

# Contents

<i>List of Cases</i>	<i>ix</i>
<i>List of Statutes</i>	<i>xv</i>
<i>List of Abbreviations</i>	<i>xix</i>
<i>Preface</i>	<i>xxi</i>
<b>1 Introduction</b>	<b>1</b>
1 From Babylon to Second Life: A Brief History of Online Auctions	1
2 Typology of Online Auction Platforms	2
3 Rationale for This Book	7
4 Methodology Adopted in Empirical Surveys of Online Auctions	9
5 Contents of this Book	11
<b>2 The Legal Classification of Online Auctions</b>	<b>13</b>
1 Defining 'Auctions': An Impossible Task?	13
2 Towards Conceptualising Online Auctions as Private Treaty Sales under the DCR	17
3 Online Auctions are Distance Contracts under the DCR	23
4 Online Auctions Are Not 'Public Auctions' but Private Treaty Sales under the DCR	33
5 Other Legal Classifications of Online Auctions	58
Conclusion	65
<b>3 The Control of Pre-Contractual Information in Online Auctions</b>	<b>67</b>
1 Basic Information: The Identity and Contact Information of the Provider	69
2 Main Characteristics of the Goods or Services	85
3 Information on Price and Delivery Costs	92
4 Arrangements for Payment, Delivery and Performance	97
Conclusion	101
<b>4 The Right to Withdraw from Online Auctions</b>	<b>103</b>
1 Scope of the Right to Withdraw	104
2 Information about the Right to Withdraw	109
3 Exercise of the Right to Withdraw from Online Auctions	114
Conclusion	123

**5 The Control of Unfair Terms in Online Auction Contracts**

- 1 Fairness of Hyperlinking Practices
- 2 Unilateral Modifications to the Price of the Service
- 3 Clauses Limiting the Liability of the Online Auction Sites
- 4 Dispute Resolution Clauses
- 5 Solutions to Improve the Enforcement of Unfair Terms on Online Auction Platforms

**Conclusion**

---

**6 Private Redress and Public Enforcement on Online Auction Platforms**

- 1 Private Redress on Online Auction Platforms
  - 2 Public and Self-Regulation Enforcement Solutions vis-à-vis Online Auction Platforms and Their Users
- Conclusion**

**7 The Liability of Intermediary Online Auction Sites**

- 1 Rationale for Engaging the Liability of Online Auction Intermediaries
  - 2 Selective v Distributive Application of Liability Regimes
  - 3 The Application of the 'Neutrality Test' to Online Auction Sites
  - 4 Knowledge and Awareness of the Diligent Economic Operator
  - 5 Obligations of the Online Auction Platform on Acquiring the Required 'Knowledge' or 'Awareness'
- Conclusion**

**Conclusion***Bibliography**Articles**Books and Chapters in Books**Conference Papers**Reports and Other Documents**Websites**Index*