

## Consumer Protection

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## Introductory remarks

- Prevention of harm
  - e.g. fraud, health and safety
  - To different parties: consumers & competitors
- Demand-side facilitation of competition
  - Engendering consumer trust
- Consumer protection laws
  - Need for eCommerce specific rules?
    - Law No 2011/012 *Framework on Consumer Protection*
    - Sectoral, e.g. telecommunications
- Enforcement
  - Alternative dispute resolution mechanisms

## Consumer protection laws

- Regulation of advertising
  - Decency, legality and truthfulness
  - Certain products, e.g. Alcohol
  - Marketing to children
  - Marketing techniques
  - Restricting certain sales promotions
- Regulation of contracts
  - Unequal bargaining power
  - Unfair contract terms
    - Notification of terms and conditions

## Consumer protection laws

- Regulation of quality and safety
  - Satisfactory quality
  - Product liability
- Regulation of payments
  - Consumer credit

## eCommerce rules

- Provision of information
  - Identity-related
    - Name and address, company registration number, professional authorisation
  - Location-related
    - Geographical address
  - Product-related
    - Price, including taxes and delivery costs
  - Contract-related
    - Process of formation
    - Opportunity to correct errors
    - Acknowledgement of receipt

## eCommerce rules

- Consumer rights
  - Right of cancellation within a certain period
    - Exceptions, e.g. Bespoke goods, software
  - Delivery or performance within minimum timescale
    - 30 days
  - Applicable law
    - Country of consumer
  - Unsolicited contact, e.g. SPAM
    - Notification and consent requirements
    - Criminal offences

## ePayments

- Protection against fraud
  - Supplier bears risk
- Reimbursement of payment on cancellation
- Mobile payments
  - Issuance of digital cash as a regulated activity?
    - e.g. Liquidity requirements
  - Pre-paid cards & anonymity

## Enforcement

- Rights of action for public bodies and consumer bodies
  - Law No 2011/012, s.21 (right to form independent associations); s. 25 (establishment of National Consumer Council)
  - Burden of proof
- Self-regulation
  - Trustmark labelling schemes
- Cross-border enforcement
  - Problem if no assets or presence in jurisdiction
  - International Consumer Protection and Enforcement Network
    - 48 members & 6 partners, e.g. Nigerian Consumer Protection Council

Questions & Discussion