

West Nutshell Series

# Global Internet Law

in a  
nutshell

MICHAEL L. RUSTAD

2ND EDITION



**WEST®**

# **GLOBAL INTERNET LAW IN A NUTSHELL**

**SECOND EDITION**

By

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## PREFACE

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This book distills the main contours of settled Internet law as well as areas that are still evolving. The goal is to provide the reader a succinct exposition of basic concepts and methods in diverse Internet law topics as well as multiple perspectives on what shape the law should take. This second edition of the Nutshell expands the scope to include global developments as well as U.S. Internet law because, since the previous edition, Internet law is less U.S. centric. One of the central themes of the book is that lawyers of the twenty-first century must master global Internet law developments to represent online businesses in a cross-border legal environment.

As e-businesses use the border-defying Internet, they will increasingly become subject to foreign procedural and substantive law. The U.S. business community, for example, needs legal audits for its websites sales and services whenever it targets European consumers. Websites that collect personally identifiable information need to comply with the Data Protection Directive even if they are not physically located in Europe.

In contrast, foreign websites may be dragged into U.S. courts where they infringe the rights of U.S. users. The Internet is interconnected and transnational, challenging traditional sovereignty based upon geographic borders. No transnational

sovereign devises uniform rules for Internet jurisdiction and the enforcement of online judgments. The lack of certainty about the law of cyberspace requires cross-border treaties and conventions. To date, the countries connected to the Internet have not agreed to cede their sovereignty in order to harmonize cyberjurisdictional rules. Instead, courts adapt their own national rules to determine jurisdiction. In numerous places, I address European Commission regulations, directives and conventions as well as Internet law from other foreign jurisdictions. The organization of the book summarizes many of the cases and statutes taught in e-commerce, Internet law, or cyberspace law courses.

This book will be helpful to business lawyers as well as litigators confronted with Internet-related legal issues. I have provided a concise yet systematic examination of UCITA, the Principles of the Law of Software Contracts, and other projects to reform online contracting law. This nutshell is comprehensive in its coverage of global Internet issues that practitioners and students will encounter but will also serve as a useful introduction for non-lawyers and students in diverse disciplines such as computer science, business, nursing, sociology, law and society and criminology.

MICHAEL L. RUSTAD

June 14, 2013

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Suffolk University Law School, edited many chapters. Tom Koenig edited a number of the chapters while he was traveling and working in India.

During the fall of 2012, Borana Hajanj and Vit Svejksky edited every chapter often providing foreign cases and statutory references. My son James Knowles Rustad, M.D., edited Chapter 6 on Internet torts and provided me with contemporary examples. My daughter Erica Rustad Ferreira, Esq., also provided fresh and interesting Internet law examples and explanations throughout the book. Kara Ryan, Jessica Fehr and Shannon Edgar provided me with excellent secretarial and administrative support. Dr. Vittoria Onufrio and Dr. Patrik Lindskoug assisted me with European Internet law developments. Professors Thomas H. Koenig, Marshall Shapo, Gabe Tenenbaum, and Darryl Wilson also provided me with useful research and editorial suggestions. Finally, as always, I appreciate the editorial work and good company of my wife, Chryss J. Knowles.

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