

Electronic and Mobile Commerce Law: An analysis of trade, finance, media and cybercrime in the digital age

by Charles Wild, Stuart Weinstein, Neil MacEwan and Neal Geach, University of Hertfordshire Press, March 2011 608pp RRP £40 / US\$80

Reviewed by Martin Squires

Martin Squires is a Legal Counsel at FOXTEL. Martin acts in a variety of technology-related transactions and advises on issues relating to technology and computer copyright.

The scope of this book is impressive. The authors cover topics including electronic commerce, e-finance, cybercrime, regulation of and access to electronic communications networks and services, spectrum and m-commerce. They do so by looking at the relevant case law and legislation, and by examining emerging issues arising in this field.

The authors are academics at the University of Hertfordshire School of Law and Salford University.

Each has drawn upon their own specialised area of research in preparing different sections of the book.

One salient feature of this book for an Australian reader is that this book is written from a United Kingdom perspective. The majority of the cases discussed are from the UK, and the regulatory sections focus on UK and European Union law.

However, this does not significantly detract from its usefulness for an Australian reader. I found this book most useful for describing how different aspects of e-commerce and m-commerce operate and the legal issues that arise in those fields.

For example, the section on electronic cash introduces the topic with an overview of what the term refers to and the commercial rationale for the development of electronic cash systems. From there, it provides an overview of the history of the evolution of electronic cash systems, and the key features of electronic cash systems. It then provides an analysis of different electronic cash systems that have been developed since the early 1990s. The chapter highlights various legal issues which arise in connection with electronic cash systems (such as the lack of clarity in a number of jurisdictions regarding how companies that operate electronic cash systems should be regulated).

This overview would be of great assistance to a reader who does not regularly advise on the very specific legal issues associated with electronic cash systems, but had a need to understand the system to advise a client. While it does not provide relevant legislation and case law from Australia, it provides information which would be of assistance in analysing a legal issue to enable the reader to then identify the relevant legislation and case law.

In any event, the specifics of case law and legislation tend to change quite rapidly in this field. On the other hand, gaining an understanding of how different pieces of the e-commerce and m-commerce landscape operate provides a foundation for analysing issues that may arise in any jurisdiction.

Also, it is apparent from reading this book that there is a certain level of similarity between the ways courts and legislatures in different jurisdictions respond to emerging issues. And where the case law and legislation in the United Kingdom differs from that in Australia, it can be helpful to understand how and why these differences have arisen.

Some of the chapters are devoted to case studies to illuminate certain legal and technological trends. For example, one chapter within the section on spectrum and m-commerce contains a case study of Nokia and its experience in operating in the m-commerce sphere.

This case study shows how Nokia has responded to shifting trends in the marketplace. However, the case study appears only to cover the period up to about 2007 or 2008, and lacks any information or analysis of the company after this date.

The section of the book on cybercrime presents a very useful overview of cybercrime, including a discussion of the difficulties in understanding what is actually meant by the term "cybercrime" itself. This topic is explored in some detail. The section then addresses three categories of cybercrime, being computer-related crime, computer content-based crimes and computer integrity offences.

Again, while the discussion focuses on offences under United Kingdom laws, the issues themselves are global and it is illuminating to read how another jurisdiction attempts to respond to behaviour which is just as likely to occur in Australia as it is in the United Kingdom.

This book is useful because it addresses such a broad range of issues that can loosely be grouped under the category of "internet law" or "e-commerce" law. The overview and analysis of the issues touched on by this book provide useful insights for the Australian reader, despite the focus on United Kingdom law.