It remains that this is the best textbook on the CISG and that I highly recommend it without hesitation.

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Information and Communications Technology Law in Singapore BY WARREN B **CHIK** AND **SAW** CHENG LIM [Singapore: Singapore Academy of Law Publishing, 2020. ixix + 480 pp. Softcover: SGD96.00]

Just over twenty years ago, Singapore became a global leader in legislating for e-commerce. At that time, not only was it the case that books on Information and Communications Technology ("ICT") Law, or Internet Law, or the like, did not exist, there was also a view that books on such a niche area of law would be unhelpful. As Judge Frank Easterbrook famously contended in "Cyberspace and the Law of the Horse" (1996), a course on the 'Law of Cyberspace' would be as misconceived and unilluminating as a course on 'The Law of the Horse'. What Easterbrook said about courses on cyber law would no doubt apply in the same way to books on that subject. Yet, Easterbrook's reservations notwithstanding, courses on ICT Law have proliferated; books on ICT Law have proliferated; and, this book by Warren Chik and Saw Cheng Lim, in which the authors offer readers their expert commentary on ICT Law in Singapore, is another valuable addition to the literature of cyberlaw.

Now, if the authors of this book had followed Easterbrook's view and sought to apply the principles of the common law to computers, the Internet, and other cyber-phenomena, their work would have been a great deal shorter. For, while the application of common law principles (concerning, for example, online contracts, passing off, and questions of jurisdiction) continues to be relevant—even internationally relevant (as with the well-known case of *Chwee Kin Keong v Digilandmall.com Pte Ltd* [2005] 1 SLR(R) 502 (CA), and most recently the case of *Quoine Pte Ltd v B2C2 Ltd* [2020] 2 SLR 20 (CA))—the landscape of ICT Law is dominated by major legislative schemes. This is not just in Singapore, where recent legislative schemes include the *Personal Data Protection Act 2012* (No 26 of 2012, Sing), the *Cybersecurity Act 2018* (No 9 of 2018, Sing), and the *Protection from Online Falsehoods and Manipulation Act 2019* (No 18 of 2019, Sing), but also in other common law jurisdictions (such as the United States and Canada, Australia, and the United Kingdom) that are covered in the book as well as in the European Union. Everywhere that we look, ICT Law is legislative law; and, this body of law is 'regulatory' in the sense that it is driven by economic and social policies rather than by concerns about doctrinal coherence and the application of general principles (see also, Roger Brownsword, *Law Technology and Society—Re-imagining the Regulatory Environment* (2019) and Roger Brownsword, *Law 3.0: Rules, Regulation and Technology* (2020)).

Of course, it should be said that, even if they are not applying common law principles to cyber-disputes, the courts continue to play an important role in developing the law of ICTs. However, the manner of such development is largely through the interpretation of key phrases in the background legislative schemes. Similarly, the administrative panels in Singapore that deal with disputes arising from the registration of domain names (such as disputes where cyber-squatting is alleged) have built up a decision-by-decision jurisprudence (see ch 7); but, it is a jurisprudence that refers to the background governance regime. Whatever Easterbrook might have advocated, ICT Law is not shaped by the application of the general principles of the common law, and nor by the courts applying such principles. ICT Law, whether we are dealing with Internet content (ch 2), electronic transactions (ch 3), computer crime (ch 4), data protection (ch 5), commercial messaging (ch 6), and much of Intellectual Property ("IP") law (ch 8–10) is regulatory through and through.

In their introductory remarks, the authors say, quite rightly, that "at a time when humanity (and, indeed, human existence itself) is so inexorably intertwined with and influenced by technological developments globally... the future for ICT Law... is [both] daunting and challenging" (at p 7). In the courts, the challenge is to interpret and apply particular parts of the background legislative regimes in a way that is faithful not only to the enacted text but also to the underlying spirit and purpose of the regulatory policy. To some extent, this is business as usual. However, the rapidly changing context in which questions about the law relating to ICTs and their applications are litigated amplifies, in two respects, the usual challenges presented by the interpretation of statutes. First, in many cases, the regulatory policy will represent what, at the time of enactment, seemed like a reasonable balance between the societal interest in supporting and encouraging beneficial innovation (particularly through IP laws) and the management of whatever risks seem to be presented by a particular technology. Quite quickly, however, the circumstances change and the original balance might now seem to be in need of adjustment—in the way, for example, that many now argue that Internet service providers should bear a greater responsibility for online content. However, unless the adjustment is minor and unproblematic, it is not clear that it is for the courts to undertake it. Secondly, where the legislative text is a snapshot of the technology at the time of enactment, it can soon become outdated, leaving the courts to make difficult decisions about how far, in the guise of interpreting and applying the law, they can go to reconnect the text to the technology.

For regulators, whether in Singapore or elsewhere, the challenge is much greater. Unlike the challenge for the courts—which is largely about staying within the bounds of their role, responsibility, and resources—the principal challenge for regulators is about ensuring that their interventions are fit for purpose. Some cases, such as e-commerce, are relatively easy—or, at any rate, in Singapore as elsewhere, it was relatively easy to declare that, in principle, e-contracts should be treated as legally enforceable contracts; some cases, such as cybercrime and infringement of IP are much more difficult (not because of the drafting challenges but because effective enforcement of the law is so challenging); others, such as data protection and the regulation of online content, are a constant work in progress because the balance of interests needs to be monitored and adjusted; and, in all cases, as David Johnson and David Post warned years ago in "Law and Borders—The Rise of Law in Cyberspace" (1996), there are likely to be jurisdictional complications where ICTs are involved

because, whatever borders there might be in cyberspace, they do not map neatly onto the territories of national legal systems.

Needless to say, the constantly changing landscape of ICT Law also presents huge problems for legal scholars who are trying to capture the state of the law, focus on the most important issues, and anticipate the direction of both technological development and regulatory response. In this book, Warren Chik and Saw Cheng Lim have succeeded admirably in giving readers a window into the particulars of the local ICT Law in Singapore but also into the many ways in which the rapid development of ICTs, in conjunction with other technologies, is changing the context in which we think and act like lawyers.

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