

## BOOK REVIEW

### **R.L. Campbell, *Legal Issues in Electronic Commerce*, 3rd edition (Concord, Ont: Captus Press, 2010)**

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The juncture of “law and technology” from a legal education point of view is an interesting one. Successfully engaging with law and technology requires students (of all ages and stripes) to absorb at least some of the substance of many discrete areas of law, as well as to assess how technology creates nexuses between them and challenges some of their underlying notions. As electronic commerce increasingly becomes the bread and butter of many law practices, this need comes into sharper relief — one has to grasp a large variety of fundamentals and simultaneously generate some insight as to where technology is pushing them. Diving into this pool as a student can be daunting. In the latest edition of *Legal Issues in Electronic Commerce*,<sup>1</sup> Professor R.L. Campbell of Carleton University’s Law and Legal Studies Department has continued a successful effort at easing this transition.

It is important at the outset to accurately describe this text, which is part of the “Canadian Legal Studies Series” of books published by Captus Press. That series, as described in the publishing blurb on the back of this book,<sup>2</sup> provides texts that contain “articles, cases and analyses that are suitable for legal studies, law and society programs, or related courses in other disciplines.” Accordingly, this book is not a resource for e-commerce practitioners, nor is it designed for teaching an e-commerce or law and technology course in a law faculty. Rather, it is geared towards undergraduate legal studies programs and, as might be expected, it operates at a slightly more basic level.

That said, the book provides a broadly-based and effective introduction to e-commerce issues. It is organized into Sections on broad topics, each of which contains chapters that present a mixture of well-edited excerpts from scholarly articles and texts (shorn of their footnotes/references, a strength rather than a weakness for a text of this sort), excerpts from cases and occasional media articles that shed light on a particular topic. Section 1’s introduction of “The New Age” of internet and e-commerce is followed by Section 2’s wide-ranging selection of interdisciplinary

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<sup>1</sup> RL Campbell, *Legal Issues in Electronic Commerce*, 3rd ed (Concord, Ont: Captus Press, 2010).

<sup>2</sup> And see the Captus page on the series, online : <http://www.captus.com/Information/catalogue/cat-law.asp>.

writing on e-commerce-related topics, from the economic and sociological to the psychological and statistical. While in my own view this chapter is a bit long, it does allow for a more contextualized view of the internet and introduces student readers to issues in a manner that avoids the narrow “silo” approach typical of a great deal of strictly legal writing. Generally speaking, interdisciplinarity is another strength of this text.

Sections 3 and 4, entitled “Regulation” and “Jurisdiction” in turn, examine the motherhood issue of whether, how, why and by whom e-commerce is to be regulated, presenting a variety of perspectives and litigation examples. Section 5 provides a solid overview on domain names, a topic in which Professor Campbell has a particular interest and expertise. It is followed by Section 6, entitled “Local Functional Issues” which attempts to present overviews of central e-commerce topics: infrastructure, contract issues, and a chapter entitled “consumer issues” that deals with privacy in the internet context.

In terms of its structure, a typical chapter would contain excerpts from the early days of serious academic writing about the internet and e-commerce (i.e. the mid-1990s), followed by more recent writing. For example, Chapter 10 on Regulatory Issues begins with the classic Johnson and Post article on the internet as a new legal space,<sup>3</sup> ultimately concluding with a more recent article by Christoph Engl<sup>4</sup> that reflects on the debate over exactly this idea. While exposing students to the changes and shifts in this area of law over time is a good idea, some of the articles excerpted are becoming a bit dated and could be replaced by more recent material. In particular, Chapter 12, on Jurisdiction, is quite out of date, given recent international and Canadian developments in this area. This might seem like fussiness on my part, but e-commerce is not real property law — the memes and norms in this area shift rapidly and it is beneficial to stay on top of recent developments.

Moreover, some parts of the book suffer from over- or under-emphasis of their subject matter. As noted above, Section 6 covers some of the most pressing “legal issues in e-commerce” and does so in around 90 pages; this seems quite short as compared to the 107 pages dedicated to domain names, and also comes at the expense of sustained treatment of consumer protection issues, which deserve more time than they receive here. Also, there are scattered treatments of internet defamation law throughout the book, but as an important cognate area of e-commerce this topic could use a chapter of its own. This is particularly the case of late, because many of the most interesting Canadian legal developments relevant to e-commerce have come out of defamation cases — jurisdiction (*Black v. Breeden*),<sup>5</sup> the nature of hyperlinks (*Crookes v. Newton*)<sup>6</sup> and the protection of anonymous content (*Warman v. Wilkins-Fournier*)<sup>7</sup> and its progeny). Of course, Professor Campbell can hardly be faulted for not including this specific caselaw which all emerged after

<sup>3</sup> DR Johnson & DG Post, “Law and Borders: The Rise of Law in Cyberspace” (1996) 48 *Stan L Rev* 1367.

<sup>4</sup> C Engl, “The Role of Law in the Governance of the Internet” (2006) 20:1&2 *Int’l Rev L Comp & Tech* 201.

<sup>5</sup> 2012 SCC 19.

<sup>6</sup> 2011 SCC 47.

<sup>7</sup> 2010 ONSC 2126.

this edition of the text was prepared.

Ultimately, this text does an excellent job at the task set for it, which is to give an effective overview of legal e-commerce issues for undergraduate students. The readings are intelligently selected and delve reasonably deeply into some sophisticated and stimulating issues. With the pruning and updating that is no doubt planned for the 4th edition, *Legal Issues in Electronic Commerce* will continue to be a strong resource.