

JSCAN is now IJCC: First issue explores AI and metaverse from the perspective of contracting

International Journal of
Commerce and Contracting

2024, Vol. 8(1-2) 3-6

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DOI: 10.1177/20555636241285736

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The *Journal of Strategic Contracting and Negotiation* (JSCAN) was launched in 2015. It was conceived as ‘an international peer-reviewed journal for research and theory about practices that challenge the status quo in strategic contracting and negotiations and the commercial implementation of business strategy or policy’. Fast-forward to 2024, after 22 issues and numerous high-quality scholarly articles and practitioner essays, JSCAN shall carry a new name: ***International Journal of Commerce and Contracting* (IJCC)**.

Why change the name of the journal?

We wanted the journal’s title to reflect the evolution we have seen in this field of research over the years. The initiatives launched by the WorldCC and the variety of contributions we have been receiving emphasise the international dimension of contracting and its deep links with the economic, social, and legal aspects of commerce. The new name intends to reflect this broad scope and give a home to any scholar or professional who wants to share their original thoughts in a multidisciplinary venue for publication.

What is the vision for the IJCC?

The IJCC’s vision builds upon JSCAN’s one. To broaden the existing scope but to keep the necessary focus for a successful journal publication, the new mission includes publications dealing with the complexities of contract theory, commercial strategy and practice, sustainable developments, negotiation strategies, contract design, corporate social responsibility, dispute resolution, and other emerging social, ethical, and regulatory landscapes that underpin modern commerce. Given the multidisciplinary nature of these themes, IJCC will welcome submissions bringing perspectives from the fields of economics, business management, law, international relations, anthropology, finance, international business, marketing, operations, organisational behaviour, organisation studies, political science, project management, psychology, strategic management, and sociology. We hope to create a one-stop-publication forum where academic excellence and commercial acumen meet.

What is the first issue of the IJCC about?

The first issue of the IJCC is a special issue titled *Revolutionising Contracting and Negotiation: The Role and the Promise of AI and Metaverse*. It has been edited by one of the Editors, Dr Boris Praštaló (lecturer in commercial law at Brunel Law School).

Recent technological developments in the field of AI are on the path of revolutionising all aspects of society. AI systems are no longer something that is made available to a select few. At least in terms of sheer use of AI-based tools, such as large language models, everyone with

a laptop or smartphone nowadays has access to it. Not surprisingly, one can read on a regular basis in the mainstream media as well as in the scholarly publications how AI is revolutionising medicine, education, engineering and transportation. AI is expected to be an indispensable tool in the efforts of humanity to tackle global warming as well as to preserve the biodiversity of our planet. Moreover, it is thought that AI will push the world of entertainment industry onto new, previously unimaginable heights. At the same time, many scholars are warning against the risks brought by AI systems in terms of job loss, market disruption, impact on fundamental rights, etc. Given the interests at stake, it is only natural to ask what the implications of AI will be for commerce and contracting, one of the primary focus areas of the IJCC.

Besides AI, another technology that is frequently touted as a potential game-changer of tomorrow is metaverse. While one can think of AI systems as technology that performs and adequately completes tasks for which traditionally an input stemming from the human intellect was needed for the task in question to be carried out successfully, metaverse is a term with quite a loose meaning. One way to think of metaverse is to perceive it as a virtual world that exists in parallel to our analogue one where humans use avatars to maintain their presence and engage in social and business contacts. Although the concrete usefulness of metaverse is often times questioned, it is also argued that metaverse will find its application in an array of different areas such as healthcare, education, remote working, entertainment, e-commerce, etc. Thus, in the same vein as for AI, the pertinent question of interest to the readers of IJCC is the extent to which metaverse is, or will be, relevant for contracting processes and for commerce in general.

The two general questions posed in this section on the impact and relevance of AI and metaverse for contracting are too broad to be answered in simple terms, and thus require answers on a set of numerous sub-questions. In relation to AI, some of these sub-questions have been identified (quoted verbatim here) in a publication by WorldCC¹ (and this is far from being an exhaustive list):

- How are others using AI in contracting?
- Does new technology threaten the need for attorneys?
- What does a lawyer/contract manager of the future look like in 5 and 10 years' time?
- How do we overcome the concern that the use of technology may result in errors and particular circumstances and risks not being accounted for?
- How does the contracting sector balance the benefits of new technology with things like cybersecurity, diversity, equity, and inclusion (DE&I) and climate change?
- Will AI ever match applying human reasoning and evaluation of facts and risk?
- How do we keep up with the pace of AI development and maintain the integrity and accuracy of our documents? How do we ensure a level of oversight?

The IJCC special issue intends to contribute to the debate through five selected contributions, each of them bringing a unique approach in relation to a carefully crafted topic. The aim of each submission is to deepen and inform our understanding of the impact that AI and metaverse are having on contracting, and to analyse their potential future influence.

1. 'AI in Contracting: An Untapped Revolution Insights from the Global Contracting Community', World Commerce & Contracting, July 2023, https://www.worldcc.com/Portals/IACCM/Resources/11556_0_AI%20in%20contracting%20an%20untapped%20revolution.pdf.

The first article in this issue is titled ‘Contracts rethought and redesigned: A new era with AI’, co-authored by Hilja Autto, Helena Haapio and Jouko Nuottila. In the article, the authors explore how generative AI could transform the way contracts are conceived and designed. The second article is a work of Tim Cummins and Keld Jensen, and is titled ‘Friend or foe? Artificial intelligence (AI) and negotiation’. In this article, the authors examine an ongoing experiment investigating the influence of AI in the realm of negotiation. The article offers preliminary insights into the use of machine learning overall, with a specific focus on ChatGPT, in shaping negotiated outcomes. The third article is the one authored by Horacio Falcão, and is titled ‘Making sense of negotiation and AI: The blossoming of a new collaboration’. This article seeks to enhance understanding and shape the future direction of negotiation and AI, emphasising the importance of continued research and development to guarantee ethical, effective, and fair negotiation practices in a future driven by AI. The fourth article in the issue was authored by Pin Lean Lau, and is titled ‘Disrupting MMORPGs gaming: Exploring and renegotiating end-user license agreements in the Metaverse’. As we transition into the next era of the Internet, marked by Web3.0 and the rise of Metaverses, Lau investigates the essential aspects of end-user license agreements used on these platforms that may require renegotiation. This special issue closes with an essay by Margo Lynn Hablutzell in which she gives practical advice on negotiating in the metaverse. The title of her essay is ‘Negotiating in the metaverse—it is more than just avatars’.

Funding

The authors received no financial support for the research, authorship, and/or publication of this article.

Author biographies

Boris Praštalo joined Brunel Law School in 2022 as lecturer in Commercial Law. Before that, he was an assistant professor at the International University of Sarajevo (IUS), Faculty of Law (FLW) where he taught an array of courses, including Business Law, Commercial Law, Private International Law, Introduction to Law and Intellectual Property Law. Prior to joining IUS FLW, he taught and conducted research at Budapest Business School (BGE) under the auspices of the Global Teaching Fellowship Program (GTFP) set up by Central European University (CEU). In 2017, he was a visiting researcher at Cornell Law School where he conducted research under the mentorship of Professor John J. Barceló III. In 2016 he was the Vis Moot coach at CEU. He started his SJD (PhD) studies at CEU in 2014, completing them in 2019 with summa cum laude. His doctoral dissertation titled “Uniformity in the Application of the CISG: Analysis of the Problem and Recommendations for the Future” was published as a book by Kluwer Law International in 2020. His other publications include two monographs/chapters in “*International Encyclopaedia of Laws*” published by Kluwer Law International (1. “*Commercial and Economic Law: Croatia*” and 2. “*Labour Law and Industrial Relations: Bosnia and Herzegovina*”) as well as several scholarly articles published in reputable journals (on topics in areas such as international sales law, international commercial arbitration and investment arbitration). He is fluent in three languages: BHS (formerly known as Serbo-Croatian), English and Spanish. In addition, Boris has an intermediary knowledge of German.

Patricia Živković is an academic specialising in international commercial arbitration and the regulation of AI and biometric data who joined the School of Law at the University of Aberdeen in 2019. Before this, she practised as an arbitration lawyer in Croatia. She co-founded the Young Croatian Arbitration Practitioners, an organisation promoting alternative dispute resolution methods among younger members of the arbitration community. She has extensive experience coaching students for the prestigious Willem C. Vis International Commercial Arbitration Moot Court and has served as an associate editor for the Kluwer Arbitration Blog. She also brings in-house legal expertise from the IT industry, having previously held the Head of the Legal Department role, where she acted as lead legal negotiator, handling licence agreements, service contracts, and disputes arising from existing agreements. Actively involved in the arbitration community, she serves as a member of the Committee of the Northern Chapter of the Scottish Branch of the Chartered Institute of Arbitrators (CIArb) and is part of the Scottish Universities Dispute Resolution Network. She is also co-editor-in-chief of the *Journal for Strategic Management and Negotiation* and a published author. She is currently working on her monograph, *Costs in International Commercial Arbitration*, under contract with Edward Elgar Publishing. Her broader research interests include the applicable law in arbitration and the digitalisation of dispute resolution. Currently, she serves as the programme coordinator for LLM Programmes in Dispute Resolution, both online and on campus. Her role involves liaising with external stakeholders, including the CIArb, being in charge of the curriculum changes, guiding students in their academic journey, and ensuring they receive the best education pathway in the field.

Rossana Ducato is Senior Lecturer of IT Law and Regulation at the University of Aberdeen, School of Law. Her research interests are always pursued in a comparative vein and range from Privacy and Data Protection to Consumer Protection, Intellectual Property Law, Law and Design, and Law and Behavioural Science, with a special focus on the problems related to new technologies and their impact on society. She is the author of several peer-reviewed articles and chapters in scholarly books about issues related to law and technology with particular attention to the platform economy, Big and Open Data, cloud computing, drones, research biobanks, and health information technologies. Previously she was a postdoctoral researcher in Law at Université Catholique de Louvain and Université Saint-Louis de Bruxelles (Belgium) and at the University of Trento (Italy). Over the years, she has accepted as visiting researcher at the Max Planck Institute for Comparative and International Private Law, Hamburg (scholarship holder); the Center for Science, Technology, Medicine and Society (CSTMS), UC Berkeley; the Institute for Information Law (IvIR), University of Amsterdam; Waseda University, Tokyo (Canon Foundation in Europe fellowship); CREATE, University of Glasgow.

Boris Praštalo

Brunel Law School, Brunel University, Kingston Ln, London, Uxbridge, UK

Patricia Živković and Rossana Ducato

School of Law, University of Aberdeen, King's College, Aberdeen, UK