

IT 808: Cyberspace Law
The John Marshall Law School
Professor David E. Sorkin
Fall 2009

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, and complete a thesis paper and other assignments listed on this syllabus. The course meets on Monday evenings from 6:00 to 9:00 pm.

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* (3d ed., West 2007) (ISBN 978-0-314-16687-6, list \$144).

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 the maximum number of class sessions as provided by law school policy 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.

(2) Journal: Each student is to keep a journal comprised of informal reports on the material addressed in each class session, beginning with the second class. The reports may vary in length, but an average length of 500 words is expected. The report for each week's report is due by 12:00 noon on the following Monday. Reports may be submitted directly to the instructor by e-mail, or may be posted on a blog or other publicly accessible website (in which case a link should be submitted to the instructor). The reports may summarize the material addressed in class (i.e., the assigned readings, in-class discussion, or both), provide an update of recent developments, or address a particular aspect of the assigned topic in greater depth. The journal will constitute 30% of the final grade.

(3) In-class presentations: Each student will be assigned to prepare and deliver in-class presentations, either individually or as part of a panel, on three topics during the course of the semester. The student or panel will give a brief presentation on the topic, explaining its significance and, ideally, offering some additional information beyond that provided by the assigned readings, or a critical assessment rather than merely description; and will facilitate class discussion of the topic. (In the event that a student is unexpectedly absent on the date that he or she has been assigned to deliver an in-class presentation, a written report on the assigned topic may be submitted as a substitute for the presentation. This report should be approximately 1,500 to 3,000 words in length.) Each of the three assigned presentations will constitute 10% of the final grade, for a total of 30%.

(4) Thesis paper: Each student must write a thesis paper, with a length of 3,000 to 5,000 words, not including citations. Students may select a topic of their choice (within the scope of the seminar), subject to approval by the instructor. A proposed topic and thesis statement should be submitted by October 19; a substantially complete draft of the paper is due by November 16; and the final paper is due on December 7. (The draft and final paper may be submitted via e-mail attachment in Microsoft Word or PDF format.) If time permits, each student will deliver a brief in-class presentation regarding his or her thesis paper. The paper should reflect substantial research and thought; a paper that includes only descriptive background material and little or no analysis is not acceptable. Thesis papers will be evaluated based primarily upon three factors: depth and clarity of analysis; originality and difficulty of the problem; 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. The paper will constitute 30% of the final grade.

Late policy: Assignments must be submitted on or before the due date unless an extension for good cause is requested in advance and approved by the instructor. Late assignments will be penalized by a deduction of one full letter grade for each 24 hours or portion thereof following the due date. Absent exceptional circumstances, no assignments will be accepted after December 22. For further information, see Late Work and Extension Requests, on the seminar website.

Semester schedule

- August 24 Introduction. Read pages 1-20 in the casebook.
- August 31 Metaphor and Analogy. Read pp. 21-62.
Topics for in-class presentations will be assigned on or about Sept. 1. Class will not meet on September 7 (Labor Day).
- September 14 Geography and Sovereignty. Read pp. 63-112.
- September 21 Geography and Sovereignty, continued. Read pp. 112-149; *Dedvukaj v. Maloney*, 447 F. Supp. 2d 813 (E.D. Mich. 2006); *Interactive Media Entertainment & Gaming Ass'n, Inc. v. Wingate*, 2009 WL 142995 (Ky. App. Jan. 20, 2009).
- September 28 Legal versus Technological Regulation. Read pp. 195-284, 377-387; *Ticketmaster L.L.C. v. RMG Technologies, Inc.*, 507 F. Supp. 2d 1096 (C.D. Cal. 2007).
- October 5 Governing Domain Names. Read pp. 166-193, 284-295; *Sina.com Online v. CyberTavern, LLC*, No. FA1235499 (Nat'l Arb. Forum Jan. 13, 2009); *Falwell v. Lamparello Int'l*, No. FA198936 (Nat'l Arb. Forum Nov. 20, 2003); *Lamparello v. Falwell*, 420 F.3d 309 (4th Cir. 2005); *Daimler AG v. Wood*, No. D2008-1712 (WIPO Feb. 25, 2009).
- October 12 Public versus Private Regulation. Read pp. 295-327.
- October 19 Speech Regulation. Read pp. 389-426.
Proposed thesis paper topic and thesis statement due October 19.
- October 26 Speech Regulation, continued. Read pp. 426-479.
- November 2 Intermediaries. Read pp. 481-532; *Chicago Lawyers' Committee v. Craigslist, Inc.*, 519 F.3d 666 (7th Cir. 2008); *Fair Housing Council v. Roommates.com, LLC*, 521 F.3d 1157 (9th Cir. 2008) (en banc).
- November 9 Intermediaries, continued. Read pp. 532-560.
- November 16 Information Enclosure. Read pp. 679-698.
Draft of thesis paper due November 16.
- November 23 Information Enclosure, continued. Read pp. 698-732.
- November 30 Last class meeting.
Thesis paper due December 7.