

In Semester 1, 2020 the topic for LAWS5225 will be
Business, Law and Technology in a Borderless World

International commercial arrangements underpin globalisation and enable cross border transactions, but are becoming increasingly complex and difficult to navigate. International law issues can also arise in unexpected places as borders start to blur due to the internet and social media platforms. This course offers study on international commercial arrangements and the difficulties that lie within, with a focus on complexities that arise over the internet (such as electronic contracting, domain names and trade mark infringement), doing business internationally with a focus on China and the USA, and ancillary international issues. The course will have a practical and commercial focus, and will consider these issues from the point of view of an Australian internet or technology products enterprise wanting to expand into China and the USA.

The course will tie together topics that may have been covered in other subjects, in a practical and thematic manner.

Topics covered include:

- Introduction: Trade war or Tech war?
- Jurisdiction, with a focus on internet jurisdiction issues
- Case study: cross-border defamation
- The regulation, role and power of platforms (such as Facebook, Google, Amazon and Alibaba)
- International commercial contracts
- Breach of international commercial contracts (Choice of law, Choice of forum, Long arm service, Arbitration, Litigation, Enforcement)
- International IP protection and enforcement (International IP protection strategies, Trade mark infringement on the internet, Cross border patent infringement, Anti-suit injunctions, Domain name disputes)
- International sale of goods and services in an online environment (Internet sales and contracting, the sale of digital works, consumer contracts, regulatory issues)
- International distribution and agency agreements
- Key legal and business issues when doing business internationally
- Differences when negotiating contracts in different countries
- International Taxation issues
- Employment law with a global and flexible workforce
- International Privacy and data laws
- Case study: doing business in China

The course is intended to be practical, looking at issues that arise in real life, rather than focusing on topics that are academically interesting but of little practical relevance. As you can tell from the title, the course is focused on international legal issues with a technological focus. What legal issues will face a Brisbane enterprise doing business internationally? What legal issues will face a foreign enterprise doing business in Australia? To keep the course manageable, we will focus on the USA and China, but will consider other countries where appropriate. To add interest, we will look at issues that arise where the business has an Internet-based business model.

In some ways, the course is a “survey” course (or maybe an applied legal course). We will focus on the business problems, and in doing so, we will look at a number of relevant legal subjects. We will also see if we tie these topics together with an over-arching “legal theory” of doing business in a borderless environment. To assist, we will have workshop problems, that will be used throughout the course.
