## CONTENTS

		-	ace page ix of Abbreviations x				
		Table of Cases xii					
		PAR	T 1: Introduction 1				
	1.	Introduction 3					
		1.1	What are electronic commercial transactions? 3 1.1.1 Concepts and features 3 1.1.2 Benefits: economic and social impacts 4 1.1.3 Technical and legal barriers 6				
		1.2	What is contemporary private international law?  1.2.1 Global regimes 8  1.2.2 Other regimes 10				
		PAR	T II: Jurisdiction 15				
	2.	Jurisdiction in electronic contracting 17					
		2.1	Overview of jurisdiction 17  2.1.1 Definitions and principles 17  2.1.2 Differences between common law and civil law systems 18  2.1.3 Characteristics of Internet jurisdiction 18				
		2.2	Choice of court agreements: the Hague Convention  2005 19  2.2.1 Scope: electronic choice of court agreements 21  2.2.2 Definition: exclusive choice of court agreements 22  2.2.3 Core principles: jurisdiction and obligations 23  2.2.4 Signatory, ratification and implementation 25				
			2.2.1 digitatory, radification and implementation 23				

3.	EU rules applied in cyber jurisdiction 35				
	3.1	Overview of the EU jurisdiction rules 35			
	3.2	Choice of court clauses/exclusive jurisdiction agreements 37			
	3.3	General jurisdiction 45  3.3.1 Bases of jurisdiction applicable to domiciled defendants 45  3.3.2 Bases of jurisdiction applicable to non-domiciled defendants 47			
	3.4	Special jurisdiction 47 3.4.1 B2B Contracts 47 3.4.2 B2C/consumer contracts 57			
	3.5	Exclusive jurisdiction 64			
4.	US jurisdiction tests employed in e-contracting disputes 65				
	4.1	Overview of the US jurisdiction tests 65			
	4.2	General jurisdiction 65			
44	4.3	Specific jurisdiction 66 4.3.1 B2B contracts 67 4.3.2 B2C/consumer contracts 73			
5.	Chi	Chinese legislation on jurisdiction 79			
	5.1	Jurisdiction clauses/agreements 80			
	5.2	Jurisdiction rules 83			
		Summary 87			
	PAR	T III: Choice of law 91			
6.	Choice of law in electronic contracting 93				
	6.1	Development of Internet choice of law 93			
	6.2	International dimension 94 6.2.1 Lex mercatoria 96 6.2.2 CISG 96 6.2.3 ICC – Incoterms 2000 97			
	6.3	Other regions 97			

7.	EU	Internet choice of law regime 100					
	7.1	Overview: the Rome Convention and Rome I Regulation 100					
	7.2	Scope and aims 101 7.2.1 The Rome Convention 101 7.2.2 The Rome I Regulation 102					
	7.3	The applicable law in cases of choice 102 7.3.1 B2B contracts 102 7.3.2 B2C/consumer contracts 107					
	7.4	The applicable law in the absence of choice 7.4.1 B2B contracts 108 7.4.2 B2C/consumer contracts 118					
8.	US Internet choice of law rules 123						
	8.1	Overview 123					
	8.2	The applicable law for B2B contracts 124 8.2.1 The applicable law in cases of choice 124 8.2.2 The applicable law in the absence of choice 127					
	8.3	The applicable law for B2C/consumer contracts 130					
9.	Chinese Internet choice of law approaches 133						
	9.1	Party autonomy/freedom of choice 133					
	9.2	The applicable law in the absence of choice 135					
		Summary 138					
	PART IV: Online dispute resolution 141						
0.	Alte	rnative dispute resolution and the Internet 143					
	10.1	The movement from ADR to ODR 143					
	10.2	10.2 The concept of ODR 144					
	10.3	ODR practice 145 10.3.1 Suitable cases for the usage of ODR 145 10.3.2 Global successful examples of ODR services 148					

11.	The legal obstacles	and solutions to online arbitration a	and
	online mediation	156	

11.1 Legal obstacles to ODR 156

11.1.1 Online arbitration 156

11.1.2 Online mediation 164

11.2 Solutions to legal obstacles 169

PART V: The future 177

## 12. Conclusion and recommendation 179

- 12.1 Future legislative trends 179
- Solutions to obstacles in Internet private international law 181

Appendix 1: Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters

(Brussels I) 189

Appendix 2: Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) 218

Bibliography 241

Index 251