

CYBERLAW, IT 808
2002 Syllabus
Adjunct Prof. David J. Loundy

Goals & Purpose of Course:

This course will address basic on-line legal issues and the context surrounding the development of Internet law.

The class meets from 6:00-9:00PM on:

Monday, June 10
Wednesday, June 13
Monday, June 17
Wednesday, June 20
Monday, June 24
Wednesday, June 27
Monday, July 1
Monday, July 8
Monday, July 15
Monday, July 22

Grading:

The grade will be based on three components:

25% of the grade will be for class participation. The class participation grade is based on **quality**, not **quantity**, and is necessarily subjective. Obviously, failure to do the reading will impair your ability to participate in class. I assign one participation point for attending class. Any concerns about this portion of your grade should be addressed with me early, while there is still time for corrective action.

35% of the grade will be for the first paper. The first paper will be an analysis of a specific legal scenario in a "memo to the partner" form. It is due on or before class on July 8, 2002. It should be 5-10 pages long. It should be a complete but succinct analysis of the problem raised. It must give practical advice.

40% of the grade will be for the final paper. It is to be a critical analysis, with appropriate research support, of a case of your choosing decided during 2002 related to one of the topics covered in class. The paper should be publishable quality and should be 2,000-5,000 words in length. The length is chosen as a typical length for a practitioner-based legal journal. Please see me if you need help choosing a case, or if you would like assistance submitting your paper for publication. The paper may be submitted at any time during the course of the semester, but no later than the end of the last class period. However, I reserve the right to grade the papers together once they have all been submitted.

The paper grading is based on factors such as: depth and appropriateness of research, the analytical quality of the written product, how well the written piece addresses the

question asked in the assignment, overall readability, and mechanics (grammar, spelling, proper citations, etc.). I prefer papers be submitted on paper, and in electronic form. One point is deducted for every day an assignment is late. The final grade will be assigned according to a rough bell curve, and thus there is no set formula, as the final grades will be determined by the quality of the class as a whole.

Prerequisite:

Informal prerequisites include at least marginal familiarity with computers and electronic communication (e-mail, Web surfing, etc.). Some of the topics and readings may get somewhat technical-- please do not hesitate to ask for clarification if topics or terminology are unfamiliar. If you do not ask for clarification, it will be assumed that you understand the material.

I do not have formal office hours, but I am usually in the Center offices every week day from 9-5 and before class. I am available to discuss class-related issues by phone in my office at (312) 987-1445, by e-mail at 6Loundy@jmls.edu, or in person by appointment, or you can drop in and see if I am available.

Topical Outline (details subject to change):

DAY 1: THE REGULATORY STRUCTURE

Technical Governance

A Brief History of the Internet

Request for Comments 1958: Architectural Principles of the Internet

Jurisdiction, the Dormant Commerce Clause, and Trans-Border Data Flow

Zippo Manufacturing v. Zippo Dot Com.

American Information Corp v. American Infometrics, Inc.

ALA v. Pataki

U.S. v. Kammersell

Playboy Enterprises, Inc. v. Chuckleberry Publishing, Inc. (Initial opinion & opinion on reconsideration)

Regulation of Private Communities by the Community Owner

Marsh v. State of Alabama

Cyber Promotions v. America Online

"Internal" Regulation of On-Line Communities

Law and Borders-- The Rise of Law in Cyberspace

A Rape in Cyberspace

The First Internet War

DAY 2: THE REGULATORY STRUCTURE (II)

Governance by Technology-Imposed Restrictions.

The Futility of Regulation and the Creation of Data-Havens

Self-Help Remedies as Internet Governance

A Case Study: Junk E-Mail and Its Regulation

DAY 3: THE BUSINESS STRUCTURE

Contract Formation

Property Interests

DAY 4: THE BUSINESS STRUCTURE (II)

Netiquette

On-line Privacy

Regulated Industries

Money Issues

DAY 5: SPEECH

Indecency/Obscenity

Child Pornography

DAY 6: SPEECH (II)

Defamation

Hate Speech

DAY 7: INTELLECTUAL PROPERTY

Copyrights

DAY 8: INTELLECTUAL PROPERTY (II)

Trademarks

Trade Secrets

DAY 9: CRIME

Economic Espionage

Computer Intrusions and Attacks

Computer Viruses, Time Bombs, Trojans and Malicious Code

Theft of Service

DAY 10: CRIME (II)

Interception of Electronic Communications

Search And Seizure

Online Stalking

Online Fraud