Digital Trade Law

Semester: Spring semester 2027

ECTS: 2

Root Number: 487849

Lecturer: Prof. Mira Burri, University of Lucerne, Switzerland

Dates: 4, 11, 18 March 2027

Time: 9.00–12.30 (CET) – except on 18 March – 9.00-12.00 (CET)

Room: Silva Casa Auditorium, World Trade Institute

Course Description

The course explores the dynamic field of digital trade law. It offers a deep understanding of the topic of digital trade, as well as of the emergent regulatory framework that governs it. This includes the rules of the World Trade Organization (WTO), the lapse of the moratorium on customs duties on electronic transmissions at the 14th WTO Ministerial Conference (March 2026) and the new plurilateral Agreement on Electronic Commerce, as well as the detailed framework of rules developed in preferential trade agreements (PTAs). The course covers in this latter sense major agreements, such as the CPTPP, the USMCA, the RCEP, the EU–UK Trade and Cooperation Agreement and the new EU Digital Trade Agreements and gives a clear sense of the positioning of the key stakeholders within the preferential trade landscape and under the WTO Joint Initiative on E-Commerce and the resulting Agreement on Electronic Commerce. It also explores the new generation of Digital Economy Agreements (DEAs) as legal innovation in the domain of digital trade regulation and as a new model of international cooperation in a technologically fluid environment. While the focus of the course is on global trade law, it also explores the important interfaces with domestic data governance regimes and the contestations around digital trade and privacy; digital trade and cybersecurity; digital trade and human rights; digital trade and sustainability, as well as data inequalities and the development dimension of global digital trade rulemaking. The course also covers developments in anticipation of changing national rule-frameworks on artificial intelligence (AI) and keeps up-to-date with the relevance of both WTO rules and relevant PTA provisions in this domain.

Lecturer



Mira Burri

Mira Burri is Professor of International Economic and Internet Law at the Faculty of Law of the University of Lucerne, Switzerland. She teaches international intellectual property, media, internet and trade law. Mira's current research interests are in the areas of digital trade, copyright, data protection and data governance. Mira is the principal investigator of the project 'Trade Law 4.0' (ERC Consolidator Grant 2021–2026; https://digitaltradelaw.ch/). She consults the European Parliament, UNESCO, ASEAN, the WEF and others on issues of digital trade and data-driven innovation, and the regulatory frameworks that regulate them. Mira is also a member of the Research Council of the Swiss National Science Foundation. Mira has edited the publications *Trade Governance in the Digital Age* (Cambridge University Press, 2012), *Big Data and Global Trade Law* (Cambridge University Press, 2021) and *The Cambridge Handbook of Digital Trade Law* (Cambridge University Press, forthcoming 2026), as well as co-authored *International Intellectual Property in an Integrated World Economy* (Aspen 2024). Mira's publications are available at: http://ssrn.com/author=483457.

Course Overview:

Class	Date	Day	Time	Hours	Lecturer	Topic
1	04.03	Thursday	9.00 – 12.30	3.5	Mira Burri	Introduction to digital trade law; Introduction to WTO law relevant to digital trade; the Agreement on Electronic Commerce and the lapse of the customs duties moratorium Digital trade rulemaking in preferential trade agreements (PTAs) and Digital Economy Agreements (DEAs)
2	11.03	Thursday	9.00 – 12.30	3.5	Mira Burri	Interfaces with digital trade law and other legal domains (incl. digital trade and privacy; digital trade and cybersecurity; digital trade and human rights; digital trade and sustainability)
3	18.03	Thursday	09.00 – 12.00	3.0	Mira Burri	Wrap-up (with a deep dive on selected topics, incl. AI and digital trade law) and outlook
4	25.03	Thursday	09:00 – 11:00	2.0	Written Assessment	

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Learning Outcomes:

At the end of the course, students will have comprehensive knowledge about the contemporary landscape of global digital trade rulemaking. They will understand the pertinent issues of digital trade and of digital trade law and be able to frame new issues and give well-informed opinions. They will be able to analyze and compare the digital trade chapters of the major preferential trade agreements and the new Digital Economy Agreements, and to assess the legal consistency of domestic measures affecting digital trade. They will understand not only the issues of law but also how these are affected by geopolitical positions and what the path of international cooperation in this important field of international economic law may be.

Assessment:

- Participants' knowledge will be assessed on the basis of a written exam which takes place on Thursday 25 March 2027 from 09h00 to 11h00.

SESSION 1: 4 MARCH 2027

Subject

Session one provides an introduction to the topics of digital trade and digital trade law. It examines the contemporary policy discussions around digital trade and recent trends, such as global value chains, servicification, the critical importance of data, and the diffusion of AI across trade in goods and services.

It then explores the law of the World Trade Organization (WTO) and its relevance for digital trade regulation, with a deep dive on the rules of the General Agreement on Trade in Services (GATS) and pertinent GATS case-law (US–Gambling; China–Publications and Audiovisual Products; China–Electronic Payment Services). Finally, the session covers the WTO Work Programme on Electronic Commerce and the lapse of the moratorium on customs duties on electronic transmissions at the 14th WTO Ministerial Conference in Yaoundé (March 2026), as well as the WTO Joint Initiative on Electronic Commerce, which culminated in the Agreement on Electronic Commerce (ECA) and its interim implementation by a group of WTO members.

During this session the regulatory landscape of digital trade rulemaking in preferential trade agreements (PTAs) will be analysed. It discusses broader trends and regulatory templates with a distinct focus on the CPTPP, the USMCA, the RCEP and the EU PTAs, including the new EU Digital Trade Agreements with Singapore and the Republic of Korea. It covers the Digital Economy Agreements (DEAs), in particular the DEPA and Singapore's bilateral DEAs, and discusses their scope and legal nature, as well as newer frameworks, such as the AfCFTA Digital Trade Protocol. The session gives a clear sense of the applicable trade rules and of geopolitical developments in the area of global digital trade rulemaking.

Topics

- What is digital trade?
- Trends in contemporary digital trade
- What is digital trade law?
- WTO law of relevance for digital trade, incl. case-law
- The Work Programme on Electronic Commerce and the customs duties moratorium (1998–2026): history, contestation, lapse at MC14
- WTO Joint Initiative on Electronic Commerce and the Agreement on Electronic Commerce: substance, legal nature, state of play
- Digital trade rulemaking in PTAs (CPTPP, the USMCA, the RCEP and the EU PTAs and Digital Trade Agreements + Swiss/EFTA and UK PTAs; the AfCFTA Digital Trade Protocol)
- DEAs: DEPA and Singapore's DEAs; scope, modularity and legal nature
- Applicable digital trade law (incl. implications for domestic data governance regimes)
- Geopolitics of digital trade rulemaking (tbc)
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SESSION 2: 11 MARCH 2027

Subject
Session two starts by examining the mechanisms for preserving regulatory autonomy (digital sovereignty) embedded in different digital trade treaty templates (carve-outs, exceptions and review clauses). It then explores the important interfaces between digital trade law and domestic data governance regimes. In particular, the discussion will be devoted to the contestations around digital trade and privacy; digital trade and cybersecurity; digital trade and human rights; digital trade and sustainability, as well as data inequalities and the development dimension of global digital trade rulemaking.

Topics
- Digital sovereignty and treaty design for preserving regulatory autonomy
- Digital trade rulemaking and interfaces with domestic regulatory regimes
- Digital trade and privacy (incl. discussion of the pertinent rules in the EU and the US, and the transatlantic data transfer saga)
- Digital trade and human rights
- Cybersecurity as a trade law issue
- Digital trade and sustainability
- Data inequalities; development aspects of digital trade law

SESSION 3: 18 MARCH 2027

Subject
Session three, as the final one, will wrap up and discuss the present and the future of global digital trade law. It addresses the regulation of AI and its interfaces with trade law: the relevance of existing WTO rules for AI-enabled trade, the emergence of AI-related provisions in PTAs and DEAs (including source code and algorithm clauses), and the interaction with domestic AI frameworks, such as the EU AI Act, as well as the new geopolitics of digital trade rulemaking in the AI era. It will open the debate about the optimal framework for regulating the global data-driven economy and invite inputs from students on selected key issues. Some questions for discussion may be assigned to groups of students, including a short case study on a hypothetical WTO dispute concerning cybersecurity measures.

Topics
- The future of global digital trade law: multilateral, plurilateral, regional and unilateral paths
- How to regulate fluid technological environments? What about artificial intelligence (AI)?
- AI-relevant provisions in PTAs and DEAs; source code and algorithms; the EU AI Act interface; the geopolitics of digital trade rulemaking in the AI era
- Is trade law the best platform for regulating data-dependent societies?
- Trade-offs: data-driven growth and digital innovation versus digital sovereignty?
- How to ensure an inclusive regulatory framework for digital trade?
- The future of digital trade law

Compulsory readings for all sessions

Mira Burri, The International Economic Law Framework for Digital Trade, *Zeitschrift für Schweizerisches Recht* 135 (2015), 10–72, available at: https://ssrn.com/abstract=2602817

Mira Burri and Anupam Chander, What Are Digital Trade and Digital Trade Law?, *AJIL Unbound* 117 (2023), 99–103, available at: https://doi.org/10.1017/aju.2023.14

Mira Burri, A WTO Agreement on Electronic Commerce: An Enquiry into its Substance and Viability, *Georgetown Journal of International Law* 53 (2023), 565–625, available at: https://ssrn.com/abstract=4550690

Mira Burri, María Vásquez Callo-Müller and Kholofelo Kugler, The Evolution of Digital Trade Law: Insights from TAPED, *World Trade Review* 23 (2024), 190–207, available at: https://doi.org/10.1017/S1474745623000472

Mira Burri and Kholofelo Kugler, Regulatory Autonomy in Digital Trade Agreements, *Journal of International Economic Law* 27 (2024), 397–423, available at: https://doi.org/10.1093/jiel/jgae025

Mira Burri, The Global Law of Data-Driven Trade, in Mira Burri and Anupam Chander (eds), *The Cambridge Handbook of Digital Trade Law* (Cambridge University Press, forthcoming 2026), available at: https://ssrn.com/abstract=6268818

Anupam Chander and Paul M. Schwartz, Privacy and/or Trade, *University of Chicago Law Review* 90 (2023), 49–135, available at: https://chicagounbound.uchicago.edu/uclrev/vol90/iss1/2/

WTO, *Making Trade and AI Work Together for the Benefit of All* (WTO: World Trade Report, 2025), available at: https://www.wto.org/english/res_e/booksp_e/wtr25_e.pdf
WTO, *Briefing Note: E-Commerce – Post-MC14* (2026), available at: https://www.wto.org/english/thewto_e/minist_e/mc14_e/briefing_notes_e/ecommerce_e.htm
WTO, Agreement on Electronic Commerce (state of play and related documents), available at: https://www.wto.org/english/tratop_e/ecom_e/joint_statement_e.htm

Optional readings for all sessions

Mira Burri, The Impact of Digitalization on Global Trade Law, *German Law Journal* 24:3 (2023), 171–202, available at: https://doi.org/10.1017/glj.2023.29

Mira Burri, Interfacing Privacy and Trade, *Case Western Journal of International Law* 53 (2021), 35–88, available at: https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=2596&context=jil

Mira Burri (ed), *Big Data and Global Trade Law* (Cambridge University Press, 2021), available at: https://doi.org/10.1017/9781108919234

Mira Burri, Maria Vasquez and Anja Mesmer, Understanding Digital Economy Agreements as a New Model of Trade Governance, *Legal Issues of Economic Integration* 52 (2025), 219–250, available at: https://ssrn.com/abstract=5359076

Anupam Chander and Haochen Sun (eds), *Data Sovereignty along the Digital Silk Road* (Oxford University Press, 2023), available at: https://global.oup.com/academic/product/data-sovereignty-9780197582794?cc=ch&lang=en&#

Mira Burri, Digital Trade Law and Human Rights, *AJIL Unbound* 117 (2023), 110–115, available at: https://ssrn.com/abstract=4448426

Tania Voon and Mira Burri, Security Exceptions, Including Cybersecurity, in C. L. Lim and Joel Trachtman (eds), *The Cambridge Companion to World Trade Law* (Cambridge University Press, 2026), 413–432, available at: https://ssrn.com/abstract=4997985

Nick Couldry and Ulises A. Mejias, Data Colonialism: Rethinking Big Data's Relation to the Contemporary Subject, *Television and New Media* 20 (2019), 336–349, available at: https://doi.org/10.1177/1527476418796632

Angelina Fisher and Thomas Streinz, Confronting Data Inequality, *IILJ Working Paper* 2021/1, available at: https://www.iilj.org/wp-content/uploads/2021/04/Fisher-Streinz-Confronting-Data-Inequality-IILJ-Working-Paper-2021_1.pdf

Andrea Andrenelli and Javier Lopez-Gonzalez, Understanding the Potential Scope, Definition and Impact of the WTO E-Commerce Moratorium, *OECD Trade Policy Paper* No 275 (2023), available at: https://doi.org/10.1787/59ceace9-en