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## Update on Recent Developments in E-Commerce

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Legal issues affecting e-commerce sometimes appear to be growing as fast as e-commerce itself. In the past six months alone, there has been increasing concern and discussion in the United States, in courts, government agencies, Congress and state legislatures, about each of the following issues:

- controversies over domain names and recent changes in the domain name registration system;
- the debate over broadband access;
- judicial and legislative efforts to restrain unsolicited commercial mass e-mail messages (often referred to as "spam");
- the proposed revamping of US encryption export rules;
- the proposed Uniform Computer Information Transactions Act ("UCITA");
- digital music;
- meta searching;
- deep linking;
- the effect on privacy issues of: (i) the US-EU negotiations on the development of voluntary safe harbor principles in order to allow continued US-EU data exchanges; and (ii) recent positions and decisions of the Federal Trade Commission;
- securities issues; and
- varying approaches taken by the United States and the European Union to jurisdictional issues affecting companies engaging in e-commerce, and the emerging approach being developed by the International Chamber of Commerce Task Force on Jurisdiction.

During a recent conference in Boston, Ken Slade, Jorge Contreras and Rich Johnston of Hale and Dorr LLP presented a talk titled "Update on US e-commerce: Speed-bumps or Shortcuts on the Information Superhighway." Ken and Jorge focused on some of the recent legal developments affecting e-

commerce, particularly in the past six months. Rich discussed developments in the assertion of jurisdiction by national and state courts over e-commerce. Click [here](#) to review the PowerPoint presentation for that talk. Will the road ahead become easier or harder for companies engaging in e-commerce? The panelists suggested that certain factors (such as broadband, domain name registration reform, loosening of encryption reforms, efforts to develop uniform laws and MP3) should facilitate the growth of e-commerce. At the same time, the potential over-broad regulation of spam, regulatory resistance to extending e-commerce to sales of securities and legal concerns over meta searching and deep linking may slow that growth. More aggressive laws and policies protecting privacy rights may encourage more consumers into e-commerce but will also increase compliance costs for business.

The Boston talk was given to a meeting of the US-European Network, a group of major law firms from various jurisdictions in Western Europe and North America. The US-European Network meets semi-annually to discuss emerging trends in international business, law and the practice of law.

For further information about domain names, digital music, meta searching, deep linking and securities issues, contact Jorge Contreras.

For further information about jurisdictional issues, contact Richard A. Johnston.