Consumer Protection in the Age of the ‘Information Economy’

Edited by

JANE K. WINN
University of Washington, School of Law, USA

ASHGATE
Contents

List of Contributors vii
Acknowledgements ix

Introduction: Is Consumer Protection an Anachronism in the Information Economy?
Jane K. Winn 1

Part 1 What Does It Mean to “Protect Consumers” in the Twenty-First Century?

1 From The Jungle to The Matrix: The Future of Consumer Protection in Light of Its Past
Norman Silber 15

2 The Internet, Consumer Protection and Practical Knowledge
Edward Rubin 35

3 Globalization, the Third Way and Consumer Law: The Case of the U.K.
Iain Ramsay 59

4 Information Liability and the Challenges of Law Reform: An Introductory Note
Michael Traynor 81

5 Information Technology Standards as a Form of Consumer Protection Law
Jane K. Winn 99

Part 2 Can a Fair Balance Be Struck in Intellectual Property Law Between Innovators and Consumers?

6 Distinguishing Dastar: Consumer Protection, Moral Rights and Section 43(a)
Glynn S. Lunney, Jr. 121

7 Some Copyright Consumer Conundrums
David McGowan 155
Part 3  New Rules for New Deals? The Impact of New Business Models on Old Contract Law

8  New Basics: Twelve Principles for Fair Commerce in Mass-Market Software and Other Digital Products  
Jean Braucher  
177

9  Contract, not Regulation: UCITA and High-Tech Consumers Meet Their Consumer Protection Critics  
Richard A. Epstein  
205

10  Rolling Contracts as an Agency Problem  
Clayton P. Gillette  
241

11  Online Consumer Standard Form Contracting Practices: A Survey and Discussion of Legal Implications  
Robert A. Hillman  
283

12  From Consumer to Person? Developing a Regulatory Framework for Non-Bank E-Payments  
Anita Ramasastry  
313

Part 4  Information Privacy: Who Knows What About Consumers and What Should Be Done About It?

13  The Failure of Fair Information Practice Principles  
Fred H. Cate  
341

14  Privacy Self-Regulation: A Decade of Disappointment  
Chris Jay Hoofnagle  
379

Bibliography  
403
Index  
435