Mark E. Budnitz

Topic: **The Legal Framework of Mobile Payments: Gaps, Ambiguities and Overlap**

American consumers increasingly use their mobile devices to pay for goods and services. Technological developments have led to rapid changes in mobile payment products. The law, however, has not kept pace. Professor Budnitz' presentation will be an update of the article he prepared for The Pew Charitable Trusts. This article describes the legal framework that applies to mobile payments.

The article examines the three stages of mobile payments: Stage 1 considers the law that applies to consumers who enter into contracts for the provision of mobile payment services. The article first describes the complex regulatory environment in which mobile payments occur. The focus of this part is on consumers who contract online. Stage 2 explores the law that relates to consumers' use of mobile devices to make payments. Differences in the legal treatment of payments made with credit, debit and prepaid card accounts are analyzed. This part also reviews the law applicable to the many parties involved in mobile payments, including banks, non-banks, wireless carriers, payment processors and third-party service providers. Stage 3 describes problems consumers encounter when making payments with mobile devices, including privacy invasions, security breaches, and unauthorized payments. The article examines the sufficiency of laws consumers can use to remedy these problems.

At each stage, the article highlights the gaps where no law applies, ambiguities where it is not clear whether or how a law applies, and overlap in which two or more laws apply to the same situation or more than one government agency has legal authority over the same type of conduct. The article concludes by discussing the various options available to lawmakers.

Kevin D. Rosen

Abstract

Best practices to respond to cyber threats and opportunities, that would enable you to discuss the top threats now and in the near future and how to use policies, training, and technology to overcome the threats and incorporate some of the opportunities on the horizon.