

LEGAL ASPECTS OF ELECTRONIC COMMERCE

(LML 4810)

EXAMINATION 18 MAY 2018 08:00AM – 25 MAY 2018 11:59PM

Instructions

- This is an open book examination.
- Answer all the questions.
- Your answers may not exceed 10 typed pages. Students who exceed the said limit will be penalized.
- Please send back your answers on myUnisa **on or before 25 MAY 2018 11:59PM**
- Examiners Dr S. Tladi; Moderator Prof Hurter; External Prof T. Pistorius

Your answers must be accompanied by the following completed declaration. Answers submitted without this declaration will not be marked and you will receive zero percent.

Declaration

I know that plagiarism is to use someone else's work and pass it off as my own.

I know that plagiarism is wrong.

I confirm that these answers are my own work.

I have acknowledged in the bibliography accompanying the answers all the sources that I have used.

I have not directly copied without acknowledgement anything from the Internet or from any other source.

I have indicated every quotation and citation in a footnote or bracket linked to that quotation.

I have not allowed anyone else to copy my work and to pass it off as their own work.

I understand that if any unacknowledged copying whatsoever appears in my answers I will receive zero per cent.

I am aware of the UNISA policy on plagiarism and understand that disciplinary proceedings can be instituted against me by UNISA if I contravene this policy.

I indicate my understanding and acceptance of this declaration by entering my name hereunder.

Name:

.....

QUESTION 1

Discuss the regulation of electronic signatures in South Africa. Your discussion should address the provisions in relevant legislation. Also include case law (if any) and opinions of commentators on this issue. **[25]**

Question 2

Ofentse trades in African bead works. He has a host of clients around the Southern hemisphere. He now considers moving his business into cyberspace in order to attract overseas customers. Ofentse has compiled a database of all his clients. Ofentse approaches you and seeks your advice on the following:

2.1 The requirements that databases must meet in order to enjoy copyright protection. (10)

2.2 The provisions of the Electronic Communications and Transactions Act 2002 (ECT Act) which limit the liability of service providers. (15)

[25]

Question 3

Discuss the impact of the provisions of the Protection of Personal Information Act of 2013 (POPIA) on direct marketing by means of unsolicited communications. In answering this question your focus should be on the following:

3.1 The definition(s) of direct marketing and unsolicited communications. (5)

3.2 Contrast the provisions in POPIA with the provisions of the Consumer Protection Act of 2008 (CPA) regarding unsolicited communications. (15)

3.3 The relevance of the ECT Act regarding unsolicited electronic communications. (5)

[25]

Question 4

Define the term permanent establishments. Also discuss whether the following can be considered as a permanent establishment on the internet: a website; a server; and a dependant agent. **[25]**

TOTAL MARKS: [100]

END OF PAPER