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Cyber consumer law : State of the art and perspectives

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Cyber Consumer Law

Cyber Consumer Law

State of the Art and Perspectives

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Preface

Everyone who is doing research knows that the desire to do research is the key to motivation, but that must be complemented by determination and commitment to an unrelenting pursuit of his¹ own goal. In 2000, when I started my research, the area of cyber consumer law was scarce and only dominated by a few views of which the core idea of potential research was very simple: is there a need for regulation over the Internet? While consumers' problems were familiar ground, views on this question did not have sufficient time to be explored carefully. What cyber consumer law is and why it is that way are two questions, but how cyber consumer law shall protect consumers is the main question. We did not have time to find out what the cyber consumer law ought to be.

The reality shows that sometimes views which might be considered by someone as unrealistic, can finally become reality. Certainly, it would have been much easier for me at that time to construct on the existing views an evaluation of existing solutions. However, I am convinced that the 'vision' of a researcher can never be replaced by the need of being only critical. When I first launched my views on the need of a 'deontology' of fair trading, i.e. a code of conduct for traders and made analogies with the legal and medical profession, someone considered that 'it is disturbing to make this analogy in a research report. Traders are not a 'profession'. They engage in commerce with a view to making a profit within the rules of the marketplace.'

Several months after completing my research, the European Commission launched a Directive on Unfair Trading Practices which approached specific issues on the prohibition of unfair commercial practices. It demonstrates that the most significant contributions in a research area go beyond the dose of criticism used by someone and rather rely on the vision to reveal a reality which might seem imperceptible to others.

Cristina Coteanu

Leiden, December 20, 2005

¹ Wherever I use the pronoun 'he' ('his') in this research, I use the pronoun as an abbreviation of 'he or she' ('his or her').

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