WEEK 1

⇒ 01/18 - Important First Day Stuff.

UNIT I - GENERAL LEGAL CONCEPTS

WEEK 2

⇒ 01/23 – Introduction to Law; the court system; jurisdiction
Sources of law; legal reasoning; federal and state courts

READ Handouts

Cases for Discussion (Found at http://web.lexis-nexis.com/universe):
Katko v. Briney, 183 N.W.2d 657(1971)
McBoyle v. United States, 283 U.S. 25 (1931)

⇒ 01/25 – Chapter 2: Jurisdiction
E-business jurisdiction is global by its very nature. Users almost anywhere in the world may gain access to and transact business with a company owning a Web site. This means a Web merchant runs the risk of being sued in any state or country where a plaintiff can prove a legal action based on contract or tort.

This chapter introduces the judicial doctrine of personal jurisdiction over a non-resident defendant. The chapter reviews the common law evolution of jurisdiction and concludes with its relevance to the online environment. Of special interest is how the common law of jurisdiction can be regulated by contractual agreement. Most commercial Web sites have in their “terms of use” a forum selection and choice of law clause where the user agrees to bring suit in the locality of the Web operator’s choice and be bound by the law of that locality. This clause may obligate the user to pursue a legal claim in a distant foreign jurisdiction at great expense and inconvenience.

READ TEXT pp. 15-31

Cases for Discussion:
Calder v. Jones (Lexis Nexis Academic) vis-à-vis Pavlovich (p. 26) – effects test/DeCSS
Verizon (p. 29) - specific jurisdiction/spam case

WEEK 3

⇒ 01/30 – Chapter 2: Jurisdiction (concluded)

READ TEXT pp. 35 – 41

Cases for Discussion:
UNIT II – TORT AND CONSTITUTIONAL LAW ISSUES IN CYBERSPACE

WEEK 4

➔ 02/06 – Cyber Torts: Chapter 9 – Privacy
The chapter begins with a discussion of the constitutional sources of the right to privacy, and the four common law torts available for invasions of that right. Next, the major federal legislation governing privacy is presented, with emphasis on the privacy issues related to financial and health data collection, on the Electronic Communications Privacy Act of 1986, and other important federal statutes.

The growing use of advertising via e-mail (spamming) is discussed, with mention of the FTC as the regulatory administrative agency, albeit its current solution to the problem is industry self-regulation. The chapter also discusses online profiling and identity theft. Workplace privacy is discussed, including computer usage and monitoring policies. The chapter concludes with a focus on selected global issues involving privacy in cyberspace; the major emphasis is on the European Union Privacy Directive.

READ TEXT pp. 257 - 283

Cases for Discussion:
Katz v. U.S. (p. 261) – reasonable expectations of privacy
In Re Double Click, Inc., Privacy Litigation (p. 281) – Unlawful access to stored communications

➔ 02/08 - Cyber Torts: Chapter 9 – Privacy (continued)

READ TEXT pp. 284 - 292

Cases for Discussion:
Cyber Promotions, Inc. v. AOL, (p.288) – spammers’ free speech versus “spamees” privacy
Compu-Serve, Inc. v. Cyber Promotions, p. 290) – spam as a trespass

WEEK 5

➔ 02/13 – Cyber Torts: Chapter 9 – Privacy (concluded)

READ TEXT pp. 292 - 307

Toys R Us v. Step Two (Lexis Nexis Academic) - relevance of non internet activities
Yahoo (p. 37) international restrictions on U. S. websites

➔ 02/01 – Introduction to General Tort Law

READ Handouts
Cases for Discussion:
*Smyth v. Pillsbury* (p. 294) – employer interception of employee’s e-mail
*Konop v. Hawaiian Airlines* (p. 297) – use of another user’s password to access stored information

Review for Exam I

⇒ 2/15 – EXAM I

**WEEK 6**

⇒ 2/20 – Cyber Torts: Chapter 11 – Defamation
The chapter begins with a discussion of the common law torts of slander and libel. Defamation via bulletin board, e-mail, chat rooms, etc., is likely to be termed libel, because of its permanent nature. The elements needed to prove defamation are discussed as well as the defenses to a suit in defamation. Next, the liability issues of service providers for online defamation are presented followed by a discussion of Section 230 of the Communications Decency Act of 1996, which basically protects service providers from liability in defamation. The “Good Samaritan” blocking defense to a suit in defamation is also presented. The chapter concludes with a brief discussion of some of the jurisdiction and conflict of laws issues arising out of defamation with particular emphasis on the global environment.

READ TEXT pp. 343 - 356

Cases for Discussion:
*Zeran v. America Online, Inc.* (p. 350) – immunity for publishing defamatory statements
*Sidney Blumenthal v. Matt Drudge and America Online, Inc.* (p. 352) – immunity for publishing defamatory statements

⇒ 2/22 – Defamation (concluded)

READ TEXT pp. 356 - 364

Case for Discussion:
*Ellis v. Time* (p. 361) – libel in an international context

Thinking Ahead – “The Project”

**WEEK 7**

2/27 – Chapter 10: Obscenity
The First Amendment freedom of expression is the main legal theory used to determine whether questionable material is protected or can be prohibited by government action. The landmark case, *Miller v. California*, is presented with major focus on its infamous “three prong” test for obscenity. This is followed by a discussion of the government’s attempt to regulate obscenity in cyberspace using the Communication Decency Act as one of its weapons, albeit ill-fated. Child pornography is studied, with emphasis on and discussion of major federal legislation and significant cases. The subject of an employee’s use of their
employer’s computers in the workplace to access adult Web sites is also explored. The chapter concludes with some of the more significant global issues regarding obscenity in cyberspace.

READ TEXT pp. 311 - 319

Cases for Discussion:
Miller v. California, (p. 313)
U.S. v. Thomas (p. 316)
U.S. v. Playboy Entertainment Group, Inc. (p. 322)

→ 03/01 – Chapter 10: Obscenity (concluded)

READ TEXT pp. 319 - 340

Cases for Discussion:
Ashcroft v. ACLU (p. 328)
Osborne v. Ohio, (p. 332)
Uroskey v. Gilmore, (p. 334)

Week 8

→ 03/06 – Project Planning Day

→ 03/08 – No Class (Professor out of town for academic meeting)

→ SPRING BREAK (March 13 – 17)

UNIT III – INTELLECTUAL PROPERTY LAW

Week 9

→ 03/20 – Chapter 3: Trademark

Trademark litigation is at the forefront of online controversy. It typically involves a trademark owner suing a domain name registrant for a “bad faith” or wrongful domain name registration. The registration of an available domain name does not absolve it from potential trademark liability if the owner of the same or a confusingly similar trade name can prove a “bad faith” registration.

This chapter introduces trademark law as it relates to the online environment and its unique technology. It explains how the company name, the domain name, the company logo, the trade dress and the advertising slogan of the Web site may be federally registered trademarks. An online company should seriously consider the federal registration of the trademarks to legally protect its “brand equity.” People buy a product and have faith in its
quality based upon its reputation and name recognition. Therefore, branding the e-business early is essential.

READ TEXT pp. 47 – 62

Cases for Discussion:
Roberts v. Boyd (p. 54) – secondary meaning
Checkpoint Systems v. Check Point Software (p. 59) – confusion

⇒ 03/22 – Chapter 3: Trademark (concluded)

E & J Gallo Winery v. Spider Webs Ltd. (p. 68) – bad faith registration
Playboy Enterprises Inc. v. Wells, (p. 73) – meta tags

WEEK 10

⇒ 03/27 – Chapter 4: Copyrights
Digital music, movies and e-books can all be reproduced and distributed, in violation of copyright law, by a mouse click. Digitized content will have to be protected from copyright infringement with a combination of laws and technology.

There is a balance inherent in copyright law between the exclusive rights of the copyright owner and the public right over the owner’s material under the copyright doctrines of fair use, first sale and public domain.

This chapter introduces copyright law as it relates to the online environment. The chapter first reviews the copyright law in general under the U.S. Copyright Act. Copyright is then explained with emphasis on the exclusive statutory rights of a copyright holder, and the doctrine of fair use as a limitation on copyright ownership. Various theories of copyright infringement are discussed, as well as the remedies available to the infringed party.

Cases for Discussion:
Religious Technology Center v, Netcom (p. 95) – direct, contributory, or vicarious infringement of copyrighted material on a BBS or in a chat room.

⇒ 03/29 – Chapter 4: Copyrights (concluded)

Metro-Goldwyn-Mayer v. Grokster, 125 S.Ct. 2764 (Lexis Nexis Academic) – liability of service providers for music downloading

WEEK 11

⇒ 04/03 – Chapter 5: Trade Secrets
Patent protection is essential for certain types of businesses, but acquiring them is a complex and expensive process. Also, patent law is very restrictive about what can be patented. For these reasons we will focus on the use of trade secret law as the most effective way to protect internet content.
Cases for Discussion:


Review for Exam II

⇒ 04/05 – EXAM II

PART IV – CONDUCTING BUSINESS IN CYBERSPACE

WEEK 12

⇒ 04/10 – Chapter 6: Online Contracting
This chapter introduces students to general concepts and practices related to the formation and execution of contracts in an online forum. The chapter explains how e-commerce has radically changed the online commercial landscape and presents a number of key legal issues related to e-commerce.

⇒ The chapter discusses the prevailing model uniform codes regulating online contracting — the Uniform Computer Information Transactions Act (UCITA) and the Uniform Electronic Transactions Act (UETA).

Topics such as the validity of electronic signatures and software licensing agreements are also discussed. Two court cases highlight the treatment of “shrink-wrap” licensing agreements by courts. The chapter also discusses insurance and the protection against online business risk. The chapter concludes with a summary of developing international laws regulating electronic commerce.

READ TEXT pp. 151 - 161

⇒ 04/12 – Chapter 6: Online Contracting (continued)

READ TEXT pp. 161 – 182

Cases for Discussion:
ProCD, Inc. v. Zeidenberg (p. 177) – validity of shrink-wrap agreements
Specht v. Netscape (p. 179) – What constitutes contractual assent in cyberspace?

WEEK 13

⇒ 04/17 – Chapter 6: Online Contracting (concluded)

READ TEXT pp. 182 - 192

Cases for Discussion:
State Auto Property & Casualty v. Midwest Computers (p. 183)
American Guarantee v. Ingram Micro (p. 184)

04/19 – Prepare for Presentations

WEEK 14

04/24 – Presentation
04/26 – Presentation

WEEK 15

05/01 – Presentation
05/03 – Presentation

May 10 - Final Papers Due