, privacy laws and cybercrime laws.

This course will contribute to strengthening capacities among small island developing States to adopt trade policies that foster digital economy development and enhance crisis responsiveness. It will also enhance capacities among small island developing States with regard to key aspects of the digital economy by developing skills and knowledge through innovative approaches based on a recognized blended learning method and state-of-the-art technological solutions.

II. Objectives

The course aims to enhance the capacities of government officials, lawmakers and other stakeholders in all aspects to be considered in drafting e-commerce laws.

Upon completion of the course, participants will be able to:

- Explain a wide range of regulatory issues that concern e-commerce
- Describe new developments in and the scope of e-commerce issues
- Exchange experiences in and knowledge on harmonization aspects of e-commerce

III. Outline

Each module includes interactive assessments and links to communications tools for online collaboration. Each module consists of video presentations, a participant manual, a forum, tests and case studies. Participants should spend 4–5 hours per week on studying the material and participating in the forums.

Module 1. Regulating e-commerce

- Describe key technological elements comprising e-commerce systems

- Explain different policy-related, legal and regulatory aspects
- Describe issues to be examined in other modules
- Define e-commerce (Organisation for Economic Co-operation and Development)
- Discuss artificial intelligence and other topics

Module 2. Trade and e-commerce

- Regional trade agreements, bilateral trade agreements, digital economy agreements
- World Trade Organization and Joint Statement Initiative negotiations
- International law issues
- Digital sovereignty, data localization, residency, computing facilities localization
- Transborder data flows
- Domain names

Module 3. E-transactions

- Examine legal nature of communications
- Highlight different approaches to law reform designed to facilitate e-commerce
- Compile process by which contracts are entered into using e-commerce systems; e-contracts and functional equivalence
- Explain evidential problems of computer-derived evidence
- Discuss e-signatures

Module 4. Consumer protection

- Outline issues in consumer protection laws and how they apply to e-commerce
- Identify e-commerce-specific consumer protection concerns and describe how these have been addressed
- List information requirements and describe the cancellation right
- State reasons why enforcement of consumer legislation is a problem and identify solutions
- Explain how self-regulation mechanisms can operate
- Identify different forms of alternative dispute resolution for consumers
- Define the term “spam”, discuss related problems and identify technical and legal measures for prevention

Module 5. Payment, and taxing e-commerce

- Recognize differences between residence and source-based taxation
- Detail problems e-commerce poses to international tax rules
- Identify key elements in European Commission and Organisation for Economic Co-operation and Development instruments on e-commerce and taxation
- Comment on benefits and problems that may arise from these instruments
- Discuss e-payment mechanisms and cryptocurrencies

Module 6. Protecting personal information

- Identify different categories of personal data in commercial transactions
- Identify different acts of data processing
- Explain each fair information processing principle
- Contrast different regulatory approaches to the protection of personal data
- Apply fair information processing principles to a case study
- Discuss international transfers of personal information
- Discuss digital identity schemes
- Discuss data breach notifications

Module 7. Securing e-commerce

- Determine the importance of information security to e-commerce
- Obtain basic knowledge of information security aspects
- Comprehend the essential law and policy aspects of information security
- Be aware of the need for international cooperation and practical measures towards information security
- Discuss protecting critical national infrastructure and cyber-resilience

Module 8. Cybercrime

- Criminalizing behaviours: Computer-related crime, computer integrity crimes, content-related crimes, contact-related crimes
- Investigating and prosecuting cybercrimes; service provider cooperation; digital forensics
- Convention on Cybercrime (Budapest Convention) and a United Nations convention; regional instruments, such as those of the African Union

Module 9. Content regulation

- Explain problems in applying traditional legal concepts online
- Discuss liability issues in relation to communications intermediaries
- Explain how jurisdictional issues can be problematic
- Explain benefits and drawbacks of some alternative methods of Internet content control
- Analyse need for and scope of content-related regulations in a national context

The course will be conducted through the TrainForTrade e-learning platform. Participants will have access to manuals, multimedia presentations, module exams, opinion surveys and forums created for each module, for discussions with the instructor and other participants.

A 90-minute follow-up webinar will be organized at the end of the course. The themes will be defined during the assessment of the online sessions.

IV. Primary target audience

- Policymakers, lawmakers and regulators (enforcement agencies) in charge of defining general policy guidelines and elaborating national legal frameworks for e-commerce
- Judiciary (lawyers, judges, police) involved in e-commerce issues
- Service providers and businesses offering online products and services

V. Registration

Registration is open to all relevant stakeholders from small island developing States and delegates from permanent missions in Geneva. Women are particularly encouraged to participate. Nominated officials may self-register at <https://tft-reg.unctad.org> by selecting “Legal aspects of e-commerce 2023” and using access code “2023.Legal”.