Foreword

This book is about cyberlaw for global e-business, focusing especially on e-finance, e-payments, e-contracts, and dispute resolution. The development of e-business in recent years has led to a variety of legal issues concerning e-contracts, e-payments, dispute resolution, the field of e-finance, and in some cases intellectual property rights and taxes. However, national cyberlaw has proven too under-developed to deal with these issues that arise in e-business. In order to further develop the rules for global e-business a global approach based on each nation’s experience in the international exchange of knowledge and know-how is needed.

Adopting this kind of global approach, this book discusses 15 of the latest topics regarding cyber laws, topics not only of present relevant, but also of future importance. With an array of talented contributors, ranging from leading lawyers, scholars, and policy-making authority officials from Japan, to distinguished lawyers, scholars, and experts from the United States, the United Kingdom, India, and Malaysia, this book offers an unprecedented in-depth analysis of cyberlaw issues arising in e-business, resulting in a unique collection of academic yet practical papers.

Three features make this book unique. Firstly, because this book utilizes the work of numerous experts who have been deeply involved in e-commerce policy making in Japan (one of the world’s largest e-commerce markets second to America), this work will not only contribute to the limited English publications in this field, but will also provide insight to the state of affairs in Japan, a topic whose English publication is scarce. Secondly, besides experts from major developed nations like the U.S., the UK, and Japan, contributors also include specialists from India, Malaysia, and other emerging nations that have had success with policies promoting e-commerce, providing for a piece that offers a wide range of perspectives in this field. Finally, because the contributors, both scholars and business people, have actual experience with e-commerce, the analysis in this book is both theoretical and practical in perspective, making it a “useful book” for practitioners such as lawyers and specialists in the IT industry.

Although the topics covered are both diverse in region and reality, all are essential points when considering issues that arise in e-business. Section I: cybercrime, cyber risk management, Basel II, separation of banking and commerce, and PTS will deal with issues at the root of systems and infrastructure. Section II: paperless securities payment systems, global trends of funds payment systems, global card payments, new forms of electronic money, and commodity-based digital currency will deal with issues concerning new payment and currencies that accompany e-business. Section III: mistakes in remittance to account, doing international business online for small and medium enterprises, global consumer protection, cyber contracts, applicable law and dispute resolution, and economic law applications deals with law, practice, and theory involved in global contracts and dispute resolution. Reading through these sections, the reader can gain an understanding as to the problems and state of affairs of local attempts towards global developments in cyberspace and e-business, as well as gain insight as to what global measures can be taken in regards to these issues.
Of the book’s contributors, Professor Takashi Kubota, Professor Masao Yanaga, and Professor Motoaki Tazawa are fellow researchers with whom I have been working for several years on the Group for International Finance of the “Transparency of Japanese Law Project,” a Ministry of Education, Culture, Sports, Science, and Technology (MEXT) Specified Field Research Project. My other colleagues Koji Kinoshita (Professor, Doshisha University, Japan), Noritaka Yamashita (Associate Professor, Osaka University, Japan), Tetsuro Morishita (Associate Professor, Sophia University, Japan), and Mami Shimomura (Professor, Osaka University, Japan) screened submitted papers as reviewers. Therefore, as the title of this book suggests, this work is the first published product of the joint research conducted by members of the Group for International Finance of the “Transparency of Japanese Law Project.” We are constantly looking to further develop research about financial law in the global society, so responses from readers are warmly invited.

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