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T · M · C · A S S E R P R E S S

Free Movement of Goods and Limits of Regulatory Autonomy in the EU and WTO

by

Tamara Perišin

In every system aimed at trade liberalisation, it is necessary to balance this goal with the protection of (other) values. Not only does this have economic implications, it also strikes at the heart of regulatory autonomy, sovereignty, the division of power between levels and branches of government, and constitutionalism. The optimal balance depends on the system's goals, structure, membership, and level of homogeneity. This book deals with this broad topic in the specific context of the EU and WTO rules on non-pecuniary restrictions on the free movement of goods and seeks to establish how to optimally interpret them. Furthermore, it demonstrates that the EU internal market rules have strong external effects which can be felt within the WTO.

The book is recommended reading for academics, practitioners and all those with an interest in trade liberalisation.

Dr. Tamara PERIŠIN is Associate Professor in the Department for European Public Law, Faculty of Law, University of Zagreb, Croatia.

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Information Technology & Law Series 17

Trustmarks in E-Commerce

The Value of Web Seals and the Liability of their Providers

by

Paolo Balboni

This book is the first comprehensive study on the legal aspects of trustmarks: labels or visual representations indicating that a product, process, or service conforms to specific quality characteristics.

Trustmark Organisations (TMOs) are independent parties which provide e-merchants with such trustmarks. Security, privacy, and business practice are three areas in which trustmarks play an important role. TMOs will issue a trustmark to e-merchants only if they have demonstrated that they conform to the policy of TMOs regarding security and/or privacy and/or business practice. E-merchants hope that, by displaying the trustmark on their websites, e-consumers will trust their certified practice and be more likely to divulge their personal data and transact with them.

Past research has focused on the economic aspects of trustmarks. However, there is no trace of legal studies on the matter. This book aims to fill that gap. It describes the pros and cons of trustmarks for e-economy, e-society and e-policy, assesses TMOs' practice, and focuses on TMOs' liability.

The book is valuable reading for academics and practitioners in the IT and ICT field and for all those involved in e-commerce both at a European and global level.

Dr Paolo BALBONI is currently an Associate at Baker & McKenzie, IT/Communications and Intellectual Property Department, Milan office. He is also a Research Associate at Tilburg University, both at the Tilburg Institute for Law Technology and Society *TILT* and at the Tilburg Institute for Interdisciplinary Studies and Conflict Resolution Systems *TISCO*.

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T · M · C · A S S E R P R E S S

International Jurisdiction and Commercial Litigation *Uniform Rules for Contract Disputes*

by

Hélène van Lith

The question of jurisdiction in transnational commercial contract disputes has so far not been resolved by any international treaty. Yet, disputes of this kind are increasing in number and complexity.

The author deals with the basic approaches to international jurisdiction in commercial contract disputes. She comprehensively analyses the jurisdictional regimes of major continental European countries, the UK, the United States and the Brussels Regulation 44/2001. The analysis includes key issues such as the defendant's forum, corporate domicile, contract jurisdiction, branch jurisdiction, transacting and doing business, and describes the importance of US due process standards, fair trial considerations and the *forum (non) conveniens* doctrines. It provides a valuable overview for academics and practitioners in international commercial litigation.

The author then explores whether any common grounds exist in international jurisdiction rules and assesses the feasibility of a uniform global system for international contract disputes, also in relation to the previous work of the Hague Conference on Private International Law on a worldwide jurisdiction convention.

Hélène van Lith is a Senior Lecturer and Assistant Professor of Private International Law & Comparative Law at the Erasmus School of Law, Erasmus University Rotterdam, the Netherlands.

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