

June 2010

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### EDUCATION

1983-1987            **Harvard Law School, Juris doctor cum laude**

1977-1980           **Queen Mary College, University of London**  
**B.Sc. (Econ) First Class Honors in Economics**

### EMPLOYMENT

2002-present        **Charles I. Stone Professor** (from 2007)  
**Co-Director, Law, Technology & Arts Group (formerly Shidler Center)**  
**University of Washington School of Law, Seattle, Washington**  
Teaching:    Contracts; Sales; International Trade; Banking; Payments;  
Comparative Law; Law, Technology & Development; Regulation; EU Law

Spring 2002        **Visiting Professor of Law, University of California-Berkeley School of Law,**  
**Berkeley, CA**

1989-2002        **Assistant Professor, Associate Professor and Professor of Law**  
**Southern Methodist University, School of Law, Dallas, TX**

1987-1989        **Attorney, Shearman & Sterling**  
**New York, NY**

### LANGUAGES

Mandarin Chinese, French

### RECENT RESEARCH GRANTS

University of Washington Royalty Research Fund, Mobile Banking in Developing Countries:  
Regulatory Challenges (2010)

European Union Center of Excellence Research Grant (2010 and 2007)

Fulbright Scholar Program, Contract Law, Technological Innovation and the Growth of Supply Chains  
in China, Zhengzhou, Henan, China (2008)

## SELECTED RECENT PUBLICATIONS

### **Academic Journals**

“Electronic Commerce Law: Direct Regulation, Co-Regulation and Self-Regulation,” Cahiers du Centre de Recherches Informatique et Droit (forthcoming 2010).

“Hard Law and Soft Law in International Commercial Law Reform,” Sungkyunkwan Journal of Science & Technology Law (forthcoming 2010).

“Are “Better” Security Breach Notification Laws Possible?” 24:3 Berkeley Journal of Law & Technology 1133-1166 (2010).

“Globalization and Standards: The Logic of Two-Level Games,” 5 I/S - A Journal of Law and Policy for the Information Society 185-219 (2009).

“A “New Deal” for End Users? Lessons from a French Innovation in the Regulation of Interoperability” 51 William & Mary Law Review 547-576 (2009) (co-authored with Nicolas Jondet).

“A “New Approach” to Standards and Consumer Protection,” 31 Journal of Consumer Policy 459-472 (2008) (co-authored with Nicolas Jondet).

“Secured Transactions and Electronic Commerce Law: Diverging Perspectives in North and South America,” 16 MSU Journal of International Law 239 (2007) (co-authored with Mariana Silveira).

“Can China Promote Electronic Commerce Through Law Reform? Some Preliminary Case Study Evidence,” 20 Columbia Journal of Asian Law 415 (2007) (co-authored with Song Yuping).

“Diverging National Regulatory Strategies in Global ICT Standards Competition,” 2:1 Sungkyunkwan Journal of Science & Technology Law (Spring 2008).

“Can Information Security Be Regulated?” 2:1 Sungkyunkwan Journal of Science & Technology Law (Spring 2008).

“Insurance for Cyber-risks: Business and Legal Issues,” 1:2 Sungkyunkwan Journal of Science & Technology Law (Fall 2007).

“Recent Developments in the Emerging Law of Information Security,” 38:4 Uniform Commercial Code Law Journal 391 (2006).

“The Impact of EU Unfair Contract Terms Law on US Business-to-Consumer Internet Merchants,” 62 The Business Lawyer 209 (Annual Cyberspace Survey) (November 2006) (co-authored with Mark Webber).

“US and EU Regulatory Competition and Authentication Standards in Electronic Commerce,” 5:1 Journal of IT Standards and Standardization Research 84-102(2006), reprinted in Kai Jakobs, ed., New Applications in IT Standards: Developments and Progress (2009).

“Diverging Perspectives on Electronic Contracting in the US and EU,” 54 Cleveland State Law

Review 175 (2006) (symposium on Cyberpersons, Propertization, and Contract in the Information Culture) (co-authored with Brian Bix).

“Contracting Spyware By Contract,” 20 Berkeley Technology Law Journal 1345 (2005) (symposium on Spyware: The Latest Cyber-Regulatory Challenge); reprinted in Institute of Chartered Financial Analysts of India, ed., Spyware (2007)

“Crafting a License to Know from a Privilege to Access,” 79 Washington Law Review 285 (2004).

“Electronic Promises: Contract Law Reform and E-Commerce in a Comparative Perspective,” 27 European Law Review 567 (2002) (co-authored with Jens Haubold).

“Emerging Issues in Electronic Contracting, Technical Standards and Law Reform,” 7 Law Review/Revue de Droit Uniforme 699 (2002-2003).

“Social Networks and Electronic Commerce in China,” 31:2 Global Economic Review 21 (2002).

### **Books and book chapters**

The Law of Electronic Commerce, Aspen Law & Business (4th ed. 2002 & Supp. 2010) (co-authored with Benjamin Wright), updated semi-annually.

Electronic Commerce, Aspen Legal Education Division (2nd ed. 2005) (co-authored with Ronald Mann).

“Standard Developing Organizations as a Form of Self-Regulation,” in The Standards Edge: Standardization: Unifier or Divider, Sherrie Bolin, ed. (forthcoming 2009).

“Governance of Electronic Commerce in Consumer and Business Markets,” in Governance, Regulations and Powers on the Internet, E. Brousseau, M. Marzouki, and C. Méadel, eds. (forthcoming Cambridge University Press 2009) (co-authored with Bruno Deffains).

“What Protection Do Consumers Require in the Information Economy?” in Jenny Gunning, Soren Holm and Ian Kenway, eds., Ethics, Law & Society, Vol. IV (2009).

“Technical Standards as Data Protection Regulation” in Serge Gutwirt and Yves Poulet, eds., Reinventing Data Protection (2008).

“Could an Emerging US Computer Security Law Protect the Data of US Consumers in Lieu of an Information Privacy Right?,” in María Verónica Pérez Asinari ed. Challenges of the Right to the Privacy and the Protection of Personal Data at the Dawn of 21st Century, (also published as Bruylant 2007); published in Spanish in Desafíos del Derecho a la Intimidad y a la Protección de Datos Personales en los Albores del Siglo XXI (Editorial Heliasta 2008).

“Information Technology Standards as a Form of Consumer Protection Law,” in Consumer Protection in the Age of the ‘Information Economy,’ Jane Winn, ed. (2006).

“Is Consumer Protection an Anachronism in the Information Economy?,” in Consumer Protection in

the Age of the 'Information Economy,' Jane Winn, ed. (2006).

“The Role of Lawyers in Taiwan’s Emerging Democracy,” in Raising the Bar: The Emerging Legal Profession in East Asia, William Alford, ed. (2005).

“Should Vulnerability Be Actionable? Improving Critical Infrastructure Computer Security with Trade Practices Law,” George Mason University Critical Infrastructure Protection Project Papers Vol. II (2004).

“Social Networks, Electronic Commerce and the Regulation of Cross-Border Commerce in China,” in The Politics of Affective Relations: East Asia and Beyond, Daniel Bell and Chaihark Hahm, eds. (2004).

### SELECTED RECENT PRESENTATIONS

#### **Academic Conferences & Presentations**

“Information Security: Regulation and Self-Regulation,” University of Houston Law Center, November 4, 2010 (forthcoming)

“Regulating Unconscionability: Comparing Ex Ante versus Ex Post Strategies,” European Association of Law & Economics, Université Panthéon-Assas, Paris, September 25, 2010 (forthcoming)

“Technical Standards as Information Privacy Regulation,” Privacy Law Scholars Workshop, George Washington University School of Law, June 3, 2010.

“Globalization & Innovation in Islamic Finance: the Role of Standards,” 7<sup>th</sup> Asian Law Institute Conference, Ahmad Ibrahim Kulliyah of Laws, International Islamic University, Kuala Lumpur, Malaysia, May 25, 2010.

“Certification Marks, Globalization and Commercial Law” March 12, 2010 Centre d'Etudes Internationales de la Propriété Intellectuelle, University of Strasbourg, France.

“Has Globalization Made UCC Article 2 Irrelevant?,” Georgia State University School of Law Faculty Colloquium, January 28, 2010.

“Electronic Commerce Law: Direct Regulation, Co-Regulation and Self-Regulation,” An Information Society for ALL: A Legal Challenge Conference, Research Centre on IT and Law, Facultés Universitaires Notre-Dame de la Paix, Namur, Belgium, January 21, 2010.

“Soft Law versus Treaties in International Commercial Law Reform,” Sungkyunkwan University Law School Conference on UNCITRAL E-Commerce Convention, Seoul, Korea, November 10, 2009.

“Security Interests in Intellectual Property” Kyongwon University Law School, Seoul, Korea, November 9, 2009.

“Regulation of Internet Intermediaries” Sungkyunkwan University Law School, Seoul, Korea, November 7, 2009.

“Information Security as a Governance Challenge.” University of Washington Department of Computer Science Security Seminar, October 16, 2009.

“Privacy by Design,” Privacy Law Scholars Workshop, University of California Berkeley School of Law, June 4, 2009.

“Coordinated and Liberal Responses to the Challenge of Information Security,” European Union Studies Association 2009 Biennial Conference, Los Angeles, CA April 23, 2009.

“Are “Better” Security Breach Notification Laws Even Possible?” Security Breach Notification Law Conference, University of California Berkeley School of Law, March 6, 2009.

“Enforcement of Regulatory Standards in China: Lessons from the Tainted Milk Scandal,” in International Law and Regulatory Change: New Models for Japan and China, University of Washington, Seattle, January 16, 2009.

“Will the EU have a strategic advantage over the US in regulating information security?” Université de Paris IX-Nanterre Law & Economics Colloquium, December 1, 2008.

“The Role of Electronic Commerce in China’s Transition to Indigenous Innovation” University of Washington China Studies Colloquium, Seattle, WA November 7, 2008.

“Wireless Remote Monitoring in Health Care: the Role of Standards in Patient Privacy,” 2008 International Conference on Health, Law and Society Issues in Wireless Communication Technology, Center for Ethics, Law and Society in Biomedicine & Technology, National Taiwan University, Taipei, Taiwan, October 24, 2008.

“Legal Framework of Online Security,” Is E-Commerce Law Different? Université de Montréal, Québec, October 3, 2008.

“Better Information Security Regulation,” Center for Media and Communications Law, University of Melbourne Law School, Melbourne, Australia, September 4, 2008.

“Electronic Commerce Law and the Move from Extensive to Intensive Development in China,” Chinese University of Politics and Law, Beijing, Seminar on IPR and Technology Law, July 23, 2008.

“The Structure of Supply Chain Contracts,” CAPS North American Research/Teaching Symposium, Tempe, Arizona, March 29, 2008.

“Is Consumer Protection an Anachronism in the Information Economy?” Ruby Hutchison Memorial Address, 5th National Consumer Congress, Perth, Australia, March 4, 2008.

“Technical Standards as a Form of Data Protection Regulation,” at International Congress: Reinventing Data Protection, Brussels, Belgium, October 12-13, 2007.

“Regulatory Competition to Set Global ICT Standards: US, EU and PRC Perspectives,” and “Can China Promote Electronic Commerce through Law Reform?” Law & Society Association Annual Meeting, Berlin, Germany, July 25-28, 2007.

“Diverging National Regulatory Strategies in Global ICT Standards Competition,” at Perspectives on Global Regulatory Competition for ICT Standards: US, EU and PRC Developments, Sung Kyun Kwan University School of Law, Seoul, Korea, May 22, 2007.

“Electronic Commerce and Retail Markets as Public Goods under EU Consumer Law” at the EU Studies Association 2007 Annual Meeting, Montreal, Quebec, May 17, 2007.

“Consumer Protection Issues Posed by Sony BMG Copy-Protected CDs” at Copyright, DRM Technologies, and Consumer Protection, University of California Berkeley School of Law, Berkeley, CA, March 10, 2007.

“Secured Transactions and Electronic Commerce Law: Diverging Perspectives in North and South America” (with Mariana Silveira), at E-Commerce: Challenges to Privacy, Integrity, & Security in a Borderless World, Michigan State University College of Law, East Lansing, Michigan, February 23, 2007.

“The Emerging Law of Information Security: Technology and Governance Challenges.” ICAIR Technology Policy Speaker Series, Center for Information Research, University of Florida College of Law, Gainesville, FL, November 17, 2006.

“Changing Roles - Consumers as Sellers and Producers” in panel on User-generated Content - What Does it Mean for Consumers and Marketers?, FTC Protecting Consumers in the Next Tech-age Hearings, Washington, DC, November 6, 2006

“Legitimate Authority in the FOSS Community,” Works in Progress Intellectual Property Colloquium 2006, University of Pittsburgh, Pittsburgh, PA, October 5-6, 2006.

“Information Security Governance,” Lewis & Clark Faculty Colloquium, Portland, OR, September 21, 2006.

“Signature Standards: Competing US and EU Legislative Solutions to the Problem of Online Authentication,” International Academy of Commercial & Consumer Law, Austin, TX, August 12, 2006.

“Can China Promote Electronic Commerce Through Law Reform? Some Preliminary Case Study Evidence,” Proceedings of 3rd Asian Law Institute Conference, Shanghai, China, May 26, 2006 (co-authored with Song Yuping).

“Ambivalence & Authority within the Free & Open Source Software Community,” Cardozo Law School Intellectual Property Speaker Series, New York, NY, March 27, 2006.

### **Professional conferences**

“Recent Developments in Electronic Payments Law,” NACHA Payments 2010, Seattle, April 26, 2010.

“Legal Risks of User and Enterprise Oriented Identity Management Systems,” (with Tom

Smedinghoff, Esq.), RSA Conference, San Francisco CA, March 3, 2010.

“Business Internet Banking - Commercially Reasonable Security Procedures and Authentication Options under Article 4A,” Bankers Roundtable, Seattle, October 6, 2009.

“Federated Identity Management,” Oregon State Bar Data Privacy Conference, Portland, September 25, 2009.

“Drafting Identity Management Contracts: Understanding the Legal Challenges” (with Tom Smedinghoff, Esq.), RSA Conference, San Francisco CA, April 21, 2009.

“Recent Developments in Electronic Payments Law,” NACHA Payments 2009, Orlando FL, April 6, 2009.

“Intellectual Property Issues in Supply Chain Contracts,” National Association of Purchasing Managers of Western Washington, Bellevue WA, September 11, 2008.

“Recent Developments in Electronic Payments Law,” NACHA Payments 2008, Las Vegas NV, May 17, 2008.

“Solving the Legal Problems Raised by Identity Management Systems for E-Commerce” (with Tom Smedinghoff, Esq.), RSA Conference, San Francisco, CA, April 10, 2008.

“Collaborative Self-Assessment: Using Student-Drafted Questions for Internet Quizzes” (with Marceil Moody-Burks), Computer-Assisted Legal Instruction Annual Meeting, June 19, 2007.

“Law of Electronic Commerce,” 42nd Academy of American and International Law, Center for American & International Law, Dallas, TX, June 13, 2007.

“Can Lawyers Add Value to the Value Chain?” (with Professor Christina Kunz), ISM Annual Meeting, Las Vegas, NV, May 7, 2007.

“Recent Developments in Electronic Payments Law,” NACHA Payments 2007, Chicago, April 16, 2007.

### TEACHING HONORS

- 2002 Phil Trautman Teacher of the Year Award (large section)
- 2008 Phil Trautman Teacher of the Year Award (small section)

### OTHER LAW FACULTIES

- Senior Fellow, Master of Laws Programme, University of Melbourne, Victoria, Australia
- September 2009 Electronic Commerce Law
- August 2008 Electronic Commerce Law
- August 2007 Electronic Commerce Law
- March 2007 Cybersecurity Law
- August 2006 Electronic Commerce Law

September 2005 Electronic Commerce Law  
March 2004 Cybersecurity Law  
August 2003 Electronic Commerce Law  
July 2002 Advanced Electronic Commerce Law  
March 2001 Electronic Commerce Law

### SERVICE

Co-Chair, Federated Identity Management Working Group, ABA Cyberspace Committee 2008-  
Member, EU ICT Standards Board, 2008-  
Faculty Advisor, UW Journal of Law, Technology & Arts 2010-  
Faculty Advisor, Shidler Journal for Law, Commerce & Technology, 2002-2009  
Member, American Law Institute, 2002-  
Advisor, American Law Institute Principles of Software Contracts, 2004-2009  
Foreign Expert, International Legal Affairs Committee of Experts, China International Association for  
the Promotion of Multinational Corporations (PRC Ministry of Commerce) 2010-  
VIS International Moot Court Competition Arbitrator, Vienna, April 2004 and April 2006  
Member, International Academy of Commercial and Consumer Law 2006-  
Academic Member, Kantara Alliance (standard developing organization) 2010-  
Academic Member, Liberty Alliance (standard developing organization) 2006-2009  
Advisory Board Member, Institute for Law & Technology, Ctr. for American & Int'l Law, 2002-2009  
Advisory Board Member, Melbourne University e-Law Program, 2001-2008  
Editorial Board Member, BNA Electronic Commerce & Law Report, 2001-  
Editorial Board Member, Frontiers of Law in China Journal, 2010-  
Editorial Board Member, I/S: A Journal of Law and Policy for the Information Society, 2004-  
Member, Computer Assisted Legal Instruction CALI Board of Directors, 1998-  
Associate Editor, The International Lawyer, 1997-2002  
Supervisor, Ph.D. dissertation by Chang Taochou on Criminal Copyright Enforcement 2003-  
Supervisor, Ph.D. dissertation by Awi Mona on Indigenous Rights in Taiwan 2003-2008  
Supervisor, S.J.D. dissertation by Aunya Singsangoob on Electronic Contracting under Thai Law  
1999-2002  
Supervisor, S.J.D. dissertation by Chih-Min Yu on Electronic Commerce in Greater China 1996-2001