

FOREWORD

The present book touches upon crucial and extremely timely issues of ICT development and application: privacy, security, and e-consumers' trust. It does so by dealing with the challenges posed by the instrument of trustmarks. Trustmarks, in a nutshell, are electronic labels or visual representations indicating that an e-merchant has demonstrated its conformity to standards regarding security, privacy, and business practice. From a business perspective trustmarks can be seen as a way to convey e-consumers' trust. In fact, e-merchants hope that by displaying trustmarks on their websites, e-consumers will less likely question the integrity of such e-merchants in relation to security, privacy, and business practice and thus be more likely to divulge their personal data and transact concerning a service or product. From a regulatory perspective, trustmarks can also be seen as a way of self-regulating or co-regulating the e-market on privacy and security issues.

Indeed this subject is what makes the book unique, being the first comprehensive study on trustmarks. On the one hand, the author focuses on legal aspects, paying special attention to the possible liability of Trustmark Organisations, 'TMOs' (i.e., the entities that issue trustmarks). On the other hand, by a multidisciplinary approach to the matter, Balboni describes the pros and cons of trustmarks for e-economy, e-society, and e-policy.

The book starts off by explaining what trustmarks are, how TMOs issue trustmarks, and to what extent this instrument may contribute to enhancing e-consumers' trust. The input for the observations and conclusions is provided through an analysis of the practices of four TMOs based in the US and five TMOs based in Europe. This analysis is combined with a thorough investigation of the relevant international literature on the issue.

The author then elaborates – by carrying out a critical comparative research into the American, English, German, and French legal systems – on the legal value of trustmarks and TMOs' liabilities towards e-consumers who have suffered a loss after relying on inaccurate trustmarks.

The book ends with recommendations for an innovative legal framework for trustmarks which aims at enhancing e-consumers' trust in e-commerce. Of particular interest is the manner in which the author applies the ethical theory of 'Warranted Trust' to the relationship between e-consumers and e-merchants in order to fine-tune his proposals.

The volume is the result of a four-year multidisciplinary comparative research based at Tilburg University (the Netherlands). During this time the author framed his manuscript by constantly confronting his findings, views, and theories not only with his colleagues from the Department of Private Law at the Tilburg Institute for Law, Technology, and Society (TILT), and his fellows at the University of Bologna (Italy) but also by presenting papers on the topic at major international ICT and law conferences.

This book is a must for those working in regulatory bodies involved in ICT, TMOs, e-merchants, e-consumers, e-consumers' associations, ICT lawyers, academics and, more generally, for anyone who wants to have a complete and accurate insight into the role trustmarks may play in enhancing e-commerce.

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