
Different US and EU Regulatory Philosophies Sometimes Result in Varying Policies on Key E-Commerce Issues

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Although both the United States and the European Union are attempting to encourage the growth of e-commerce, they are increasingly taking dramatically different paths toward that shared objective. The United States has tended to adopt a laissez-faire attitude to e-commerce, leaving it to ISPs and web sites to regulate themselves, subject to the general oversight of courts and regulatory agencies. On the other hand, the European Union believes that increased regulation is required to assure consumers and businesses that transacting business on-line is as safe and reliable as traditional off-line alternatives. As a result, a number of EU directives have been enacted on jurisdiction ([January 24, 2001](#) and [October 23, 2001](#) Internet Alerts), privacy ([June 24, 1999](#), [April 18, 2000](#), [February 14, 2001](#) and [December 27, 2001](#) Internet Alerts) and e-commerce and long distance selling ([March 14, 2000](#), [August 10, 2000](#) and [October 5, 2000](#) Internet Alerts).

These differences in philosophy impact policies on a wide variety of e-commerce issues. Although the United States and the European Union seems to be following similar trends on jurisdiction, the enforceability of on-line contracts and linking, they are going in different directions on issues such as privacy, service provider liability and business method patents. Complicating matters still further, EU member countries often implement

EU directives differently, and their respective national laws lead to further variations in the handling of these issues from country to country.

These issues were discussed earlier this month at seminars presented in London and Munich by Hale and Dorr and its international joint venture firm, Brobeck, Hale and Dorr. To view the presentation which compared the handling of these issues under United States, European Union and United Kingdom laws, please click [here](#). To view the presentation examining these issues under the laws of the United States, the European Union and Germany, please click [here](#).