

Conference Report

Worldwide Electronic Commerce Law, Policy and Controls

January 16th–18th 1994, New York City

David Marsh wondered in his review of the 1993 United Kingdom EDI Conference at Birmingham why lawyers should be interested in EDI. Why bother to attend such events particularly bearing in mind the not unimportant point that the days attendance at such a conference set you back the registration fee and also cost several days chargeable time (*The Computer Law and Security Report*, 1994/1, p. 35)? The reason, as Marsh correctly notes, is that electronic trading is actually happening in a big way and that this has fundamental legal implications. The use of EDI and more in general paperless communication, has a decisive influence on both the traditional concepts of law and the practicalities of how to apply the law.

This notion apparently also formed the reason why almost threehundred lawyers, businessmen and other persons interested in law, policy and controls issues of EDI decided to spend their money and time to attend the 1994 New York conference on worldwide electronic commerce. The hosts of the conference were Michael S. Baum and M. Todd Ostrander. They chose a format for the conference of a robust program of forty different topics divided over four parallel sessions. Each topic had a panel with three to four speakers. The different sessions were preceeded on the first conference day by tutorials that provided newcomers to EDI with the basic concepts, technologies and practices.

The format chosen by Baum and Ostrander had both advantages and disadvantages. In terms of the substance of the conference and the quality of the papers and topics covered, the delegates were highly rewarded for their money and time spend. However, the disadvantage of such an enormous potential of presentations offered in different sessions at the same time, is that I constantly felt frustrated in choosing between the sessions.

Issues addressed by the speakers ranged from standardisation, negotiability, trading partner agreements, financial clearing house rules, digital and electronic signatures, EDI insurance, VAN liability, security policies and the

use of escrow in electronic commerce, to mention just a few at random. Even aspects of EDI law in relation to the healthcare reforms in the United States were being discussed. Of those presentations that I attended, I found the one delivered by John Perry Barlow from the Electronic Frontier Foundation one of the most interesting. Talking about the value of information, information economies and privacy considerations the speaker concluded that "the protections which we will develop will rely far more on ethics and technology than on law."

Overall, the conference was a good forum to gain up-to-date information on recent developments, although there was a lack of opportunity for discussion and debate. I am sure, however, that the majority of the papers added to the knowledge of those present, in particular the talks on new technologies (digital cash, encryption methods) and their legal implications. For the delegates from the United States, the presentations by Ian Walden and Anne Troye on the current developments in Europe must have been an eye-openers, because it was my own feeling that few US participants knew what is going on within the European Communities, especially with respect to the legal developments under the TEDIS-programme.

Having in mind that the conference was held in the United States and that U.S. companies are the greatest users of EDI, it is perhaps understandable that the emphasis of the conference was on developments in the United States. Also, I noticed very few participants from other countries, perhaps due to the fact that the event was given little publicity outside the U.S. In this context a suggestion for a possible second *Worldwide Electronic Commerce Law, Policy and Controls Conference* would be to turn it into a really global event.

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