

**SYLLABUS FALL 2009**

**COMPUTERS AND THE LAW**  
**Prof. Elaine Zacharakis Loumbas**  
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**Course Objectives:** : This seminar seeks to bridge the gap between common law and statutory law concepts and problems introduced by the digital computer and the internet. Students have an opportunity in this seminar to examine various disciplines in the law from the perspective of the modern day computer technology-oriented problems. Subjects include an introduction to computer systems, hardware and software; legal aspects of sale or lease of computer goods and services; issues of contract and tort liability relative to marketing and use of computers and the internet; special problems in commercial, intellectual property and information law arising from computer and internet use.

**Books to Read (pre-reading assignments):**

- (1) *The Cuckoo's Egg* by Clifford Stoll (please finish by April 7, 2009)
- (2) *The Big Switch – Rewiring the world, from Edison to Google* by Nicholas Carr (selected readings, as described in the syllabus; relevant, but optional to read the entire book)

**On-line Materials:**

**Reading materials for this course are available on Westlaw's TWEN system.**

**Following are directions for accessing these on-line materials:** Students can reach TWEN in two ways. 1) Login through [www.lawschool.westlaw.com](http://www.lawschool.westlaw.com) and click on "View All My TWEN Courses." or 2) Go to [www.lawschool.westlaw.com](http://www.lawschool.westlaw.com), click on the TWEN tab, and then login. You can then click on Drop/Add Course. Select: "Computers and the Law". *An updated syllabus with current reading assignments will be posted on TWEN periodically as the class progresses.*

**Assignments:** There will be 2 written assignments for the class. The first assignment is due on March 3, 2009. Please select a topic related to how technology has impacted the law. Find 5-10 articles on your topic. Please write a paper maximum of 10 pages typed single spaced about your topic. Please add your own thoughts on how laws should change to accommodate changes in technology. Use the articles to support your arguments. Please present to the class. Power point slides recommended, but not required. Sign up sheets for presentations will be provided for March 3, 2009 & March 10, 2009.

**Grading:** Assignment # 1 is 30% of the grade, the presentation is 20% of the grade, Assignment # 2 is 30% of the grade and class participation is 20% of the grade.

**Lecture #1 - February 3, 2009 - Technology and the Law:** This class will provide an overview of the course and will examine in general terms how technology has impacted the law. *Please be prepared to discuss the Dennis Kennedy article and compare it to the 1990s Litowitz article.*

Reading Assignments (Available with On-line Materials):

- (1) Frank H. Easterbrook, "Cyberspace and the Law of the Horse"
- (2) Douglas E. Litowitz, "Has Technology Improved the Practice of Law?"
- (3) [http://www.denniskennedy.com/blog/2005/12/the\\_fully\\_connected\\_law\\_firm\\_a.html](http://www.denniskennedy.com/blog/2005/12/the_fully_connected_law_firm_a.html)
- (4) Chapters 3 & 4 of the *Big Switch*

**Lecture # 2 - February 10, 2009 - Technology and Technology Law 101:** Merriam-Webster defines a computer as a "programmable electronic device that can store, retrieve, and process data." What exactly does that mean? And how has it changed the practice of law? In addition to understanding the basics of the technology, the first class will introduce the basics of intellectual property law. We'll discuss traditional copyright, trademark, patent, and trade secret law. Throughout the course we'll look at how these traditional bodies of law have changed in the digital world. In this class, we'll begin looking at copyright. When is a copy a violation of copyright law and when is it just a necessary part of running a computer?

Reading Assignments:

- (3) *MAI v. Peak Computer Systems*
- (4) *Sony Computer Entertainment v. Connectix*
- (5) *Bragg v. Linden Research Inc.*
- (6) *Feldman v. Google, Inc.*

**Lecture # 3 - February 17, 2009 - Privacy and Databases:** Computers have had massive effects on our society and our lives. On a day-to-day basis, a number of these changes have come as the result of databases which easily store and sort massive amounts of data. Does interconnecting the data from these databases threaten our privacy? Should we care?

Reading Assignments: [To be Determined]

**Lecture # 4 - February 24, 2009 - A Bit of a Byte of Copyright:** In addition to flexibility, computer systems allow very efficient copying of information from one computer to another. This potentially poses a threat to copyright holders. This potentially poses a threat to copyright holders. Or does it? Today, one of the issues that brings this clearly to light is P2P transfer to music through Napster, KaZaA, and other similar services. While these services may demonstrate the threat computers pose to copyright holders, they also potentially open entirely new and efficient distribution channels. Whose interests should prevail?

Reading Assignments (Available with on-line materials):  
[To Be Determined]

**DUE DATE FOR 1<sup>st</sup> Assignment - March 3, 2009**

**Lecture # 5 - March 3, 2009 - Student Presentations**

**Lecture # 6 - March 10, 2009 - Student Presentations**

**(No Class – Spring Break – March 17<sup>th</sup>)**

**Lecture # 7 - March 24, 2009 - Trademarks, Domains & an Introduction to Digital IP:** Offline trademark law is established and stems from the common law, state law and Federal law. It is established that you can establish a trademark in a word or phrase you use to promote your trade. Multiple users can hold rights in the same mark if they are in different industries (e.g. Delta Airlines, Delta Tools, and Delta Faucets). However, online you can only have one delta.com, so who should get it? How are domain disputes resolved?

Reading Assignments (Available with on-line materials):  
[To Be Determined]

**Lecture # 8 - March 31, 2009 - Digital Ownership: Licensing -**  
[To be Determined]

**Lecture # 9 - April 7, 2009 – Spam, Viruses, Hackers and other On-line**  
Book Due: *The Cuckoo's Egg* by Clifford Stoll. Please be prepared to discuss the book during class.

**Lecture # 10 - April 14, 2009 - Protecting Secrets and Inventions in a Digital World**  
[To be Determined]

**(Please hold April 21, 2009 for a make up class, if needed)**

**DUE DATE FOR 2<sup>nd</sup> Assignment - April 28, 2009**