INTERNATIONAL CENTRE FOR TECHNOLOGY AND CONTEMPORARY LAW (ICTCL)

STUDENTS HANDBOOK/SYLLABUS

POSTGRADUATE PROFESSIONAL QUALIFYING DIPLOMA IN INFORMATION & COMMUNICATIONS TECHNOLOGY LAW

CONTENT

(A) PROGRAMME GENERAL OVER VIEW

PROGRAMME SUMMARY

Designed and run by the International Centre for Technology & Contemporary Law (ICTCL), this innovative programme offers participants the unique opportunity to gain critical knowledge in the rapidly developing areas of information, communications and technology law.

On this programme students will study the practical response of the law to these developing technologies. They will also assess the adequacy and effectiveness of measures taken at both a national and international level to deal with the novel problems which continue to arise. In the light of the global nature of this subject, a particular consideration will be given to consistency and the need for a uniform approach between jurisdictions.

Alongside their subject-specific learning, they will also complete regular assignments and exercises designed to strengthen their rigorous analytical skills, their abilities in argument formation and their capacity for independent thought, making them highly employable in legal and other professional work contexts.

NATIONAL PROFESSIONAL ACCREDITATION AND MEMBERSHIP ADMISSION
The Postgraduate Professional Qualifying Diploma in Information Technology & Communications Law (PPGQD) is accredited and approved by the TLSN Council for direct membership entry into its professional membership grade.

PROGRAMME OBJECTIVES

Because the internet has impacted greatly on every facet of our private, social, business, educational and professional lives,   this programme focuses on advanced knowledge on the legal issues pertaining to electronic transactions in general. The course takes a practical, transactional and multi-jurisdictional perspective and provides an in-depth analysis and examination of the adequacy of the legal framework to cope with the practical issues raised by rapidly developing areas of information, technology and communications law.

The programme examines the gaps, conflicts and compliance issues within the current and developing legal framework on information, communications and technology law and to what extent the existing legal framework impacts on new and emerging technologies.

The programme also investigates the growing value attached to information and will enable you to contribute to many current areas of debate in information technology law.

Courses under this programme includes Legal Issues & Security in Electronic Transaction, E-Contract, Jurisdiction, Privacy and Data Protection in Electronic Environment, Taxation of E-Commerce , Online Domain Names Disputes and Resolution, Consumer Protection and Electronic Banking and cybercrime.

PROGRAMME TARGET
The programme is addressed to lawyers, management and marketing consultants, IT professionals, practicing bankers, financial and investment consultants, and all other working professionals wishing to act for, or/and advise on electronic transactions. It is also addressed to top management executives, business owners, SMEs and any individual that may wish to take the advantage of the emerging technology to conduct their important business and non business transactions.

CAREER DEVELOPMENT
This PPGQD **will suit those:**

- Who want to study an area of law with urgent contemporary significance
- Who would enjoy studying the interaction between technology, business and the law
- Who wish to develop a critical appreciation of legal responses to technological development
- Who wish to nurture a legal career dealing with national and international law firms and technology companies

Employability
This course will be particularly attractive to those seeking a career in transnational corporations, software developers, corporate lobby groups, international law firms and a range of governmental and non-governmental organisations.

The PPGQD will place holders in the jobs market as a rigorous legal professional armed with impressive expertise in the latest developments in law regarding the exponential growth and development in information

technology. In addition, this course will help them to master key skills that are required in almost every postgraduate workplace – planning, analysis, presentation, project management and professional independence.

Key Skills and Competencies

Study Skills
Students will learn how to quickly assemble, assimilate and interpret a wealth of legal data in this fascinating field. They will learn how to deploy their knowledge to assert their expertise and build a strong argument in a changing legal environment. These skills in analysis and discourse, supported by their mastery of rigorous methodologies, will stand them in good stead for any professional workplace.

Transferable Skills
The PPGQD programme is designed to give students a range of transferable skills that they can apply in a variety of employment contexts. Upon graduation, they will have proven their abilities in structuring and communicating ideas efficiently, writing for and speaking to a range of audiences, evaluating and organizing information, working effectively with others and working within time frames and to specific deadlines.

PROGRAMME STRUCTURE

The Postgraduate Professional Qualifying Diploma in Information & Communications Technology Law requires that students complete a total of six modules of 120 credit points. Each module as listed below is 20 Credits.

THE MODULES
Modules are designed and delivered by leading academics undertaking cutting-edge research in their areas of expertise, and many have also been designed with input from leading international law firms and professional organisations

1. Information Technology Law
2. Information Secrity: Control and Power
3. Communications Law
4. eCommerce Law
5. Comparative Contract Law,
6. Competition and Innovation Law

PROGRAMME ENTRY REQUIREMENTS/DURATION
A recognized degree in any discipline or equivalent professional qualification. The programme is 12 Months Duration.

TEACHING & LEARNING STRATEGIES
I-a] **Directed independent reading:** The students shall be reading chapters/sections of their course textbooks/or materials every week as may be directed by the course lecturer

I-b] **Web links:** Students are expected to, or shall be taught to become familiar with relevant websites and **Professional journals** on Technology Law. It is expected that students will read online journals as part of their investigation into the field of technology law. Students will share articles and journal websites with class members. Students should submit a total of five journal reviews using the journal review form during the course. This sharing will allow students to develop lists of journal sites applicable to their areas of interest.

II] **Discussion forums:** Students shall participate in the mandatory on-line discussion forums. On-line discussion forums provide students an opportunity to learn from each other and to jointly develop questions of emerging relevance. All posts should be made by **Wednesday** of each week to allow enough time for dialogue at the week-end.

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B) PROGRAMME SYLLABUS

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1] Information Technology Law

Module Summary

This module responds to the immense impact computers and the Internet have had, and are having, on substantive law. 'Computer law' has developed since the seventies from a patchwork of applications of ordinary rules of contract, criminal, and commercial law, to what is largely accepted to be a rapidly growing specialist cognate discipline. It has now expanded to embrace the "new" field of the legal regulation of the Internet.

This module will examine the legal ramifications of computerisation and of the Internet, including topics such as e-commerce, jurisdiction and dispute resolution, intellectual property in software and hardware, privacy, content liability, trademarks, the internet and domain names, online privacy, cloud computing and virtual worlds, computer crime, and online dispute resolution.

Themes such as globalisation, enforcement, regulatory forms (including self-regulation and soft law) and the competing lobbies for consumers, corporations, industry players, rights-holders and cyber-libertarians will be discussed throughout the module. A further focus will be the extent and need for interaction between these themes and legal fields.

Sources will be drawn from the legal systems of the UK, the US, EU, Ghana and Nigeria.

Session titles
1. Introduction to cyberspace and cyber law.
2. Intellectual property protection for software
3. Content liability
4. Trademarks, the internet and domain names

5. E-contracts
6. Jurisdiction
7. Online Privacy
8. Cloud computing and the regulation of virtual worlds
9. Cyber crime
10. Dispute resolution

Learning outcomes
By the end of the module the student should be able to:

- Identify, contribute to and advance the key areas of debate, from a legal perspective, in respect of the internet and computers;
- Form a view on the relevancy and adequacy of law and alternatives in advancing these debates, including regarding enforcement and dispute resolution;
- Analyse the extent to which control over and liability in respect of hardware, software, data and website content can have negative consequences for individuals and corporations and wider society.

Assessment
One Essay, 4000 words (60%); one piece of assessed course work of 1500 words (20%); participation in min of 4 out of 6 online activity/meeting at 5 marks per meeting (20%).

2] Information Security: Control and Power

Module Summary
This module will investigate, through a range of legal disciplines and perspectives, the growing focus placed on, and value attached to, information by society and individuals; concerns as to its control and misuse; and the impact of this on business and government, particularly in the light of the opportunities and challenges of evolving and converging technologies.

This module will consider legal regimes relating to privacy, freedom of information and data protection. It will examine the extent to which present regulatory, co-regulatory and self-regulatory systems conform to expectations in respect of information privacy and access. It will also investigate the extent to which basic data, information and content is or should be protected by intellectual property or other information rights, particularly in the light of new means of creating, obtaining, recording, sharing and exploiting that information. Human rights law and policy, with particular reference to (online) privacy, electronic surveillance, access to information and the conflict between freedom of expression and reputation and image rights will also be examined. The module will also cover the ability of competition law and policy to intervene in respect of misuse of information and its control by individuals, companies and groups, by the use of existing and ground breaking technologies. The impact of the WTO and the possible impact of different regulatory structures will also be covered. A wide-ranging international approach will be adopted, with contributions sought from students in respect of their own jurisdictions.

Session titles
1. Introduction to Information Law
2. Regulation, co-regulation and self regulation
3. Information privacy
4. Data protection
5. Freedom of information
6. Control of online content 1: copyright enforcement and web blocking
7. Control of online content 2: user generated content and social media
8. Surveillance and social control
9. Competition and technology transfer
10. Reputation and image rights

Learning outcomes
By the end of this module the student should be able to:

- Assess when rights or obligations arise under data protection and freedom of information legislation;
- Evaluate when information should and should not be recorded, retained, re-used or shared;
- Analyse the extent to which developments in information and privacy can impact upon individuals and business, and the appropriate balance between these interests;
- Form a view on the roles of IP, competition, world trade law and regulation, human rights and ethics in the field of information control, and the implications for private, public and corporate interests wherever situated;
- Assess when, if ever, and to what extent control of information should be possible and identify situations where rights to create, share and access information may conflict with rights to privacy and personal autonomy.

Components of Assessment
One Essay, 4000 words (60%); one piece of assessed course work of 1500 words (20%); participation in min of 4 out of 6 online activity/meeting at 5 marks per meeting (20%).

3] Comparative Contract Law

Module summary
This module is a comparative contract law course. The main focuses of the module are the fundamental concepts of the law of contract. It compares certain national systems of contract law, namely English, US, EU and Nigeria law. The module also considers many of the influential harmonisation initiatives taking place in Europe at the moment, principally the Draft Common Frame of Reference (Principles, Definitions and Model Rules of European Private Law) and also the UNIDROIT Principles of International Commercial Contracts 2010.

Session titles
1. Introduction- what is a contract?
2. The European, US, UK and Nigeria Landscape

3. Pre- contractual liability
4. Formation
5. Third party rights
6. Error/Mistake
7. Interpretation
8. Breach and termination
9. Specific performance
10. Damages

Learning Outcomes
By the end of the module you should be able to:
- Demonstrate an understanding of the defining characteristics of contract law in particular national legal systems;
- Engage in informed discussion about the advantages and disadvantages of harmonisation of contract law within Europe;
- Understanding their own systems of contract law through discussion and comparison with students from other legal systems.

Assessment
One Essay, 4000 words (60%); one piece of assessed course work of 1500 words (20%); participation in min of 4 out of 6 online activity/meeting at 5 marks per meeting (20%).

4] Communication Law

Module summary
This module covers the regulation of communications networks and services, from the early regulation of telegraph projects, through the regulation and liberalisation of telecommunications law over the course of the 20th century, to the present-day, EU-led system for electronic communications. It will also cover the major regulatory agencies, including domestic (Ofcom in the UK, the Federal Communications Commission in the US), European Union, and international (International Telecommunications Union).

The module will also explore a range of legal and policy questions, including price control, social and universal service obligation, separation and new entry, technological neutrality (e.g. between wired and wireless), cross-border agreements, and consumer protection. The interaction between communications law and other forms of regulation (e.g. competition, media, trade) is explored, as are perspectives on the communications industries from other discipline, particularly the relationship between law and innovation.

Session titles
1. Communication and the law I
   o Early steps
   o Monopoly! Comparing AT&T and British Telecom
   o The introduction of limited competition and the early
2. Communications and the law II
   o UK: duopoly, privatisation and mobile
   o US: breaking up AT&T
   o The rise of the economists
3. European Union I

- o Free movement of services and 'unbundling
- o Comparing regulation across the Union
- o The rise of the economists
4. EU II
   - o Framework
   - o Access
   - o Interconnection
5. Consumers
   - o Universal service
   - o Transparency and pricing
   - o The Roaming Regulation
6. International law
   - o The ole of the ITU
   - o Spectrum
   - o WTO Agreement
7. Internet
   - o Top-down vs bottom-up
   - o The rise of the engineers
   - o Who controls?
8. The medium and the message
   - o Premium rate services
   - o Telecoms and broadcasting
   - o Net neutrality
9. Competition today
   - o 'Switching'
   - o Functional separation
   - o Competition law or telecoms law?
10. The future
    - o Next generation access
    - o Current work at Ofcom
    - o A global communications law?

Learning outcomes
By the end of the module students should have:

- Have a deeper understanding of the legal issues arising in the communications industry (including user/consumer perspectives);
- Appreciate limits on administrative action in the UK and elsewhere;
- Be able to engage in debate as to the type of regulatory measures appropriate for different forms of communication, and
- Comprehend the role of international law ('hard' and 'soft') for this field.

Assessment
One Essay, 4000 words (60%); one piece of assessed course work of 1500 words (20%); participation in min of 4 out of 6 online activity/meeting at 5 marks per meeting (20%).

5] Electronic Commerce Law

Module summary
This module aims to provide you with an in-depth look at the legal issues surrounding electronic commerce, including business-to-Consumer (B2C), business-to-business (B2B), and consumer to

Consumer (C2C) forms.

It will review (a) traditional legal issues surrounding business in an Electronic format, particularly the formal validity of electronic Transaction, security and authentication, contract formation and Electronic payment systems; (b) online consumer protection Issues, the impact of online advertising and marketing and online fraud; (c), challenges and strategies relating to disputes, such as Online dispute resolution and jurisdiction, including the role of the WTO; and (d) selected contemporary legal topics such as virtual worlds.

Session titles
1. Introduction to electronic commerce
    a. E-commerce as a sector
    b. Approaching IT law (especially if students have not taken IT course before)
    c. Key sources, e.g. Electronic Commerce Directive
2. Jurisdiction
    a. US 'Internet jurisdiction' cases
    b. Technology and the Brussels Regulation
    c. Current debates e.g. libel reform

3. Contracts
    a. UNCITRAL and EU perspectives on electronic contracts
    b. Formation
    c. Incorporation (clickwrap etc)
4. Signatures
    a. Writing requirements
    b. Directive on Signatures
    c. Encryption and authentication
5. Consumers
    a. Consumer Rights Directive (distance selling etc)
    b. Goods, services – and digital content?
    c. Marketing and advertising
6. Finance
    a. E-money, e-payment, m-payments
    b. Online gambling
7. Fraud and security
    a. Definitions
    b. The promotion of 'trust'
    c. Criminal law
8. Emerging platforms
    a. Virtual worlds
    b. Mobile and smartphone
9. Online dispute resolution
10. Proposed international instruments

Learning outcomes
By the end of the module students should:
- Be familiar with basic principles, concepts and perspectives in respect of e-commerce;
- Have formed critical views on the law of e-commerce and its development, including the case for or against a greater degree of international harmonisation;
- Have evaluated and critically assessed the impact of the

principles considered on individuals and businesses, from
- academic, practical and technological perspectives;
- Have fomed a critical view on the possible divergence and Convergence of e-commerce with other area of business; And
- Be able to express and defend these views in oral discussion and in writing

Assessment
One Essay, 4000 words (60%); one piece of assessed course work of 1500 words (20%); participation in min of 4 out of 6 online activity/meeting at 5 marks per meeting (20%).

6] Competition and Innovation

Module summary
This module examines the principal issues arising from the application of Articles 101 and 102 TFEU to practices aimed at furthering innovation and investment. It will include a Consideration of the following topics:

- Articles 101 TFEU: current approaches to prima facie anti-competitive agreements in General; legal implications of joint venture arrangements and the application of articles 101 (3) to individual cases; the current Block Exemption on Technology Transfer Agreements.

- Articles 102 TFEU: current pproaches to abuses of dominant Position generally- the 2009 Enforcement priorities'document; abuse of dominance in innovative industries-the problem network effects; issues arising from the application of Articles 102 to "industry leaders'- refusals To deal and to licence.

Learning outcomes
By the end of the module students should have:
- Appreciate the general principles guiding the application Of the EU competition rules to the most common prima Facie unlawful arrangements and unilateral practices;
- Critically analyse the most common arrangement leading To the emergence of new products and technologies in light Of Articles 101 and 102 TFEU;
- To discuss possible implications of the application of Articles 101 and 102 to them to case scenarios and to suggest solutions.

Assessment
One Essay, 4000 words (60%); one piece of assessed course work of 1500 words (20%); participation in min of 4 out of 6 online activity/meeting at 5 marks per meeting (20%).