

PhD defence:

Legal Risk Management in Electronic Commerce

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Agenda

Welcome

1. A very short introduction to the thesis
2. Methodology and legal risk management
3. Some further reflections

A very short introduction

The test set-up

Cross-border law enforcement

- Possibilities and limitations

 - Public and private law enforcement

 - Traditional and alternative law enforcement

Risk mitigation

- Possibilities and limitations

 - Geographical delimitation

 - Choice of forum and applicable law

Six hypotheses

Methodology

Law

- Facts and sources of law

 - The test set-up

 - Identification of the protected asset

 - Different approaches to sources of law

Risk management (dealing with uncertainties)

- Assessing risks

- Strategies to manage risks

 - Transfer, eliminate, mitigate, or accept

Legal risk management

- An approach in legal research

Some further reflections

Convergence and conflicts in international law

Technology and the law

Legal risk management

Appendix: The six hypotheses

1. Activities on the Internet are subject to geographical borders, and it is possible to identify factors that are relevant in assessing where activities on a website are directed.
2. Private parties are better able to carry out traditional cross-border law enforcement than public authorities.
3. The freedom to provide goods and services in combination with the 2000 E-Commerce Directive restricts the possibilities of cross-border law enforcement (both public and private law enforcement as well as traditional and alternative law enforcement).

Appendix: The six hypotheses

4. Law enforcers established outside the Internal Market have limited access to traditional cross-border law enforcement against the Business, whereas alternative cross-border law enforcement can be applied.
5. Businesses can mitigate the risks of cross-border law enforcement by applying geographical delimitation and by entering into agreements on forum and applicable law.
6. The laws of the Internal Market limit the Business's possibilities in applying geographical delimitation.

Thank you for your attention!

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