

IT 808: Cyberspace Law
The John Marshall Law School
Professor David E. Sorkin
Spring 2005

SYLLABUS

Overview

This seminar addresses the wide range of legal problems related to the Internet. Seminar participants are expected to read the assigned materials before each class, participate actively in class, prepare and deliver an in-class presentation, and write and defend a thesis paper of publishable quality. The course meets on Monday evenings from 6:00 to 9:00 pm, on the dates set forth in the schedule below.

The website for the seminar is located at www.informationtechnologylaw.com.

Instructor

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Textbook

Patricia L. Bellia, Paul Schiff Berman & David G. Post, *Cyberlaw: Problems of Policy and Jurisprudence in the Information Age* (2d ed., West 2004) (ISBN 0-314-15512-0, publisher's list price \$90). (The Spring 2005 supplement is available in electronic form on the seminar website.)

Course requirements and grading

(1) Attendance and participation: Regular attendance at and active participation in seminar meetings is required. Since the course is being taught in an interactive seminar format, notes and videotapes are not an adequate substitute for in-person attendance and participation. Students who miss more than two sessions will not be eligible to receive credit for the course unless alternative arrangements have been made in advance. Class participation will constitute 10% of the final course grade.

Course requirements and grading, continued

(2) In-class presentation: Each student will be assigned to prepare and deliver a presentation on a particular case or development during the course. This presentation should explain the significance of the case or development, offer additional information beyond that provided by the assigned readings, and include a critical assessment or substantive recommendations rather than merely descriptive information. The time allocated for these presentations may vary, but likely will be approximately 30 minutes.

Students may submit one or more proposed topics for these presentations on or before the second class meeting (January 31), and will be notified of their assigned topics and presentation dates before the third class meeting (February 7). (Note that the same topic may not be used for both the in-class presentation and the thesis paper.) The in-class presentation will constitute 20% of the final course grade.

(3) Thesis paper and oral defense: Each student must write and defend a thesis paper of a style and quality suitable for publication. The length should fall in the range of 2,000 to 4,000 words, not including citations. Students may select a topic of their choice (within the scope of the course), subject to approval by the instructor. A proposed topic and thesis statement should be submitted on or before February 28. The topic for the thesis paper cannot be substantially the same as the topic of the student's in-class presentation.

A draft of the thesis paper must be completed, submitted to the instructor, and distributed to other seminar participants no later than April 4. The draft need not be polished or even complete, but it should provide seminar participants with a sufficient basis to understand the subject matter and the author's thesis. It should reflect substantial research and thought; a bare outline or research plan is not adequate. The draft will not be graded, although its adequacy may affect the grade assigned to the completed paper.

Each student will prepare and present an oral defense of his or her paper during one of the last two seminar meetings (April 11 and 18). The oral defense is analogous to that required for a master's thesis or doctoral dissertation, although it will not be as formal or intensive. The final draft of the paper is due on April 25.

Drafts and final papers submitted after the above deadlines will be subject to the following late penalties:

- By 12:00 noon on the day after the due date: no penalty
- Up to one week late: One full letter grade deduction from thesis paper grade
- More than one week late: Two full letter grade deduction

Electronic submission of drafts and completed papers is encouraged. Absent exceptional circumstances, no papers will be accepted after May 9.

Course requirements and grading, continued

Thesis papers will be evaluated based primarily upon three factors: originality and difficulty of the problem; depth and clarity of analysis; and persuasiveness of argument. Proper use of authority is required. Citations should be rendered in a standard form, and should appear in footnotes or endnotes. Reference to materials beyond the assigned readings may be required, depending upon the topic, although exhaustiveness of research is not a primary basis upon which papers will be evaluated.

The thesis paper will constitute 50% of the final course grade, and the oral defense of the paper will constitute 20% of the course grade.

Semester schedule

January 24	Introduction. Read pages 1-23 in the casebook.
January 31	Trespass to chattels. Casebook pp. 25-48. Consumer confusion and online trademarks. Casebook pp. 48-65. Domain names and search tools. Casebook pp. 312-333.
February 7	Jurisdiction. Casebook pp. 73-74, 93-167.
February 21	Enforcement and internationalization. Casebook pp. 167-231. Private regulatory entities. Casebook pp. 358-392.
February 28	Copyright protection. Casebook pp. 269-312. Filtering speech. Casebook pp. 392-394, 412-459. <i>Proposed thesis paper topic and thesis statement due.</i>
March 7	Liability of service providers. Casebook pp. 498-540; supplement pp. 9-18; casebook pp. 550-554. Anonymity. Casebook pp. 555-571.
March 21	Access to data. Casebook p. 633-657. Online contracts. Casebook pp. 657-658, 667-681.
April 4	No class meeting; <i>draft of thesis paper due.</i>
April 11)
) Oral defenses of thesis papers.
April 18)
April 25	No class meeting; <i>completed thesis paper due.</i>