

AMERICAN CORPORATE COUNSEL ASSOCIATION
eCommerce COMMITTEE
CHARTER STATEMENT

I. Mission Statement

The mission of the eCommerce Committee (“the Committee”) is to establish and maintain a center of expertise in laws relating to Electronic Commerce at the national level within ACCA. The Committee, serves as a resource for ACCA members, help influence legislation and public policy, promote the development of corporate legal practice in the area of eCommerce law, and promote the development of standards specifically relating to Electronic Commerce.

II. Committee Structure

The eCommerce Committee consists of the Steering Committee and several Subcommittees. The Subcommittees consist of the Coordinating Subcommittees and Substantive Law Subcommittees.

The Steering Committee

The Steering Committee consists of the Subcommittee Chairs, and the Chair, Vice Chair, and Past Chair of the Committee. The role of the Steering Committee is to coordinate the efforts and activities of the Subcommittees, provide a central organizational and administrative function, and establish a common vision for the Committee. The Steering Committee will meet quarterly.

The Leadership Subcommittees

Programs Subcommittee

The Programs Subcommittee is responsible for coordinating programs and publications sponsored by the Committee. (The majority of the programs will occur at ACCA sponsored events. However, the Subcommittee may also help coordinate programs at a specific event Chapter or company level.) The Subcommittee is also responsible for providing ACCA with informational material and resources for use by ACCA members.

Legislative and Liaison Subcommittee

The Legislative and Liaison Subcommittee monitors pending legislation, and assists ACCA in working with state and national legislative groups to influence pending legislation. The Subcommittee also interfaces with other professional associations external to ACCA to ensure representation of ACCA positions, and to address common issues.

Membership and Communications Subcommittee

The Membership and Communications Subcommittee is responsible for soliciting and maintaining the membership of the Committee, and communicating with the membership. The Subcommittee works closely with the Programs Subcommittee and the ACCA national staff to coordinate communications to the Committee and ACCA membership.

The Standing Committee on eCommerce

The Electronic Commerce Subcommittee focuses on all issues related to Electronic Commerce such as electronic/digital signatures, electronic contracting, Internet taxation, intellectual property, consumer protection, encryption, privacy, and broadband and wireless access.

The Substantive Law Subcommittees

A. The Business to Business Subcommittee

The Business to Business subcommittee focuses on issues specifically related to electronic trading and commerce over the Internet, including subjects such as contract formation, UETA, UCITA, E-Sign, traditional contract law issues and ADR.

B. The Privacy Subcommittee

The Privacy Subcommittee focuses on topics related to the regulation of consumer privacy on the Web, including State and Federal legislation, FTC review and enforcement. The subcommittee is also responsible for advocating best practices in the privacy arena.

C. The Intellectual Property Subcommittee

The Intellectual Property Subcommittee focuses on topics related to the use, sharing, distributing, licensing and control of intellectual property on the Web including digital rights management, content licensing and distribution. The subcommittee also focuses on the relationship between websites and their users and the relationship between content owners and their licensees on the Web.

III. Leadership Responsibilities

The Chair of the Committee serves a term of two years, and is succeeded typically by the Vice Chair. In addition to the responsibility it shares with other members of the Steering Committee, the Chair acts as the principal contact between the Committee and the ACCA national office and the ACCA local chapters. The chairs of the Subcommittees are responsible for coordinating the activities of the Subcommittees, and for representing the Subcommittee at the Steering Committee level. The typical term of the Subcommittee chairs is two years.

IV. Membership

Membership in the Committee is open to all members of ACCA. Members of the Committee are encouraged to join and actively participate in at least one Subcommittee.

V. Goals and Activities

1. Provide members with the latest developments in electronic commerce and enable members to develop expertise in a rapidly developing area of the law.
2. Establish and maintain a pool of current information (e.g. opinions, position papers, etc.) and practical resource material (e.g. sample contracts, checklists, etc.) that can be easily accessed and will assist Committee and ACCA members in their day-to-day practice of commercial law.
3. Sponsor training and information programs and campaigns for Committee and ACCA members, and aid in meeting the professional development needs of the Committee and ACCA members. Coordinate with other committees where appropriate.
4. Create a forum for identifying, discussing and monitoring legal issues which are routinely raised in the area of electronic commerce. Develop positions where appropriate.
5. Identify, track and report on important cases and legislation related to electronic commerce. Influence legislation where appropriate and with the endorsement of the policy committee of the ACCA Board.
6. Foster international legal practice and a knowledge of the applicable laws governing commercial transactions conducted over the Internet outside of the United States.
7. Cooperate and communicate with other ACCA National Committees and with professional organizations representing corporate counsel.