



Internet Law (Law 793)
Professor Eric Goldman
Fall 2012

1. SESSIONS. The course meets in Bannan 127 Mondays and Wednesdays 4:10-5:25 pm from August 13 to November 21 with the following exceptions:

- We will not meet on September 3 (Labor Day), 5 (traveling), 17 (Rosh Hashana) or 26 (Yom Kippur) or October 8 (Fall recess)
- We will have makeup sessions from 1-3 pm on August 24 (Bannan 127) and September 28 (Bannan 142)

2. READER. Please download the course reader PDF for free from Claranet. If you want a hard copy, you may print the PDF. In Claranet, I've posted a letter authorizing copyshops to print the course reader file if you encounter any copyright trouble.

3. GRADING.

Attendance. In-class material and discussions are crucial to this course, so I expect you to attend every class session, including the makeup sessions. However, because our lives are unpredictable, you have five “free passes” for unexcused absences. Let me know about an upcoming absence only if you are requesting that I excuse it. I excuse absences only for very good cause; and job interviews don't qualify (although they are good news!). Your sixth unexcused absence may trigger a significant penalty to your final course grade. At my option, I may drop you from the course or give you an F upon a seventh unexcused absence.

Grading. Except for adjustments due to excessive unexcused absences, the final exam will constitute 100% of the course grade. The final exam will be a take-home exam, probably consisting of 2 essay questions with a maximum word count for each. You will be able to check out the exam on any of the following days at any time the Faculty Support Office (FSO) is open: November 26-29 or December 3-6. Your exam will be due to the FSO before 4:30 pm the day after you check out your exam (and you must return it when the FSO is open). I don't anticipate that we will distribute exams, or accept exam answers, electronically.

Important note: I do not accept late exams. **You will fail the course if your exam is not returned on time—even you are late by only 1 minute.** Please don't learn the hard way how seriously I take deadlines.

I strongly encourage you to review my past exams to understand my exam style. You can find past exams and sample answers at my website (note the law may have changed in the interim).

4. RECORDING. I hope to audio- and video-record all course sessions (except guest lectures) and distribute those recordings to you. I anticipate uploading the audio recordings to

iTunesU, which is available to the public. If you have any concerns about being recorded, please let me know ASAP.

5. OFFICE HOURS. Unless I am teaching class, at a meeting or traveling, I am typically in my office between 9:30 and 6 M-F. I can schedule a time to speak with you at your convenience. Please email me to make an appointment. I'm also happy to talk by email.

6. READINGS.

Note: I've removed the statutes and related private rulesets from the reader, but where I reference statutes below, I will expect you to be prepared to apply those materials on the exam.

What is Cyberspace? Who Regulates It?

ACLU v. Reno (CDA I District Ct. Facts Only)	Page 1
Noah v. AOL (E.D. Va.)	19
Geolocation: Core To The Local Space And Key To Click-Fraud Detection	28

Jurisdiction

Evaluating if Personal Jurisdiction is Proper	37
Toys 'R' Us v. Step Two (3d Cir.)	38
Illinois v. Hemi Group (7th Cir.)	47

Optional (recommended for International students):

<http://informingscience.org/proceedings/IS2003Proceedings/docs/029Glads.pdf>

Contracts

Specht v. Netscape Communications (2d Cir.)	49
Register.com v. Verio (2d Cir.)	68
Harris v. Blockbuster	78

Trespass/CFAA

Review: the Computer Fraud & Abuse Act, 18 USC §1030

[<http://www.law.cornell.edu/uscode/text/18/1030>], and California Penal Code §502

[<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=00001-01000&file=484-502.9>]

Comparison of Trespass to Chattels Doctrines	81
Intel v. Hamidi (Cal. Sup. Ct.)	82
Register.com v. Verio (Trespass to Chattels Section)	102
WEC Carolina Energy Solutions LLC v. Miller (4th Cir.)	103

Copyright

Copyright Office Circular 1	108
Fair Use Summary	115
Cartoon Network v. CSC (2d Cir.)	116
MGM Studios v. Grokster (Sup. Ct.)	126

Secondary Liability

Review: 17 USC §512 [http://www.copyright.gov/title17/92chap5.html#512]	
UMG v. Shelter Capital (9th Cir.)	138
Celebrating (?) the Six-Month Anniversary of SOPA's Demise	153

Recap

Ticketmaster v. RMG	159
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Trademarks and Domain Names

Review: 15 USC §1114 [<http://www.law.cornell.edu/uscode/text/15/1114>], 15 USC §1125 [<http://www.law.cornell.edu/uscode/text/15/1125>] and 15 USC §8131 [<http://www.law.cornell.edu/uscode/text/15/8131>]

Trademark FAQs	171
Trademark Glossary	173

Domain Names and Metatags

Review: ICANN Uniform Domain Name Dispute Resolution Policy [http://www.icann.org/en/help/dndr/udrp/policy] and Rules for Uniform Domain Name Dispute Resolution Policy [http://www.icann.org/en/help/dndr/udrp/rules]	
Lamparello v. Falwell (4th Cir.)	176
Promatek v. Equitrac (7th Cir.) Original Order and Revision	188

Search Engines

Review: Google's Trademark Policy [http://support.google.com/adwordspolicy/bin/answer.py?hl=en&answer=6118] and [http://support.google.com/adwordspolicy/bin/answer.py?hl=en&answer=144298]	
Network Automation v. Advanced System Concepts (9th Cir.)	195
(we'll skip Tiffany v. eBay, but it's a worthwhile read if you're motivated)	

Pornography

Pornography Glossary	222
Reno v. ACLU (Sup. Ct. 1997)	223
Ashcroft v. ACLU (Sup. Ct. 2004)	242

Defamation and Information Torts

47 USC §230	256
Zeran v. America Online (4th Cir.)	259
Fair Housing Council v. Roommates.com (9th Cir. en banc)	265

Privacy

Review: 16 CFR Part 312 [http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title16/16cfr312_main_02.tpl]	
In re. Pharmatrak (1st Cir.)	293

Spam

Review: CAN-SPAM Act of 2003 [http://uscode.house.gov/download/pls/15C103.txt] and 16 CFR Part 316 [http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&rgn=div5&view=text&node=16:1.0.1.3.40&idno=16]	
Where's the Beef? Dissecting Spam's Purported Harms	303
MySpace v. theglobe.com	311

Blogs and Social Networking Sites

The Third Wave of Internet Exceptionalism	319
Doe v. MySpace (5th Cir.)	321
Zimmerman v. Weis Markets	328
In re Rolando S.	331
Moreno v. Hanford Sentinel (Cal. App. Ct.)	336

7. CONTACT INFORMATION.

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When emailing me, please reference "Internet Law" in the subject line to avoid unintentional deletion as spam. This also helps me sort my emails between my two classes.

If you want to see some of the Internet Law issues I'm tracking, consider reading my blogs [<http://blog.ericgoldman.org> or <http://blogs.forbes.com/ericgoldman>] or following me at Twitter [username @ericgoldman]. More course-related materials, including an electronic copy of this syllabus, are available at my personal website, <http://www.ericgoldman.org/cyberlaw.html>.