

Ministry of Education and Science of Ukraine
Yaroslav Mudryi National Law University
Department of Civil Law No 1

SYLLABUS OF ACADEMIC DISCIPLINE
«Legal aspects of the e-commerce»

Level of higher education – the second (master's) level

Degree of higher education – master

Field of knowledge – 29 “International Relationships”

Speciality – 293 “International Law”

Status of the academic discipline – optional

Recruitment year – 2022

Syllabus of the academic discipline «Legal aspects of the e-commerce / Правові аспекти електронної комерції» for students of higher education of the second (master's) level of the higher field of knowledge of education 29 "International Relationships" speciality 293 "International Law". Kharkiv: Yaroslav Mudryi National Law University, 2022. 15 p.

Developer:

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PhD in law, associate professor

Approved at the meeting of the Department of Civil Law No 1

(protocol no 1 of 1 September 2022)

The head of the department is Valentyna Ivanivna Borysova,
PhD in law, professor

Information about the teacher

Title of the academic discipline	Legal aspects of the e-commerce
Type of academic discipline	Optional
Teacher	Nataliya Yuliiivna Filatova-Bilous, assistant of the Department of Civil Law , PhD, associate professor
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Abstract of the academic discipline

The subject of the academic discipline is the legal regulation of relations arising between subjects of electronic commerce, at the international level, at the level of secondary legislation of the European Union and at the level of national legislation.

Relations in the field of electronic commerce are considered. The structure of these relations is determined, as well as the features of their occurrence and termination. The peculiarities of concluding contracts in the field of electronic commerce are analyzed. The place of the electronic form among other forms of transactions is determined. The specifics of relations between e-commerce entities in certain areas are clarified: in the field of providing digital content and digital services, protection of personal data, use of blockchain technologies, etc.

The purpose and tasks of the academic discipline

The purpose of the academic discipline is to form a system of scientific and practical knowledge in the field of legal regulation of relations that arise between subjects of electronic commerce in the process of concluding and executing contracts.

Tasks:

– formation of a set of legal competencies necessary for a modern lawyer;

- development of skills and abilities to analyze international agreements that regulate relations between subjects of electronic commerce, and interpretation of their norms;

- learning the basics of comparative analysis of domestic and foreign legislation, which regulates the relations that arise between subjects of electronic commerce;

- acquiring the ability to apply provisions of domestic legislation and legislation of foreign countries when solving practical tasks;

- analysis and research of applied problems arising in the field of electronic commerce.

Academic discipline in the structure of the educational and professional program. Interdisciplinary connections

Prerequisites: "Legal regulation of the EU internal market", "Law of the European Union and its system", "Tax law".

Co-requisites: "International Contract Law", "European Private International Law"

Post-requisites: "International intellectual property law", "EU corporate law and governance"

Expected learning outcomes of a student of higher education

As a result of mastering the academic discipline, the student of higher education must demonstrate the following learning outcomes:

- LO-1. Define the concepts of "electronic commerce", "information society services" and "electronic trust services".
- LO-2. Explain the rules of application of international acts that regulate relations in the field of electronic commerce
- LO-3. Differentiate e-commerce participants and intermediate service providers
- LO-4. Apply the provisions of international, European and national legal acts to resolve disputes that arise between the subjects of e-commerce.

- LO-5. Classify contracts in the field of electronic commerce
- LO-6. Describe the approaches to determining the place of the electronic form among forms of transactions.
- LO-7. Describe approaches to determining the legal status of an electronic signature in the jurisdictions belonging to the Anglo-American and Romano-Germanic legal families.
- LO-8. Apply knowledge of contract law to resolve disputes arising between e-commerce entities
- LO-9. Formulate one's legal position when solving practical tasks related to contracts in the field of disposal of property rights of intellectual property, which are concluded between subjects of electronic commerce.
- LO-10. Discuss complex legal issues related to the protection of rights to trademarks and domain names belonging to e-commerce entities, propose and substantiate options for their solution.
- LO-11. Define the concepts of "personal data", "big data", "database" and be able to distinguish them
- LO-12. Explain the peculiarities of the functioning of blockchain technology as an environment for concluding contracts and carrying out transactions

**Types of educational activities and independent work
for students of full-time higher education**

No	Classes (in contact with the lecturer)		Individual work (in hours)
	Topics of lectures	Topics of practical classes	
1	Electronic commerce as a special sphere of exchange of goods (works and services). Sources of e-commerce regulation.	Electronic commerce as a special sphere of exchange of goods (works and services). Sources of e-commerce regulation.	14
2	Legal status of subjects of electronic commerce.	Legal status of subjects of electronic commerce.	10
3	Concepts and types of contracts in the field of	Concepts and types of contracts in the field of	10

	electronic commerce. Peculiarities of concluding contracts in the field of electronic commerce.	electronic commerce. Peculiarities of concluding contracts in the field of electronic commerce.	
4	Electronic form.	Electronic form.	14
5	Agreements in the field of disposal of property rights of intellectual property, which are concluded in the practice of the activities of e-commerce entities.	Agreements in the field of disposal of property rights of intellectual property, which are concluded in the practice of the activities of e-commerce entities.	8
6	Protection of trademark rights of e-commerce entities. Domain names	Protection of trademark rights of e-commerce entities. Domain names	8
7	Protection of personal data of subjects of electronic commerce.	Protection of personal data of subjects of electronic commerce.	10
8	Blockchain technology as a transaction environment	Blockchain technology as a transaction environment	6

**Types of educational activities and independent work
for students of correspondence form of education**

No	Topics of lectures	Topics of practical classes	Individual work (in hours)
1	Electronic commerce as a special sphere of exchange of goods (works and services). Sources of e-commerce regulation	Electronic commerce as a special sphere of exchange of goods (works and services). Sources of e-commerce regulation	110
2	Electronic form	Electronic form	
3	Agreements in the field of disposal of property rights of intellectual property, which are concluded in the practice of the activities of e-commerce entities.	-	

Independent work of students

Independent work of students is carried out in the following forms:

- preparation of an individual final written work;
- development of new scientific and educational literature, generalization of practice, etc.;
- work on cases on the law of external relations (functions of bodies of

external relations, privileges and immunities of bodies of external relations and their staff, etc.) ;

- performance of practical tasks, self-testing;
- writing essays and abstracts;
- preparation of presentations;
- abstract of scientific articles;
- preparation for practical classes and testing;
- preparation of reports abstracts for scientific and practical conferences.

Tasks and methodical recommendations for independent work are given in Methodical materials for the academic discipline "Legal aspects of e - commerce" for students of the second (master's) level of higher education in the field of knowledge 29 "International Relationships" speciality 293 "International Law.

Educational, methodical and information support

academic discipline

Normative and legal acts

1. United Nations Convention on the Use of Electronic Communications in International Treaties (New York, 2005). URL:

http://www.uncitral.org/pdf/russian/texts/electcom/06-57454_Ebook.pdf

2. On electronic trust services: Law of Ukraine dated 05.10.2017 r. no 2155-VIII. URL : <https://zakon.rada.gov.ua/laws/show/2155-19#Text>

3. On electronic documents and electronic document circulation: Law of Ukraine dated May 22, 2003 No. 851 - IV . URL : <https://zakon.rada.gov.ua/laws/show/851-15#Text>

4. On electronic commerce: Law of Ukraine dated September 3 , 2015 No 675-VIII. URL : <https://zakon.rada.gov.ua/laws/show/675-19#Text>

5. On the prevention and countermeasures against the legalization (laundering) of proceeds of crime, the financing of terrorism, and the financing of the proliferation of weapons of mass destruction: Law of Ukraine dated December 6, 2019 , No. 361-IX. URL : <https://zakon.rada.gov.ua/laws/show/361-20#Text>

6. On the protection of information in information and telecommunication systems : Law of Ukraine dated 07/05/1994 No. 80/94-VR. URL : <https://zakon.rada.gov.ua/laws/show/80/94-%D0%B2%D1%80#Text>

7. On the protection of consumer rights: Law of Ukraine dated 12.05.1991 r. no 1023-XII. URL : <https://zakon.rada.gov.ua/laws/show/1023-12#Text>

8. UNCITRAL Model Law on Electronic Commerce (1996) . URL : https://www.uncitral.org/pdf/russian/texts/electcom/05-89452_Ebook.pdf

9. UNCITRAL Model Law on Electronic Signatures (2001). URL: <https://www.uncitral.org/pdf/russian/texts/electcom/ml-elecsig-r.pdf>

10. Civil Code of Ukraine dated January 16 , 2003 No 435-IV. URL : <https://zakon.rada.gov.ua/laws/show/435-15#Text>

11. On copyright and neighboring rights: Law of Ukraine dated 01.12.2022 p. № 2811-IX. URL: <https://zakon.rada.gov.ua/laws/show/2811-20#Text>

12. On the protection of trademarks: Law of Ukraine dated 15.12.1993 № 3689-XII. URL: <http://zakon2.rada.gov.ua/laws/show/3689-12>.

13. On the protection of personal data: Law of Ukraine dated 01. 06.2010 p. № 2297-VI. URL: <https://zakon.rada.gov.ua/laws/show/2297-17#Text>

14. Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/ 36/EU . OJ L 156. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018L0843>

15. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') . *Official Journal of the European Union* . L 178, 17.7.2000, p. 1–16 . URL: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32000L0031>

16. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC

and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85 /577/EEC and Directive 97/7/EC of the European Parliament and of the Council Text with EEA relevance . *Official Journal of the European Union* . L 304/64, 22.11.2011, 64–88. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0083>

17. Judgment of 12 July 2011, *L'Oréal SA and Others v eBay International AG and Others*, C-324/09, ECLI:EU:C:2011:474 . URL: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62009CJ0324>

18. Judgment of 16 February 2012, *Belgische Vereniging van Auteurs, Componisten en Uitgevers CVBA (SABAM) v Netlog NV* , C-360/10, ECLI:EU:C:2012:85 . URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62010CJ0360>

19. Judgment of 19 December 2019, *Airbnb Ireland* , C-390/18, EU:C:2019:1112 . URL: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62018CJ0390>

20. Judgment of 20 December 2017, *Uber Systems Spain SL* , C-434/15, EU:C:2017:981 . URL: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62015CJ0434>

21. Judgment of 23 March 2010, *Google France SARL and Google Inc. v Louis Vuitton Malletier SA*, Case C-236/08, ECLI:EU:C:2010:159 . URL: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62008CJ0236>

22. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act). URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022R2065&qid=1666857835014>

23. Proposal for a Regulation of the European Parliament and of the Council on Markets in Crypto-assets, and amending Directive (EU) 2019/1937 COM/2020/593 final . URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020SC0593>

24. Regulation (EU) No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC .

URL: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2014.257.01.0073.01.ENG

25. Regulation 2019/1150 on promoting fairness and transparency for business users of online intermediation services . *Official Journal of the European Union* . L 186, 11.07.2019, pp. 57 – 80. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32019R1150>

26. Regulation of the European Parliament and of the Council (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) . [2016] OJ L 119 . URL: <https://eur-lex.europa.eu/eli/reg/2016/679/oj>

Literature

Basic literature

1. Civil Code of Ukraine: science and practice. comment. T. 2: Objects. Deeds Representation. Terms and deadlines. Statute of limitations. Personal non-property rights of an individual. / edited by I.V. Thank you Fateeva. Kharkiv: "EKUS", 2021.

2. Filatova-Bilous N.Yu. Protection of rights to virtual assets. Property rights: methods of protection through the prism of judicial practice: monograph / edited by I.V. Thank you Fateeva. - Kharkiv: EKUS, 2023. - 616 p. - P.338-365.

3. Filatova-Bilous N.Yu. Digital content: concepts, features and perspectives of legal regulation. Unusual objects: coll. Art. / edited by I.V. Thank you Fateeva. Kharkiv: EKUS, 2022 – 266 p. - P.164-188.

4. Beale H. (ed.). Cases, materials and text on contract law (Hart, 2019).

5. Christian von Bar (ed) . Principles, definitions and model rules of European private law . Draft Common Frame of Reference (DCFR) . Sellier European Law Publ. 2009 .

6. Mik E. Smart Contracts: Terminology, Technical Limitations and Real World Complexity (2017). 1 . URL: < <https://ssrn.com/abstract=3038406> > or < <http://dx.doi.org/10.2139/ssrn.3038406> >

7. Sasso L. Certain comparative notes on electronic contract formation *The right Magazine Higher school economy* . 2016. Vol. 17. No. 1. S. _ 204–219.

8. Summary of the Discussion and Conclusions JOINT UNCITRAL/UNIDROIT WORKSHOP Rome, Seat UNIDROIT 6 and 7 May 2019 . URL: < <https://www.unidroit.org/english/news/2019/190506-unidroit-uncitral-workshop/conclusions-e.pdf> >

Additional literature

1. Dudenko T., Filatova, N., Khodyko I. UNCITRAL approaches to regulate electronic contracting. Are they still applicable? Based on Ukrainian and other CIS countries' experience. *Journal of Advanced Research in Law and Economics* . 2019. Vol. 10 . Iss. 8. P. 2317 - 2326.

2. Filatova N. Smart contracts from the contract law perspective: Outlining new regulatory strategies. *International Journal of Law and Information Technology*. 2020. Vol. 28 . Iss. 3. R. _ 217-242 . _

3. Filatova-Bilous N. (2021). Once again platform liability: on the edge of the 'Uber' and 'Airbnb' cases. *Internet Policy Review* . 10(2). DOI: <https://doi.org/10.14763/2021.2.1559>

4. Filatova N. Yu. (2017) Bargaining with the Use of Electronic Form / N. Yu Filatova // *Problems of Legality*, 136, 40-55. DOI (link) : 10.21564/2414-990x.136.91899

5. Filatova N. Yu. (2017) The Regulation of Peculiarities of Electronic Contracting: Comparative Analysis / N. Yu Filatova // *Problems of Legality*, 139, 63-77. DOI (link) : 10.21564/2414-990x.139.114079

6. Gillies, Lorna E. Electronic commerce and international private law: A study of electronic consumer contracts. Abingdon, Oxford, 2016. 286 p.

7. Greenwood, Daniel F.; Campbell, Ray A. Electronic Commerce Legislation: From Written on Paper and Signed in Ink to Electronic Records and Online Authentication. *Business Lawyer (ABA)* 53.1 (1997): 307–340 .
8. Kuner, Christopher; Meidbrodt, Anja. Written Signature Requirements and Electronic Authentication: A Comparative Perspective. *EDI Law Review* . 6. Issues 2 and 3 (1999): 143 – 154.
9. Mootz, Francis Joseph, After the Battle of the Forms: Commercial Contracting in the Electronic Age. *I/S: A Journal of Law and Policy for the Information Society*, Vol. 4, p. 271, 2008; UNLV William S. Boyd School of Law Legal Studies Research Paper No. 08–33. URL: <http://ssrn.com/abstract=981288>
10. Raymond T. Nimmer, The Legal Landscape of E-commerce: Redefining Contract Law in an Information Era (April 2007). *Journal of Contract Law* . 2007. Vol . 23 . URL: <http://www.ipinfoblog.com/jocl314.pdf>
11. Sørensen, MJ (2018). Intermediary Platforms – The Contractual Legal Framework. *Nordic Journal of Commercial Law* . 2018(1), 62–90. URL: <https://doi.org/10.5278/ojs.njcl.v0i1.2485>
12. Usha R. Rodrigues . 'Law and the Blockchain' (2019) 104. *Iowa L. Rev.* 679 .
13. Patachyts, N. O., Filatova-Bilous, N. Yu. (2021). Prospects for defining the legal regime of cryptocurrency in domestic civil legislation, taking into account the experience of foreign countries . *Law forum* . No 67(2). WITH. 62–77.
14. Filatova N. Yu., Logoyko O. AT. Comparative analysis of the features of electronic contracts in Ukraine and Germany: legal aspects. *Rule of law* . 2020. Issue 38. S. 92–100.
15. Filatova-Bilous, N. Yu. The theory of propertyization of data: a critical analysis from the point of view of the doctrine of property rights. *Law of Ukraine* . 2021. No 5. S. 85–102.

Internet resources

1. The website of the scientific library of Yaroslav the Wise National University of Law - <http://library.nlu.edu.ua/>
2. The official web portal of the Verkhovna Rada of Ukraine - <http://rada.gov.ua/>
3. The UNCITRAL website is <https://uncitral.un.org/ru>
4. Website of the Permanent Mission of Ukraine to the UN - <https://ukraineun.org/>
5. The official website of the European Union is <http://europa.eu>
6. The unified state register of court decisions is <http://reyestr.court.gov.ua>
7. The official web portal of the Constitutional Court of Ukraine - <https://ccu.gov.ua/>

SEEMC

Standardized electronic educational and methodological complex of the Department of Civil Law No. 1. URL: <https://library.nlu.edu.ua/senmk/item/224-tsyvilne-pravo-ukrainy-2-chastyna.html>

Requirements of the teacher

Applicants of higher education *must*: regularly attend lectures and practical/seminar classes; systematically and actively work during them; convincingly present arguments when solving tasks; qualitatively perform written and practical tasks, tests and independent work, etc. Practical classes missed for valid reasons can be made up after prior agreement with the teacher.

Applicants of higher education *are recommended* to: participate in scientific conferences, competitions of scientific works, the work of the scientific circle of the department, prepare theses of scientific reports, etc.

A mandatory requirement is for students of higher education to comply with the norms **of the** Code of Academic Ethics of the Yaroslavl National Law University [\(https://nlu.edu.ua/wp-](https://nlu.edu.ua/wp-)

content/uploads/2020/02/kodeks_academichnoyi_etyky.pdf).

During classes in contact with the lecturer, it is allowed to use gadgets only for educational purposes (for example, to view lecture presentations). It is allowed to use laptops and tablets for keeping lecture notes and tracking the necessary information.

Control measures

Evaluation of the results of mastering the academic discipline "Legal aspects of electronic commerce" provides for current and final control and is carried out on the basis of a cumulative point-rating system.

Current knowledge control includes:

- quality control of the students' assimilation of the programme material of the academic discipline in practical classes using the following tools: oral/written survey, express survey, solving practical tasks, participation in the development of a case, preparation of a presentation, essay, etc. The current control is aimed at checking the level of the student's preparation in studying the material. In the course of the practical session, the student can receive an assessment on a four-point scale (0, 3, 4, 5);
- quality control of the students' assimilation of the programme material of the academic discipline, which is conducted at the end of the modules in the form of colloquiums.

The mandatory form of independent work of students is the preparation of an individual final written work. The maximum number of points based on the results of the defense of an individual final written work is 20 points.

The form of *final control of the* knowledge of higher education students in an academic discipline is a differentiated assessment. The minimum number of points to receive a differentiated credit is 60.

Scale of final pedagogical control

Rating according	Definition	Rating on a national	Rating according to the
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to the ECTS scale		scale for credit	100-point scale used at NYU
A	Excellent - Excellent execution, with only a small number of errors	Success	90 - 100
B	Very good - above average with a few errors		80-89
C	Good - generally correct work with a number of minor errors		75-79
D	Satisfactory - not bad, but with a significant number of shortcomings		70-74
E	Sufficient – performance meets minimum criteria		60-69
FX	Unsatisfactory - work needs to be done before rewriting	Unsuccess	35-59
F	Unsatisfactory - serious further work is required, a mandatory repeat course		0 - 34