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Part 1 of this newsletter is prepared by Professors Teresa Scassa, Chidi Oguamanam and Stephen Coughlan of the Law and Technology Institute of Dalhousie Law School. Part 2 of this newsletter is prepared by Professors Pierre Trudel and France Abran of the L.R. Wilson Chair in Information Technology and Electronic Commerce Law, Université de Montréal.

Les auteurs de la première partie du présent bulletin sont les professeurs Teresa Scassa, Chidi Oguamanam et Stephen Coughlan de l'Institut de droit et de technologie de la Faculté de droit de l'Université de Dalhousie. Les professeurs Pierre Trudel et France Abran de le Chaire en droit des technologies de l'information et du commerce électronique L.R. Wilson de la Faculté de droit de l'Université de Montréal ont rédigé la seconde partie du présent bulletin.

Part 1

Computer Law and Human Rights – Learning Disability

The British Columbia Supreme Court has delivered its ruling in *Callaghan v. University of Victoria*, [2006] B.C.J. No. 2668 [no hyperlink available]. In this case, the appellant, Ms. Callaghan is a student suffering from dyslexia, a learning disability. She alleges that in September 2001 her psychologist requested the university to evaluate her learning needs to determine if she would benefit from the use of a computer. The University neither assessed her nor provided her with a computer. She attended the university up to April 2004. She had been in academic probation after April 2003 when she was advised to withdraw. She successfully appealed the decision and was permitted to return in September 2003. In April 2004, she was asked to withdraw as a result of poor academic performance, a decision she unsuccessfully appealed to the University Senate. In September 2004, she enrolled in another college which determined after assessment of her learning needs that a computer would be of help to her and provided her one. She allegedly made a c+ average. In March 2005, she sought readmission to the university. The latter declined to admit her citing its policy which does not allow readmission of a student twice withdrawn for at least five years.

On October 19, 2005 she filed a human rights complaint alleging discrimination on the basis of disability. She subsequently amended the complaint alleging that the discrimination was ongoing as a result of the failure of the university to address her needs over a five-year period. In its defence, the university argued that the applicant filed her application outside the six month period as prescribed by section 22 of *BC Human Rights Code* which makes reference to alleged contravention and continuing contravention of a complainant's human rights. The human rights tribunal (HRT) member upheld the university's defence and ruled that the application was out of time. The HRT member noted that the applicant is "a person suffering the continued effects of past alleged discrimination" and that should be distinguished from "continuing contravention" (¶10). According to HRT member, "reiterations of previous alleged contraventions did … not have the effect of creating a continuing contravention" (¶12). The HRT member found that "the contravention alleged by Ms. Callaghan occurred between September 2001 and April 2004 and that she did not file the complaint until October 19, 2005" (¶19). Also, she did not provide satisfactory explanation for the eighteen month delay in filing the application. On appeal, the British Columbia Superior Court held that pursuant to the *BC Judicial Review Procedure Act*, the standard of review applicable to all HRT member's decisions on all material points was one of patent unreasonableness. The court concluded that in holding against the petitioner, the HRT member "fairly and properly considered the issues raised by the complainant and reached a reasonable conclusion" (¶36).

Copyright – Media Neutrality

The Supreme Court of Canada has decided *Robertson v. Thomson Corp.*, helping to clarify further the concept of copyright and its preservation and interaction with new technological media.

Robertson was a freelance writer who had had two articles appear in the *Globe and Mail* print edition.

In neither case had the issue of copyright been specifically addressed in her negotiations with the Globe, and she had been paid for the appearance of the articles in the print edition. Subsequently, however, the two articles had also been placed by the Globe into several electronic formats and made available to the public in that way: through Info Globe Online, through CPI.Q, and through CD-ROMs. Info Globe Online was a commercial database containing articles dating back to 1977: both Globe articles and those from wire services, magazines and other newspapers. It was available to subscribers for a fee, was searchable on a key word basis, and allowed subscribers to download and print articles. CPI.Q was the electronic version of the Canadian Periodical Index, and contained selected newspaper articles from various newspapers. It had been available electronically since 1987, and also allowed subscribers to search by key word, to retrieve electronic copies of articles, and to print them. The CD-ROMs, available since 1991, consisted of copies of the Globe and other Canadian newspapers from a calendar year. They too were searchable and allowed users to retrieve and print articles, but unlike the other databases (to which more material was regularly being added), had a fixed content. Further, users were able to view a newspaper as a single day's edition.

The central problem in the case was an issue of overlapping copyright. There was no dispute that Robertson, as the author of the articles, had copyright in her work and therefore certain rights under the *Copyright Act* to control its use and distribution. However, the *Copyright Act* also permits copyright to be held in a "collective work", which includes a newspaper. Because skill and judgment is used in the selection and arrangement of material that constitutes an edition of a newspaper, the newspaper publisher has copyright over that collective work and has the right to reproduce it. The question to be decided, then, was relatively straightforward:

> 34 The real question then is whether the electronic databases that contain articles from the Globe reproduce the newspapers or merely reproduce the original articles. It is open to the Publishers to reproduce a substantial part of the collective work in which they have a copyright; it is a violation of the *Copyright Act* for the Publishers to reproduce, without consent, the individual works with respect to which an author owns the copyright.

The majority of the Court reached different conclusions with regard to the three electronic contexts in which the article had been reproduced. They held that the Globe violated Robertson's copyright by publishing her article in Info Globe and in CPI.Q. On the other hand they held that the CD-ROMs reproduced the collective works in which the Globe had copyright itself, and therefore that there was no copyright violation in that context.

Centrally the issue with regard to each database was whether it preserved the original work done by the Globe, which was the foundation of its copyright claim. The Court noted that particularly the editorial content and selection of articles, but also the arrangement of articles, advertisements and pictures, and fonts and styles used, met the test for "originality" under the *Copyright Act* and were the foundation for the Globe's copyright. The question, then, was whether those features were preserved by the databases.

Acknowledging that the question was difficult and a matter of degree, a majority of five of the nine members of the Court (Bastarache, LeBel, Deschamps, Fish and Rothstein JJ.) held that Info Globe Online and CPI.Q did not preserve that original character. In those databases the article were stored and presented along with thousands of other articles from other periodicals and other dates, and the databases themselves were constantly changing and expanding. In that event the individual articles had been decontextualized and were no longer presented in a manner that maintained their connection with the rest of the newspaper in which they appeared. The majority noted that this was true even though the articles in Info Globe Online and CPI.Q contained references to the newspaper they were published in, the date they were published and the page number on which the article appeared. That information, they held, was essentially historical, but did not mean that the article was still being reproduced as part of that original publication: the originality of the collective work was not present. Info Globe Online and CPI.Q, they held, were compilations of individual articles divorced from the context of the original collective work where they originated, and so had become

collective works of a different nature, in which no prior copyright was retained.

The majority cautioned that this analysis did not hinge on the fact that the databases were searchable on a keyword basis. The focus of the analysis was how the material was presented to the user, not how the user then makes use of it. There was nothing wrong *per se* in taking advantage of technological change to allow more efficient use of a product, but it was not a means to undermine authors' copyright protection:

> 49 Media neutrality is reflected in s. 3(1) of the *Copyright Act* which describes a right to produce or reproduce a work "in any material form whatever". Media neutrality means that the *Copyright Act* should continue to apply in different media, including more technologically advanced ones. But it does not mean that once a work is converted into electronic data anything can then be done with it. The resulting work must still conform to the exigencies of the *Copyright Act*. Media neutrality is not a license to override the rights of authors – it exists to protect the rights of authors and others as technology evolves.

In contrast to Info Globe Online and CPI.Q, however, the entire Court held that the Globe was properly making use of its own copyright protection with the CD-ROMs. Like the other databases the CD-ROMs excluded advertisements, pictures and colour, and they were presented in a different format than the print edition. But, the majority held, CD-ROMs preserved the linkage to the original daily newspaper. The CD-ROMS presented a collection of daily newspapers, each of which could be viewed separately. The other articles from the same edition of the newspaper would appear in a frame on the screen whenever a user was reading one article. This remained sufficiently close to the original print version of the newspaper to preserve the essence of that original work, and therefore to be a legitimate use of the copyright in the collective work.

A minority of four members of the Court (McLachlin C.J., Binnie, Abella and Charron JJ.) would also have found that the Globe retained its collective work copyright in Info Globe Online and CPI.Q. In their view the principle of media neutrality meant that these databases should continue to be seen as reproductions in another form of the collective work that formed the print edition. The skill and judgment that was the basis for the copyright, the minority held, lay essentially in the selection of articles for the newspaper. Every article selected for the newspaper was subsequently transferred to the database, which meant that the electronic versions were also manifestations of that skill and judgment. The fact that the material was divorced from the other articles on the same page, the majority felt, was not relevant. In producing a print version of a newspaper, editors would make decisions about which page to put articles on our about how to divide the newspaper into different sections, because that was the sensible way to make easier the reader's task of dealing with large batches of newsprint. In an electronic medium, the individual article rather than the page or the section was the logical unit to use in organizing the material. This choice was not an attempt to evade the author's copyright, but was simply a sensible decision given the electronic nature of the data: a choice which should be respected, the minority held, because of the principle of media neutrality. The fact that a number of individual editions were all merged into the same database, the minority said, was simply the equivalent of stacking print editions of a newspaper on a shelf.

Comment on the issues raised by this case at the IT.Can Blog.

Criminal Law – Liability for Error in Electronic Data Entry

The British Columbia Supreme Court has delivered its ruling in *Vancouver (City) v. Access Collateral Pawnbrokers Ltd.* In this case, the Respondent, a second-hand dealer, was charged under the *Secondhand Dealers and Pawnbrokers Bylaw* for failing to comply with the Bylaw in respect of various purchases it made between May and August 2005. Specifically, the Respondent was charged with failing to comply with section 2.2(a) of the Bylaw which required it to file records, including "the name, residence or street address, and birth date of the seller whom the second-hand dealer, or any of employees of the dealer, purchased the property". The Respondent was charged on a five count of violation of this provision in regard to purchases

it made from one Mr. Roger Joseph Hodder. In preference to hand written record, the Respondent used an electronic system of recording purchases which was transmitted to the Chief Constable as prescribed under the Bylaw. Section 2.11 of the law provides that a dealer who keeps electronic register must "transmit to the Chief Constable electronically, to a database provided by the City of Vancouver via the internet and using a site licence and password provided by the Chief Constable, a report consisting of each entry in the electronic register of property purchased by the dealer, immediately after the purchase occurs" (¶6). The system in use is called Xtract. It is software that allowed second-hand dealers to make corrections to record prior to transmission and disallowed any alternation after transmission. Such records are important investigative tool for the police.

In regard to the purchases from Mr. Hodder, the Respondent's agent made several erroneous entries, including the transposition of his first and surnames, misspelling of his names, and several other inaccuracies of varied details. At the trial, through its agent that made the entries, the Respondent testified that the entries were as a result of typographical errors, and that transpositions of names were not in breach of the Bylaw because the latter did not specify in what order the names were to be entered. The trial judge acquitted the Respondent on the five count charges, holding that the Respondent exercised due diligence and that not only were there no errors in the entry of the items purchased but also the recording of Mr. Hodder's ID number was correct. According to the trial judge, due diligence must be proportionate to what was being done and to the nature of the task in issue.

On appeal, the Appellant argued that the Bylaw created an absolute liability offence for which due diligence was no defence. Alternatively, they canvassed that the offence is one of strict liability and the court erred in imposing upon the Crown duty to prove intention. Also, the lower court was in error, the Crown argued, in placing the onus on the Crown to prove that the Respondent did not take reasonable steps. Finally, the Appellant averred that because there was no evidence that the Respondent took steps to ensure accuracy of records transmitted, the trial judge was wrong in finding due diligence.

Upon review of the arguments and the Bylaw, the Supreme Court held that an offence under the Bylaw must either be strict liability or absolute liability and required no *men rea* (¶25). However, the words of the Bylaw "do not contain any expression of the Legislature's intent to create absolute liability offence" (¶29) but they suggest that it "intended to create strict liability offence, at least in cases where the City prosecutes a company for the acts of its directing mind or its employees within the scope of their employment" (*ibid*). In such a situation, the objective of the Legislature could be attained without depriving the accused of a due diligence defence. The Court held, however, that the trial judge's finding that the Respondent exercised due diligence was not based on any evidence before the court and that he took into consideration irrelevant factors when determining whether the Respondent proved due diligence. Consequently, the court set aside the acquittal of the Respondent on all five counts and entered convictions accordingly.

Criminal Law: Probation Order and Collection of Bodily Samples

The Supreme Court of Canada has delivered its judgment in *R v. Shoker*. In this case the, accused was naked when he broke and entered into the complainant's house. He was later convicted of breaking and entering a dwelling house with intent to commit sexual assault. A pre-sentencing report prepared by a psychologist indicated that the accused blamed his crime on drug abuse. The report recommended that he be required to submit to random urinalysis to monitor his risk to the community. He was sentenced to imprisonment and subsequent probation. The trial judge's probation order required the accused to totally abstain from the consumption and possession of alcohol and non-prescription narcotics. To determine compliance, he was required to submit to urinalysis, blood tests and breathalyzer test on the demand of a peace or probation officer. The judge added that "[a]ny positive reading will be a breach of this condition" (¶6). On appeal, the court of appeal held that pursuant to ss. 732.1(3)(c) and 732.1(3)(h), of the *Criminal Code* (the code) a sentencing judge had statutory authority to incorporate monitoring conditions to probationary

order. However, requiring the accused to provide bodily samples against his consent is contrary to s. 8 of the *Charter*. Also, the court held that the trial judge lacked the jurisdiction to predetermine that a positive reading from the test of the accused's bodily samples for the relevant substances was automatic breach of probation. The Supreme Court upheld the decision of the court of appeal in rejecting the Appellant's case. It, however, acknowledged the practice of courts in resorting to prescribing broad range of useful options, such as electronic monitoring devices, for monitoring compliance with probation orders pursuant to section 732 of the code. The court nonetheless ruled that seizure of bodily samples must be subject to stringent standards that address constitutional concerns. In section s. 732.1(3) of the code, the Parliament did not intend to provide a scheme for collection of bodily samples and, by itself, the court has no power to enact such a scheme.

2ième partie

Achat de billets d'avion par Internet – Responsabilité

Les demanderesses ont acheté des billets d'avion par l'entremise du site Internet de la défenderesse. Croyant acheter des billets pour San Jose Costa-Rica, elles se sont en fait retrouvées avec des billets pour San Jose Californie. Elles soutiennent que l'achat de billets pour San Jose Californie met en cause la défectuosité du système informatique dont la défenderesse est responsable tandis que la défenderesse prétend qu'elles ont mal sélectionné leur destination.

Le tribunal ne peut conclure à l'existence d'une défectuosité du système et rejette les demandes. Tout au plus, souligne le tribunal, on peut prétendre que le site pourrait être amélioré afin d'être plus convivial pour l'internaute-utilisateur moyen, mais le fait qu'un site soit plus ou moins convivial n'est pas en soi générateur de responsabilité. C'est l'erreur des demanderesses qui est en cause et il n'y a pas de preuve que la défenderesse a commis une faute ou n'a pas agi selon les normes de l'industrie. Le tribunal conclut que *les demanderesses doivent assumer les conséquences du choix qu'elles ont fait de ne pas utiliser les services d'un agent de voyages qui fournit aide, conseils, connaissances et engage sa responsabilité. Il peut être périlleux d'utiliser un site Internet pour effectuer des transactions quand on est peu familier avec le procédé.*

Dupéré c. www.voyagesarabais.com (9129-2367 Québec inc., 2006 QCCQ 9539, 4 août 2006, AZ-50391392, SOQUIJ.

Commentez cet article au Blogue de IT.CAN

Paiement des droits à la SAAQ par guichet bancaire

Le défendeur devait acquitter $255 pour le renouvellement de l'immatriculation de son véhicule automobile le 30 septembre 2005 à la Société d'assurance automobile du Québec (SAAQ). Il le fait le samedi 8 octobre 2005 à un guichet bancaire automatique. Le 10 octobre 2005, il se fait intercepter au volant de son automobile et un constat d'infraction lui est émis pour avoir mis en circulation une automobile dont il est propriétaire sans avoir acquitté les droits prescrits à la SAAQ, contrairement à l'article 31.1 du *Code de la sécurité routière*.

La question qui se pose est celle de savoir si le paiement effectué le samedi 8 octobre au guichet bancaire constitue un paiement à la SAAQ tel que requis par la loi. Selon le tribunal, nous sommes en présence d'un mandat au sens du Code civil. La mention que l'on retrouve sur l'avis de paiement émis par la SAAQ indique que les institutions financières sont mandatées pour recevoir le paiement complet des droits d'immatriculation. Par conséquent, le paiement auprès d'une institution financière mandataire au lieu convenu (une succursale) et à un moment où le mandataire accepte de recevoir le paiement (période d'ouverture des guichets automatiques) constitue un paiement effectué à la SAAQ elle-même par l'application des règles du mandat et du paiement prévues au Code civil. Le tribunal acquitte le défendeur.

Laval (Ville de) c. Laramée, C. M. Laval 0110434717, 2 octobre 2006, AZ-50392962, SOQUIJ.

Commentez cet article au Blogue de IT.CAN

Ordonnances médicales par Internet

Quatre médecins ont été sanctionnés par le comité de discipline du Collège des médecins du Québec parce qu'ils ont contresigné par Internet des ordonnances de médicaments pour le bénéfice de patients américains qu'ils n'avaient jamais vus en consultation. Le comité de discipline a imposé aux médecins six mois de radiation et des amendes variant entre 5 000 $ et 25 000 $ pour avoir contresigné des centaines d'ordonnances et négligé de sauvegarder leur indépendance professionnelle en laissant un tiers intervenir dans leur exercice professionnel.

Le Collège rappelle, dans son communiqué, *que la prescription d'un médicament doit s'appuyer sur l'examen du patient, ainsi que sur l'élaboration d'un diagnostic et d'un plan de traitement. Le*

médecin doit aussi s'assurer que son patient comprend l'importance du traitement et, au besoin, en assurer le suivi. Le traitement est-il efficace ? Y a-t-il des effets secondaires ? La maladie évolue-t-elle ? Il est fondamental que le médecin puisse répondre à ces questions avant de renouveler une ordonnance.

Tiré de Collège des médecins du Québec, *Ordonnances par Internet : Le message du Collège des médecins est clair : inadmissible!*, communiqué du 26 septembre 2006.

Médecins (Ordre professionnel des) c. Ly, C.D. Méd. 24-04-00599, 20 septembre 2006, AZ-50392461, SOQUIJ.

Médecins (Ordre professionnel des) c. Leduc, C.D. Méd. 24-04-00600, 15 septembre 2006, AZ-50392088, SOQUIJ.

Médecins (Ordre professionnel des) c. Benjamin, C.D. Méd. 24-04-00598, 18 septembre 2005, AZ-50391967, SOQUIJ.

Médecins (Ordre professionnel des) c. Desroches, C.D. Méd. 24-03-00574, 13 avril 2005, AZ-50317176, SOQUIJ.

Commentez cet article au Blogue de IT.CAN

Vote par Internet

La direction des affaires juridiques de la Commission nationale de l'informatique et des libertés (CNIL) a publié un état des lieux des pratiques de vote par Internet dans plusieurs pays. Il semble que le vote à distance via Internet marque le pas. Les pays les plus avancés dans la généralisation des dispositifs de dématérialisation de vote basés sur les technologies de l'information sont l'Estonie (lors des élections municipales dans un scrutin national en 2005) et la Suisse (lors de certains référendums et votations entre 2003 et 2005). Quant à la Corée du Sud, elle s'est fixée comme objectif de proposer le vote généralisé par Internet d'ici 2012, dans des élections majeures. On constate que la mise en œuvre du vote à distance par Internet pour des élections majeures demeure l'objectif à moyen terme de ces pays mais que sa réalisation effective reste conditionnée.

Dans certains pays, on a purement et simplement arrêté l'expérimentation du vote électronique à distance (Etats-Unis et Grande-Bretagne), d'autres entendent poursuivre localement leurs expérimentations (Canada, Australie) tandis qu'en Espagne, on temporise la généralisation du vote par Internet du fait de plusieurs critiques quant à la sécurité des opérations. Ces désengagements sont motivés par l'insuffisance de la sécurité dans les technologies mises en œuvre.

CNIL, *Le vote par Internet aux élections politiques, les éléments du débat*, direction des affaires juridiques, 22 mai 2005.

Pour la situation du vote par Internet en France, voir Pierre MULLER, *Internet Voting Under Question*, EDRI-gram, 30 août 2006.

Violation des droits d'auteur par Google News – Belgique

Le tribunal de première instance de Bruxelles a rendu, le 5 septembre 2006, une décision dans une affaire opposant Copiepresse, une société de gestion de droits d'auteur des éditeurs belges de presse, au moteur de recherche Google.

La société demanderesse s'en prenait au service « News » proposé par Google. Ce service offre aux internautes une revue de presse constituée d'articles et/ou d'images tirées de sites web de la presse écrite. Google ne détient pas de licence de la part des détenteurs de droits sur les œuvres affichées via ce service « news ». De plus, lorsque le site de la presse retirait l'article pour le verser dans ses archives payantes, ce dernier demeurait accessible car enregistré dans la fonction cache du moteur de recherche de Google.

Dans sa décision, le tribunal belge fait droit aux demandes de Copiepresse. La décision conclut que « les activités de Google News et l'utilisation du « cache de Google » violent notamment les lois relatives aux droits d'auteur et aux droits voisins (1994) et sur les bases de données (1998) ». Le tribunal condamne Google à retirer les contenus litigieux et de publier pendant cinq jours l'intégralité du jugement sur la page d'accueil, et ce, sous peine d'astreinte.

Les contenus litigieux ont été enlevés et la décision, finalement publiée, après que le tribunal ait rejeté, le 22 septembre 2006, la demande de Google de suspendre les astreintes concernant le défaut de publication. Mais Google n'y a pas mis de la bonne volonté, comme le souligne un auteur : *Si le texte se trouve sur la page d'accueil de google.be et sur news.google.be, comme l'exige l'ordonnance du tribunal, sa lecture n'est guère aisée. Le moteur de recherche a, en effet, supprimé tous les paragraphes et les retours à la ligne. Ce n'est pas pour rien que certains avocats de parties obtenant une publication judiciaire sur internet demandent aux juges d'assortir cette mesure d'une exigence de forme ou de taille des caractères.*

CopiePresse c. Google (jugement par défaut), tribunal de première instance de Bruxelles, 5 septembre 2006,.

Google c. CopiePresse, (opposition), tribunal de première instance de Bruxelles, 22 septembre 2006.

Google.be s'exécute a minima, Legalis.net, 25 septembre 2006.

Paul VAN DEN BULCK, Étienne WERY et Marie BELLEFROID, *Google News sur la sellette. Le triomphe de David sur Goliath?*, Droit & Nouvelles technologies, 22 septembre 2006.

AFP, Journalistes et photographes contre Google, Cyberpresse, 3 octobre 2006. (On y rapporte que les journalistes et les photographes de presse belges s'apprêtent à suivre les éditeurs belges dans leur combat judiciaire contre Google).

Diffusion sur un site web d'une photo sans l'accord de la personne représentée – France

La diffusion d'une photographie sur Internet nécessite l'autorisation du titulaire des droits de propriété intellectuelle sur le cliché mais aussi celle du modèle. Le tribunal de grande instance de Paris dans une ordonnance de référé du 18 septembre 2006 a sanctionné la diffusion de photos sur Internet alors que l'entreprise n'avait pas l'autorisation du modèle. Cette décision fait suite à celle rendue en janvier 2006 contre la même société pour avoir diffusé 26 photographies représentant, sans son autorisation, la requérante sur plusieurs sites. Le tribunal rappelle que la modèle dispose d'un droit à l'image et que son accord est donc essentiel pour pouvoir licitement mettre en ligne les photographies. Il constate que le contrat liant la jeune femme au photographe ne démontre aucune autorisation de diffusion des clichés sur des sites Internet.

Tiré de *Diffusion de photos sur Internet :attention au droit à l'image du modèle*, légalis.net, 5 octobre 2006.

Tribunal de grande instance de Paris-Ordonnance de référé, 18 septembre 2006, légalis.net.

Tribunal de grande instance de Paris, 17ème chambre, jugement du 23 janvier 2006, légalis.net.

À signaler

Léger c. Bell Canada, 2006 QCCS 4924, 24 août 2006. (Responsabilité pour omission d'informer de la disponibilité d'un appareil de messagerie téléphonique pour usage d'affaires)

Télénet Informatique inc. c. Armand Couture et fils inc. (Hôtel Le Montagnais), 2006 QCCS 5076, 9 août 2006, AZ-50391837, SOQUIJ.. (Recours suite à la résiliation de contrats octroyés pour réfection d'un système informatique)

Nouvel URL pour les annotations de la *Loi concernant le cadre juridique des technologies de l'information*.

Ulla CARLSSON (ed.), *Regulation, Awareness, Empowerment :Young People and Harmful Media Content in the Digital Age*, NORDICOM/Göteborg University, 2006.

De quelques dangers en "ing", Forum des droits sur Internet, 28 septembre 2006, où on présente certaines fraudes développées sur l'Internet (phishing, pharming, IP spoofing, sniffing, spamming, scamming, bombing, metatagging, Googlebombing, happyslapping, typosquatting, cybersquatting, dotsquatting)

I. De LAMBERTERIE et X. STRUBEL, *The New Electronic Communication Law-Le nouveau droit des communications électroniques*, Annales des télécommunications, July/August 2006, vol 61, no.7/8. On peut y lire les contributions suivantes :

- *Du droit des télécommunications au droit des communications électroniques : quel changement de modèle ?*, (Blandin A.)
- *Le nouveau statut juridique de la communication électronique en France*, (Du Marais B.)
- *Audiovisuel et télécoms : quelles convergences ?,* (Jean-Baptiste M.)
- *Administration électronique, interopérabilité et sécurité : les risques de l'ambivalence*, (Lavenue J. J.)
- *Internet Content Regulation : What method ?*, (Hiller J.S., Cohen R.)
- *European Competition Law in the Electronic Communication Sector : Evolution and Critical Analysis*, (Feijoo C., Gomez-Barroso J.L., Rojo-Alonso D.)
- *Quelle(s) responsabilité(s) des intermédiaires techniques sur Internet ?*, (Benabou V.L.)
- *La réglementation de la cryptologie en France de 1990 à 2005*, (Guerrier C.)
- *The Digital Signature Dilemma*, (Blanchette J.F.)
- *Consumer and Electronic Communications Laws in Europe and England : Reaping the Rewards of the New Regulatory Framework*, (Riefa C.)
- *La protection de la vie privée dans les réseaux : des paradigmes alarmistes aux garanties effectives*, (Trudel P.)

This newsletter is intended to keep members of IT.Can informed about Canadian legal developments as well as about international developments that may have an impact on Canada. It will also be a vehicle for the Executive and Board of Directors of the Association to keep you informed of Association news such as upcoming conferences.

If you have comments or suggestions about this newsletter, please contact Professors Teresa Scassa, Chidi Oguamanam and Stephen Coughlan at it.law@dal.ca if they relate to Part 1 or Pierre Trudel at pierre.trudel@umontreal.ca if they relate to Part 2.

Disclaimer: The IT.Can Newsletter is intended to provide readers with notice of certain new developments and issues of legal significance. It is not intended to be a complete statement of the law, nor is it intended to provide legal advice. No person should act or rely upon the information in the IT.Can Newsletter without seeking specific legal advice.

Le présent bulletin se veut un outil d'information à l'intention des membres d'IT.Can qui souhaitent être renseignés sur les développements du droit canadien et du droit international qui pourraient avoir une incidence sur le Canada. Le comité exécutif et le conseil d'administration de l'Association s'en serviront également pour vous tenir au courant des nouvelles concernant l'Association, telles que les conférences à venir.

Pour tous commentaires ou toutes suggestions concernant la première partie du présent bulletin, veuillez contacter les professeurs Teresa Scassa, Chidi Oguamanam et Stephen Coughlan à l'adresse électronique it.law@dal.ca ou en ce qui concerne la deuxième partie, veuillez contacter Pierre Trudel à pierre.trudel@umontreal.ca.

Avertissement : Le Bulletin IT.Can vise à informer les lecteurs au sujet de récents développements et de certaines questions à portée juridique. Il ne se veut pas un exposé complet de la loi et n'est pas destiné à donner des conseils juridiques. Nul ne devrait donner suite ou se fier aux renseignements figurant dans le Bulletin IT.Can sans avoir consulté au préalable un conseiller juridique.