



Thomas M. Cooley Law Libraries' Research Guide Series

Internet & E-commerce Law Research Guide

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Overview:

The guide seeks to provide a range of resources useful to various audiences who have an interest in this area of law and business, including e-commerce law practitioners, generalists, students, and the lay public. Sources which are frequently updated to reflect the changing status of the law have been favored. Annotations provide brief descriptions and do not purport to serve as critiques or endorsements of the titles' contents or authority.

I. Practical Guides and Manuals

Advising Ebusinesses by Jonathan D. Robbins.

Location: KF390.5.C6 R62

An experienced intellectual property attorney and litigator created this practical guide to assist companies which do business on-line. The loose leaf text provides an overview of the economic and legal advantages and pitfalls of e-business as well as practice tips, intellectual property issues, privacy concerns, liability for third party actions, unfair competition, digital signatures, payments and contracts, jurisdictional issues, taxation and Internet crime. Also available via Westlaw (ADVEBUS).

Corporate Counsel's Guide to Web Site Agreements.

Location: KF390.5.C6 C686

Corporate Counsel's Guide[s] are targeted at corporate attorneys rather than specialists in the particular field of law covered by that volume. This loose leaf title is periodically supplemented and provides a thorough overview of the titled subject matter. The content includes clauses, forms and finding aids as well as discussion. Forms and sample documents are also included on the accompanying CD-ROM disc.



Documenting E-commerce Transactions ed. by William A. Hancock.

Location: KF390.5.C6 D63 (+CD-ROM)

This text is targeted at corporate counsel and includes a discussion of e-commerce law, licensing, mail order rules, and the law of domain names. It also covers specific e-commerce agreements, with sample forms and checklists of key points to cover in various transactions. The accompanying CD-ROM contains additional forms.

E-Commerce: Financial Products and Services ed. by Brian W. Smith.

Location: KF889.E135

This loose leaf treatise covers areas such as contract formation, payment systems, choice of law, data protection and privacy, financial services and intellectual property protection. Each of the chapters presents an in-depth essay on a topic written by experts in that area of the law.

E-Copyright Law Handbook ed. by Laura Lee Stapleton.

Location: KF2994.E13

This source provides a practical and comprehensive review of copyright in the age of electronic publication and distribution. Chapters are devoted to the legislation which has sought to offer protection in light of new technologies, including the Digital Millennium Copyright Act of 1998, the Audio Home Recording Act of 1992 and the TRIPS agreements. The tension between the need to protect copyright and protect individual rights under the First Amendment is also explored. This regularly updated loose leaf text provides tables of relevant statutes and case law as well.

International Guide to Combating Cybercrime by the ABA, Privacy & Computer Crime Committee, Section of Science & Technology Law ed. by Jody R. Westby.

Location: K5223.I58 2003

This ABA produced guide offers a comprehensive manual for understanding cyber crime in the global society. The resource was created through the collaborative effort of computer attorneys, government personnel, academe and worldwide non-profit entities. It reviews jurisdictional and investigational problems and solutions, drafting issues in international agreements, and public/private interaction in both industrial and developing countries. A complete bibliography and detailed index add to its usefulness.

Internet Law and Practice.

Location: KF390.5.C6 I568

This comprehensive two volume loose leaf set includes chapters on e-commerce management and capitalization, insurance, taxation, website contracts, antitrust issues, various intellectual property considerations, ICANN dispute resolutions, online crimes and online security. These chapters are penned by an international ensemble of legal scholars and experts. The publisher's targeted audience includes "attorneys, business executives and government policymakers."



Internet Law & Regulation ed. by Robert E. Emeritz, et al.

Location: KF390.5.C6 I57

This comprehensive loose leaf resource acts as a treatise of independently penned essays, a subject specific case digest, and a practical manual with sample pleadings, motions and briefs. The contents span all aspects of Internet regulation: freedom of speech, criminal liability, Internet commerce, intellectual property considerations, privacy and security issues, sovereignty issues, and international, federal, state and local taxation considerations. This source is also available as an online subscription database which is updated weekly. (The print version is also regularly updated.)

Internet Marketing Law Handbook by Andrew Serwin.

Location: KF390.5.C6 S47

This text covers marketing, advertising and unfair competition law, data privacy and security issues and the appropriate use of personal consumer information. Intellectual property matters and state and federal regulation of Internet activity are also covered in detail.

The Legal Guide to E-Business by Jacqueline Klosek.

Location: KF390.5.C6 K59 2003

This text provides a guide to the expanding body of law relating specifically to e-commerce, both in the United States and internationally. The targeted audience includes e-business entrepreneurs and managers, but it can also serve as a reference for the general or business law practitioner.

Webvertising: Unfair Competition & Trademarks on the Internet ed. by Matthias W. Stecher.

Location: K3844.W42 1999

This text provides a practical guide to international Web transactions involving electronic product advertising. The author discusses such issues as unfair competition law in foreign countries, liability under international trade mark laws, protection of domain names, and a business entity's exposure to law suits in the foreign jurisdictions where a product is being marketed.

II. Forms and Drafting Aids

Doing Business on the Internet: Forms and Analysis by Julian S. Millstein, Jeffrey D. Neuburger, Jeffrey P. Weingart.

Location: KF390.5.C6 M54 (+CD-ROM)

This text's sample forms and clauses, with analysis, present a comprehensive legal guide to starting and maintaining any business which employs the Internet as its marketing and client/customer interface. Individual chapters cover financial services, tax considerations, establishing and protecting various forms of intellectual property, and rights of publicity and privacy. This volume is regularly updated by loose leaf releases.



Drafting Internet Agreements ed. by Gregory J. Battersby, Charles W. Grimes.

Location: KF905.C6 B38 (+CD-ROM)

This regularly updated guide provides practice tips for negotiating agreements and includes sample forms which are organized by type of transaction. Coverage includes product licensing, e-commerce, joint ventures, and technology development. The accompanying CD-ROM makes it possible to incorporate the forms into a word processing program and detailed checklists provide assistance in composing the final draft.

The E-Business Legal Arsenal: Practitioner Agreements and Checklists by Ruth Hill Bro.

Location: KF889.3.B748 2004 (+CD-ROM)

This resource provides printed checklists covering all aspects of e-commerce. It is accompanied by a CD-ROM which contains sample agreements.

Internet Forms and Commentary: A Practitioner's Guide to E-Commerce Contracts and World Wide Web ed. by Jonathan Wilson, Julia Alpert Gladstone.

Location: KF889.3.I563 2002 (+CD-ROM)

This is a compilation of brief writings on various aspects of contract law as they apply to e-commerce. Illustrative forms and clauses are included in each section with additional forms and clauses available on the accompanying CD-ROM.

III. Legislation and Case Law

Computer Cases

Location: KF390.5.C6 A4925

This regularly updated multi-volume loose leaf resource presents an expansive review of litigation involving the computer industry. Areas covered include Internet and e-commerce issues, privacy and security issues, cyber squatting, fraud and abuse, and tax considerations.

Electronic Signatures in Global and National Commerce Act: the Consumer Consent Provision in Section 101(c)(1)c(ii): Report to Congress by the Federal Trade Commission. Bureau of Consumer Protection.

Location: KF1357.5 .E43 2001i (World Wide Web)

This online resource provides a succinct discussion of the commercial benefits and burdens created by the consumer consent provision of the Electronic Signatures in Global and National Commerce Act (ESIGN). The report is based on written comments and public discussion collected from government outreach to online businesses, consumer groups, academe, law enforcement, and technology developers.

Law of Electronic Commerce 4th ed. by Jane K. Winn, Benjamin Wright.

Location: KF1357.5.W7543

This one volume loose leaf presents a regularly updated overview of legislation and case law affecting electronic business transactions, with commentary.

State Computer Law: Commentary, Cases, and Statutes by Virginia V. Shue, James V. Vergari.



Location: KF390.5.C6 S56

This annually updated two volume loose leaf provides a comprehensive analysis of computer law on a state-by-state basis. Topics include torts, contracts, trade secrets protection, taxation, e-banking, privacy issues and computer crime. This source is updated annually and contains a Table of Cases as well as a subject index.

IV. Michigan Titles

Michigan Computer Lawyer

Location: KF390.5.C6 M5 (Available through the World Wide Web)

This is the newsletter of the Information Technology Law Section of the State Bar of Michigan.

The Law of the Internet in Michigan by Thomas W. Cronkright II, Christopher J. Falkowski, Robert S. Nolan.

Location: KFM4284.5.C65 C76 2003

This writing was produced for a National Business Institute presentation. It is a basic, practical overview of Internet law with emphasis on its application in Michigan. Chapters focus on “essentials” such as terminology and Internet navigation, intellectual property considerations and concerns, defamation and privacy, personal jurisdiction issues, ethics and document retention, and e-commerce.

V. Treatises (U.S. and International)

Business-to-Business Internet Exchanges ed. by Theresa E. Loscalzo.

Location: KF889.3 .B845

This treatise discusses the non-technical issues involved in Internet business exchanges. Areas covered include infrastructure and business models, partner relationships, intellectual property concerns, taxation, antitrust and privacy issues, export controls and Internet-related litigation. Each chapter is individually penned by experts in that particular area of the law.

Digital Crossroads: American Telecommunications Policy in the Internet Age by Jonathan E. Neuchterlein, Philip J. Weiser.

Location: HE7781.N84 2005

This text provides an in-depth discussion of the U.S. Telecommunications Act of 1996.

Document Retention in the Electronic Workplace by Michael R. Overly, Chanley T. Howell.

Location: KF1357.5.O93 2001

This text discusses the need to protect the content and security of electronic documents, the benefits of document retention policies, and the possible liability incurred if legally significant data and/or documents are destroyed.

Domain Name Disputes by Robert A. Badgley.



Location: KF3194.B33

The author presents a detailed overview of U.S. and international law pertaining to use, registration and protection of domain names used on the Internet. Several chapters are devoted to the workings and significance of the Internet Corporation for Assigned Names and Numbers (ICANN) and claims brought before ICANN. Appendices include a list of ICANN accredited domain name registrars and a sample registration agreement.

E-Commerce and Communications: Transactions in Digital Information by Stephen Y. Chow.

Location: KF390.5.C6 C48

This scholarly treatise examines the law relating to electronic commerce in the United States. The work is broken into seven chapters which analyze such concepts as identity, content, processes, procedure and substance, as they relate to commerce in “real space” and “cyberspace.” The loose leaf format allows regular updating of the content.

E-Commerce and Internet Law: Treatise with Forms by Ian C. Ballon.

Location: KF390.5.C6 B35 2001 (+CD-ROM)

This regularly updated four volume loose leaf treatise provides a comprehensive discussion on Internet and e-commerce law. The text is divided into broad subject areas, or parts, which discuss such legal topics as online provider liability, theft of digital information, defamation, licenses and contracts, sources of Internet law, information security, and intellectual property. The preface includes an explanation of how to best use the written text as well as the forms which are on the accompanying CD-ROM.

The GigaLaw Guide to Internet Law by Doug Isenberg.

Location: KF390.5.C6 I84 2002

This source reviews U.S. Internet law and legislation. Topics include copyright and patent law, privacy issues, First Amendment free speech issues, domain name and trademark issues, and contract law as it applies to high technology. The targeted audience includes those who are seeking an informational narrative on this area of law; it does not offer legal advice and is not a practice oriented resource.

Internet and Online Law by Kent D. Stuckey.

Location: KF390.5.C6 S78

This regularly updated loose leaf treatise provides a thorough overview of the case law, statutes and regulations governing Internet use for both business and personal pursuits. Covered subjects include contracting, defamation concerns, obscenity and indecency, privacy, intellectual property and unfair competition issues, regulatory and procedural issues, and securities law as it affects the Internet.

Law and Internet Cultures by Kathy Bowrey.

Location: KF390.5.C6 B599 2005

This text presents a socio-political discussion of global technology, Internet regulation, and the limits of contemporary law to that end. The tone is somewhat editorial, with critical assessment of U.S. and corporate influence over the Internet and the global dissemination of culture through that influence.



Law, Economics and Cyberspace: the Effect of Cyberspace on the Economic Analysis of Law by Niva Elkin-Koren, Eli M. Salzberger.

Location: K487.E3 E44 2004

This treatise discusses the interdependency between technology and law. The authors closely examine traditional neo-classic law and economics theory as well as “new” paradigms. The title is part of the New Horizons in Law and Economics series.

Law of the Internet by George B. Delta, Jeffrey H. Matsuura.

Location: KF390.5.C6 D45

The stated mission of this treatise is to provide an overview of the Internet and its applications, identify legal issues that have arisen from Internet use, and alert readers to potential legal issues which may result from continued growth in the scope and use of the Internet. Jurisdictional issues, intellectual property, antitrust, privacy concerns, security issues, defamation, obscenity legislation and censorship, electronic contract law, e-business and export controls are among the covered topics.

The 2nd Annual National Institute on Cyberlaw: Expanding the Horizons (a combined effort of the American Bar Association Center for Continuing Legal Education, Criminal Justice Section, Section of Science and Technology Law, Section of Business Law, Section of Intellectual Property Law, and the Association for Computing Machinery).

Location: KF390.5.C6 A15

This resource presents a compilation of individually penned journal articles on all aspects of cyberlaw, including national security, copyright enforcement, identity theft, the Internet Corporation for Assigned Names and Numbers (ICANN), computer crime and procedure, pornography and sexual predators.

VI. Regional and Comparative Law (International)

Computer, Internet and Electronic Commerce Terms: Judicial, Legislative and Technical Definitions by Barry Sookman.

Location: K564.C6 S66 2001 (Reference)

This four volume reference is described as the Canadian authority on the areas of computer law, the Internet and e-commerce. It provides legal and technical definitions as well as analysis of electronic contracting, privacy, jurisdictional and regulation issues. It is also available via Westlaw (SOOKMAN-CIECL).

Ecommerce: a Practical Guide to the Law by Susan Singleton.

Location: KD1629.S5 2001

This brief text (139 pages) seeks to instruct businesses on “how to minimize risk and maximize opportunities” using electronic commerce. Individual chapters provide a UK perspective on employee use of the Internet, intellectual property concerns, legal jurisdiction with regard to disputes, contracting, and issues such as insurance and security.



E-commerce and the Law of Digital Signatures ed. by Dennis Campbell.

Location: K1030.E26 2005

This resource reviews the draft Convention on the use of Electronic Communications in International Contracts, The UNICITRAL [United Nations International Trade Law Commission] Model Law of Electronic Commerce of 1996, and the UNICITRAL Model Law of Electronic Signatures of 2001. The draft is an attempt to further harmonize the national laws of participating countries with regard to digitized documents and e-commerce.

Electronic Commerce: Law and Practice by Michael Chissick, Alistair Kelman.

Location: KD665.B86 C49 2002

This is a readable, all encompassing yet relatively short in length text explaining practical e-commerce law and policy from a UK perspective.

E-Commerce Law in Europe and the USA ed. by Gerald Spindler, Fritjof Borner.

Location: K564.C6 E2 2002

This text presents an overview of legal trends in Europe and the United States. Contributing authors, who are practicing attorneys in this area of law, describe the regulatory framework in Belgium, France, Germany, Great Britain, Italy, Norway, Spain, Switzerland, The Netherlands, and the United States. Topics covered include contracts, consumer protection, competition, labeling, copyright, liability, money transfers, data protection, and cartel law.

Electronic Signatures Law and Regulation by Lorna Brazell.

Location: K845.F6 B72 2004 (+CD-ROM)

The author covers the relevant law of fifty-four countries in this comparative look at the validity of electronic signatures.

The Internet and Dispute Resolution: Untangling the Web by Norman Solovay, Cynthia K. Reed.

Location: K2400.S68

This treatise discusses alternative dispute resolution (ADR), online dispute resolution (ODR), and e-commerce as an interdiscipline. Coverage is international with separate appendices covering U.S. materials, EU materials, and international materials. New releases include brief newsletters which discuss such subjects as model standards for mediators, ethics for arbitrators, and the emergence of "med-arb" (which combines the processes of mediation and arbitration and allows mediators to issue binding arbitration decisions in certain circumstances).

Self-regulation and the Internet by Monroe E. Price, Stefaan G. Verhulst.

Location: K564.C6 P75 2005

The authors of this treatise present both a broad overview and detailed discussions on the tendency for government regulation of Internet activity to give way to more flexible self-regulation. Topics covered include anti-spam measures, exceptions to free speech, and ISP agreements.



VII. Journals and Newsletters

Communications Law (UK).

Location: K24.O437

This semi-monthly journal contains compact articles, comments on recent developments, notes on case law, book reviews and other news relevant to UK computer, media and telecommunications law.

The Computer & Internet Lawyer.

Location: KF390.5.C6 A133

The targeted audience for this publication includes lawyers working in the computer industry as well as manufacturers, distributors and commercial end users of online products and services. Each issue provides expert analysis of important case law and covers international developments in computer and Internet law.

E-Commerce Law Report: Buying and Selling on the Internet.

Location: KF390.5.C6 E22

This monthly newsletter covers legal and regulatory issues which impact doing business online. The publication format includes feature articles and regular columns. Also available via Westlaw (GLECOMLR) and Lexis (E-COMM/GLAECM).

E-Commerce Law & Strategy.

Location: KF390.5.C6 E19 Binder

Targeted at private law firms, this monthly newsletter provides short feature articles on such topics as metadata management, cybercrime and marketing in the online world. It also features a docket sheet.

Internet Regulation Alert.

Location: KF390.5.C6 I573

This weekly newsletter contains notes on U.S. federal and states case law, new and proposed legislation, and new developments regarding Internet regulation.

The John Marshall Journal of Computer & Information Law.

Location: K3.O48

The Journal is a scholarly publication which includes articles by experts in this area of law as well as student commentary. It is international in scope and contains timely information on the subject matter covered.

VIII. Databases



The following search strategies are for use on Westlaw and Lexis; you must have a user name and password in order to access the Westlaw and Lexis databases. These searches will assist in compiling a selection of databases on the subjects of the Internet and e-commerce. Other proprietary online publishers may also offer databases relevant to these subjects.

Westlaw: Enter the Westlaw Research system and follow these instructions:

1. Go to the “Search for a database” search box on the left side of the search page (under “Shortcuts”).
2. Type in **Internet and e-commerce or e-business** (exactly as it appears) and click on “Go” to enter the search.
3. This simple search should bring up a list of databases which the Westlaw system deems relevant to your search terms.

Another database search in Westlaw involves using the “iden” feature.

1. To use this, type **iden** in the “Search for a database” box and click-on “Go.”
2. Another search box should open in the Westlaw Database List (IDEN).
3. Make sure to choose “**Terms and Connectors**” and try entering the following search: **Internet and e-commerce or e-business**.
4. This search may result in a list of relevant databases which is more comprehensive than the search suggested in the previous paragraph.

Lexis: Adding the **Cyberlaw and E-commerce** research tab is the most effective way of identifying Lexis databases which are relevant to the topics of the Internet and e-commerce or e-business.

1. After signing onto Lexis, select the “Research” option on the upper right side of the page.
2. When the Research page opens, check to make sure that you are in the “Search by Source” tab.
3. Click on the “Add/Edit Tabs” link which should be on the left hand side of the page under “Option 2”.
4. Scroll down through the **Jurisdictions and Areas of Law** selection box on the left side of the screen.
5. When you find **Cyberlaw and E-commerce** select it (click on it) and **add** it to your list of **Current Tabs** on the right side of the screen.
6. Click on the “Done” box to complete the selection.

IX. Internet Sites



This page is maintained by a practicing attorney who put together a useful list to links which serve as "starting points to finding e-commerce and cyberspace law resources on the Internet."

<http://www.denniskennedy.com/resources/technology-law-central/ecomlaw.aspx>

This is another useful list of Web sites put together by the OEDb (Online Education Database). Resource subject divisions include General Internet Law, Public Interest Groups, International Internet Law, e-Commerce Law and Fraud, Journals, Blogs, and Newsletters.

http://oedb.org/library/starting-a-career/the_ultimate_guide_to_internet_law

Findlaw is Westlaw's publicly available family of legal research databases. This site is specific to e-commerce and cyberspace.

<http://www.findlaw.com/01topics/10cyberspace//index.html>

This is a commercial newsletter which contains continuously updated news and information. It is posted by the ECT News Network.

<http://www.times.com/story/62946.html>

Here is Google's directory page on the subject of e-commerce.

http://www.google.com/Top/Society/Law/Legal_Information/Computer_and_Technology_Law/Internet/E-Commerce/

This is the World Intellectual Property Organization's page on copyright and e-commerce.

<http://www.wipo.int/copyright/en/>

