

Internet Distribution Issues

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Forming the Electronic Contract

- eSign – consent to electronic contracting
- “Click Wrap” agreements
- eDisclosure of limitations on offer
- Accepting payment cards
 - CPI DSS compliance

Traps for the Unwary

- On-line Contests
- User Generated Content Issues
 - Communications Decency Act
 - Digital Millennium Copyright Act
- Free products to Bloggers

Sales Tax Issues

- “Nexus” or Physical Presence Rule
- Avoiding Sales tax with “Click & Mortar” subsidiaries
- States fight back
 - Subsidiaries and Affiliates rule

Privacy – Transferring Personal Data to U.S.

- Problem: EU Prohibition
- Solutions
 - Safe Harbour
 - Bi-lateral Agreements
 - Binding Corporate Rules

Security: Breach Notification Obligations

- 46 State Laws
 - Compromise of PII
 - Must Notify Affected Individuals
- Consequences
 - Forensic and Notification Expenses
 - Fines from State and Federal Regulators
 - PCI DSS fines
 - Class Action Law Suits

Questions?

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