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**The Law of Electronic Commerce**

**By Benjamin Wright**

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Internet Explorer 6 Agitates Web Administrators  
With Legal Kink

Antidote to P3P Privacy Filter Available Free at [disavowp3p.com](http://disavowp3p.com)  
DALLAS, TX, September 2001 . . . Privacy filters in Microsoft's new Internet Explorer 6 pose for web administrators an unexpected legal predicament. A new remedy is now available at no charge.

The filters force administrators to post new privacy policies for their web sites, coded in a technical language called P3P. The filters punish administrators who fail to publish properly coded P3P privacy policies by blocking or impeding their cookies. Cookies are an important web feature.

The P3P coding language raises, for any corporation, government agency or other institution that uses it, a lawsuit danger. A privacy policy written in it exposes the organization to liability, with little or no escape.

A privacy policy, even one written in computer codes, can be legally enforceable like a contract. In lawsuits filed in 1999, plaintiffs forced US Bancorp to pay \$7.5 million for misstatements in a privacy policy posted on its web site.

Web administrators face a dilemma. They want to satisfy IE 6's technical requirement for P3P codes, but they also want to sidestep liability. To address this dilemma, e-commerce pioneer Benjamin Wright has invented a remedy and published it at <http://www.disavowp3p.com>. Anyone can pick it up and use it at no charge.

The remedy is an additional P3P code, "DSA". Any web administrator using DSA in her P3P privacy policy indicates she disavows legal liability for her P3P policy and renders it meaningless.

Using the DSA code, organizations can publish fictitious P3P codes to enable cookies, while nullifying their legal affect.

"The P3P language is simply inadequate for writing legal privacy policies, and corporations are foolish to use it for that purpose," said Mr. Wright. "The DSA code allows them to exploit the P3P coding for the technical purpose of deploying cookies, while disclaiming that the codes have any substantive or legal effect."

To provide background and detail, Mr. Wright has written a monograph titled "Disavowing P3P Liability" and made it available for sale at <http://www.disavowp3p.com>. On request, he will e-mail it free to any journalist.

"P3P is a very complex subject that will catch corporations by surprise," said Doug Peckover, CEO of Demand Engine, Inc., a strategic privacy consulting firm. "Few are even aware of P3P's full implications. They need to read the analysis of a world-class e-commerce lawyer like Ben Wright."

P3P is the Platform for Privacy Preferences, developed under the sponsorship of a non-profit organization named the World Wide Web Consortium (also called W3C) <http://www.w3.org/p3p>, a coalition of industry and non-profit groups.

### **Historical Development of Electronic Commerce**

**By David Tang**

The meaning of the term "electronic commerce" has changed over time. Originally, "electronic commerce" meant the facilitation of commercial transactions electronically, usually using technology like Electronic Data Interchange (EDI, introduced in the late 1970s) to send commercial documents like purchase orders or invoices electronically.

Later it came to include activities more precisely termed "Web commerce" -- the purchase of goods and services over the World Wide Web via secure servers (note HTTPS, a special server protocol which encrypts confidential ordering data for customer protection) with e-shopping carts and with electronic pay services, like credit card payment authorizations.

When the Web first became well-known among the general public in 1994, many journalists and pundits forecast that e-commerce would soon become a major economic sector. However, it took about four years for security protocols (like HTTPS) to become sufficiently developed and widely deployed (during the browser wars of this period). Subsequently, between 1998 and 2000, a substantial number of businesses in the United States and Western Europe developed rudimentary Web sites.

Although a large number of "pure e-commerce" companies disappeared during the dot-com collapse in 2000 and 2001, many "brick-and-mortar" retailers recognized that such companies had identified valuable niche markets and began to add e-commerce capabilities to their Web sites. For example, after the collapse of online grocer Webvan, two traditional supermarket chains, Albertsons and Safeway, both started e-commerce subsidiaries through which consumers could order groceries

online.

As of 2005, e-commerce has become well-established in major cities across much of North America, Western Europe, and certain East Asian countries like South Korea. However, e-commerce is still emerging slowly in some industrialized countries, and is practically nonexistent in many Third World countries.

Electronic commerce has unlimited potential for both developed and developing nations, offering lucrative profits in a highly unregulated environment.

David and his team developed Article Post Robot,

, the software which

can post articles to hundreds of article sites and mail lists automatically. Demo is available upon request at [help\(at\)articlepostrobot.com](mailto:help(at)articlepostrobot.com)



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