



Internet Law (Law 793)
Professor Eric Goldman
Spring 2023

1. Meeting Sessions and Attendance. We will meet in Charney 207 every Tuesday and Thursday, 10:30am to 11:45am, from January 10, 2023 to April 25, 2023, except not on February 21 (administrative Monday) or March 14 & 16 (Spring Break). Our in-person sessions will strictly adhere to any university-mandated COVID protocols, including mask mandates (I take extra COVID precautions because my wife is immunocompromised).

Your attendance is critical to your success in the course, plus your peers can't learn from you if you're not around. As a result, I expect 100% attendance. Students who achieve that will get a small prize. I will circulate a sign-in sheet each session; make sure you sign it. However, because life is uncertain, you have 5 "free passes" to cover unexcused absences. You don't need to let me know when you're using a free pass. Any additional unexcused absence will have significant adverse consequences on your course grade.

2. Book. You can download the book PDF for free in Camino. If you want a printed version, you can buy a [softcover version](#) (\$20) or [hardcover version](#) (\$28).

3. Office Hours. I am usually on campus 9am-7pm every weekday, and I'm happy to schedule a meeting at your convenience. Email me some proposed meeting times. I generally prefer outdoor masked or virtual meetings.

4. Course Learning Objectives.

- Learn the basic nomenclature and concepts of Internet technology.
- Understand Internet exceptionalism and some arguments for and against it.
- Learn the basic nomenclature and doctrinal principles of Internet law.
- Practice brainstorming legal and non-legal options to business problems and evaluating the pros/cons of those options.
- Practice writing about Internet law topics in different formats.
- Consider the conceptual and practical dilemmas that arise when applying laws to rapidly developing technologies, and develop practical ways to cope with these dilemmas.

5. Schedule, Assignments, and Grading.

Week	Topics	Other
1 (Jan. 10 & 12)	Class Intro, Definition of the “Internet,” Internet Exceptionalism	Self-introduction due January 15, 5pm Paper #1 due January 15, 5pm
2 (Jan. 17 & 19)	Geography, Jurisdiction	
3 (Jan. 24 & 26)	Contracts (Formation)	
4 (Jan. 31 & Feb. 2)	Contracts (Amendment)	Paper #2 due February 5, 5pm
5 (Feb. 7 & 9)	Trespass to Chattels	Course survey due February 12, 5pm
6 (Feb. 14 & 16)	Copyright (Prima Facie, Volition, Inducement)	
7 (Feb. 23)	Copyright (512)	
8 (Feb. 28 & Mar. 2)	Copyright (Veoh), Ticketmaster	Midterm due March 5, 5pm
9 (Mar. 7 & 9)	Trademarks (Prima Facie, Domain Names, Metatags)	Midterm feedback due March 12, 5pm
10 (Mar. 21 & 23)	Trademarks (Keyword Ads), Pornography, Publication Torts, Sec. 230 (Overview)	
11 (Mar. 28 & 30)	Sec. 230(c)(1)	
12 (Apr. 4 & 6)	Sec. 230(c)(2), Content Moderation	Paper #3 due April 9, 5pm
13 (Apr. 11 & 13)	Privacy, Spam	Paper #4 due April 16, 5pm
14 (Apr. 18 & 20)	Social Media, Guest Lecture	Cumulative multiple choice exam due April 23, 5pm Complete the course evaluation
15 (Apr. 25)	Exercises	Paper #5 due April 30, 5pm Last chance for Qs: April 30, 11pm
Finals (May 1-15)		Paper #6 due May 15, 1pm Final exam due May 15, 1pm

Graded Assignment/Description	Scoring
Weekly quizzes/exit tickets (weeks 1-13). Quizzes are due each Sunday at 5pm	1 point/week for timely completion
Introduce yourself in the Camino discussion group	1 point for timely completion
Paper #1: Why are you taking this course, and what outcomes do you hope to achieve? (500 words max)	0/1/2
Paper #2: Pick a website/app of your choice and evaluate if you think a court would uphold its TOS formation process, EXCLUDING any product/service from Google/YouTube, Amazon, Apple, Twitter, or Facebook/Instagram/WhatsApp. (no word limit; include screenshots)	0/1/2
Midterm and Midterm Peer Review	0/2/4
Paper #3: Read Sections 1-8 of the “Dancing with Bigfoot” case study. Analyze (1) Bigfoot on the Strip’s defamation case against Randy, and	0/1/2

(2) if Bigfoot on the Strip also sued TripAdvisor for Randy's review, TripAdvisor's Section 230 defense against a defamation claim. (1,000 words max)	
Paper #4: Complete all three rounds of https://takedown.thecgo.org/ (warning: graphic content). Write a paper reflecting on the exercise. You can discuss your reactions to the exercise in total or to any specific question. (500 words max)	0/1/2
Paper #5: Review your Paper #1 and explain whether your course outcomes matched your objectives. Discuss what steps, if any, you or I could have taken to improve your outcomes. (500 words max)	0/1/2
Complete the open-book/open-notes multiple-choice exam at https://j.mp/2XwxxGJ . Use your scu.edu email address.	4 points for timely completion, otherwise 0
Paper #6: Explain ONE thing that surprised, frustrated, or angered you the MOST about Internet Law and why it made you feel that way. (750 words max)	0/1/2
Final Exam	0-40 (approx.)

Deadlines. **Late submissions automatically get a zero.** Camino's/Google Docs'/Examsoft's timestamps are irrefutable.

Submissions. Upload papers to the associated Camino assignment. Include your name and word count. I'm OK with Word or PDF submissions.

Midterm. The exam will be a one-question essay with a word count cap. I will send one of your peer's answers to you along with a grading rubric/sample answer, and you will evaluate your peer's answer. Eventually, I will deliver your peer's evaluation of your answer, along with my comments, to you. You will get the full points if you take both the exam and your peer review seriously and complete both pieces on a timely basis (subject to process violations).

Final Exam. The final exam will have 1 or 2 essay questions and a maximum word count. **YOU WILL FAIL THE COURSE IF YOUR FINAL EXAM IS LATE OR EXCEEDS THE WORD COUNT CAP.**

6. Contact. Email me at egoldman@gmail.com. Put "Internet Law" in your subject line to avoid unintentional deletion as spam.

Stay up-to-date with the latest Internet Law developments at my blog [<http://blog.ericgoldman.org>] and on Mastodon [<https://mastodon.lawprofs.org/@ericgoldman>]. More course-related materials are available at [<http://www.ericgoldman.org/cyberlaw.html>].

Additional Disclosures

The following disclosures are mostly based on <https://www.scu.edu/provost/faculty-affairs/other-policies-procedures/teaching-expectations/>.

I emphasize that **the California legislature has made me a MANDATORY REPORTER of any incidents (that you mention to me or I see) of sexual harassment, including sexual battery, sexual violence, and sexual exploitation, as well as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature—whether the incident happened at SCU or elsewhere.**

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Academic Integrity

The Academic Integrity pledge, which applies to all students, states:

I am committed to being a person of integrity. I pledge, as a member of the Santa Clara University community, to abide by and uphold the standards of academic integrity contained in the Student Conduct Code.

I expect you to uphold the principles of this pledge for all work in this class and to comply with the law school's [Academic Integrity Policy](#). If you have questions about what is appropriate on any assignment, please let me know before you hand in work. You must obtain my written pre-approval before you submit any work prepared, in whole or in part, using AI chatbots/authoring tools like ChatGPT.

For more resources about ensuring academic integrity in your work, including the appropriate use of course-sharing sites such as Chegg, see <https://libguides.scu.edu/academic-integrity> and www.scu.edu/academic-integrity.

Discrimination, Harassment, and Sexual Misconduct (Title IX)

Santa Clara University is committed to providing all students with a safe learning environment free of all forms of discrimination, sexual harassment, and sexual violence.

As a faculty member, California law SB 493 requires me to report any information brought to my attention about incidents of sexual harassment or misconduct to the SCU Equal Opportunity and Title IX Office, (408) 551-3043. This includes, but is not limited to, disclosures in writing assignments, class discussions, and one-on-one conversations.

Should you need support, SCU has dedicated staff trained to assist you in navigating campus resources, accessing health and counseling services, providing academic and housing accommodations, helping with legal protective orders, and filing a formal complaint with the University or with law enforcement. Please see the [Student Resources page](#) for more information about reporting options and resources.

If you, or someone you know, has experienced sexual harassment or sexual violence and wish to speak to a confidential resource who is not required to report, please contact one of the following SCU resources for support:

- Bree Van Ness, [Assistant Director for Student Survivor Advocacy and Campus Support](#), SCU Wellness Center, 852 Market St, (408) 551-3307, bvanness@scu.edu
- [SCU Wellness Center](#)
- [CAPS](#)
- Any individual (e.g., clergy and counselors) acting in a professional capacity for which confidentiality is mandated by law

I am happy to help connect you with any of these resources.

Accommodations for Pregnant and Parenting Students

Santa Clara University does not discriminate against any student on the basis of pregnancy or related medical conditions. Absences due to medical conditions relating to pregnancy and childbirth will be excused for as long as deemed medically necessary by a student's doctor, and students will be given the opportunity to make up missed work. Students needing accommodations can often arrange accommodations by working directly with their instructors, supervisors, or departments. Students needing accommodations can also seek assistance with accommodations from the Office of Accessible Education (OAE) or from the Office of Equal Opportunity and Title IX Office. More information for students and faculty regarding pregnancy rights: <http://www.scu.edu/title-ix/resources/pregnancy>.

Office of Accessible Education

If you have a documented disability for which accommodations may be required in this class, please contact the Office of Accessible Education, oe@scu.edu, <http://www.scu.edu/oe>, as soon as possible to discuss your needs and register for accommodations with the University.

Due to the law school's anonymous grading format, please do not disclose any accommodation to me directly. The Office of Accessible Education will contact me as needed. If you have already arranged accommodations through OAE, please schedule an appointment to discuss your accommodations with Assistant Dean Nicole Maxwell (nmaxwell@scu.edu). To ensure fairness and consistency, the law school must receive verification from the Office of Accessible Education before providing accommodations.

Safety Measures

To the extent required by the university, I expect everyone to adhere to current university mask mandates at all times; to make their best attempt to make themselves heard when asking questions or contributing to discussions; and refrain from eating or drinking in class. It is expected that everyone will follow university guidelines about health and public safety measures outlined at <https://www.scu.edu/preparedscu/health-and-safety/>.

Use of Classroom Recordings

The Student Conduct Code says: "Dissemination or sharing of any classroom recording without the permission of the instructor would be considered 'misuse' and, therefore, prohibited.

Violations of these policies may result in disciplinary action by the University. At the instructor's discretion, violations may also have an adverse effect on the student's grade."

Copyright Statement

Course materials are protected by U.S. copyright laws. I am the copyright holder of the materials I create, including notes, handouts, slides, and videos. You may make copies of course materials for your own use, and you may share the materials with other students enrolled in this course. You may not publicly distribute any course materials without my written permission.

Technology Support

For Camino support, contact caminosupport@scu.edu or call 408-551-3572. You can also use the help button within the Camino platform (on the left-hand navigation) for 24/7 support via chat or phone with our vendor.

For Zoom assistance, contact Media Services at mediaservices@scu.edu or 408-554-4520. You can also get support from the Zoom Help Center website, <https://support.zoom.us/hc/en-us>.

For SCU network and computing support, contact the SCU Technology Help Desk at techdesk@scu.edu or 408-554-5700. They can provide support for MySCU Portal, Duo, eCampus, hardware and software issues, and more.

Land Acknowledgment

Santa Clara University sits on the land of the Ohlone and the Muwekma Ohlone people. We remember their connection to this region and give thanks for the opportunity to live, work, and learn on their traditional homeland.

Respect for Diversity

It is my intent that students from all diverse backgrounds and perspectives be well served by this course, that students' learning needs be addressed both in and out of class, and that the diversity that students bring to this class be viewed as a resource, strength, and benefit. It is my intent to present materials and activities that are respectful of diversity: gender, sexuality, disability, age, socioeconomic status, ethnicity, race, religion, and culture. Please let me know ways to improve the effectiveness of the course for you personally or for other students or student groups. In addition, if any of our class meetings conflict with your religious events, please let me know so that we can make arrangements for you.

Gender Inclusive Language

This course affirms people of all gender expressions and gender identities. If you go by a name different from what is on the class roster, please let me know. Using correct gender pronouns is important to me, so I encourage you to share your pronouns with me and correct me if I make a mistake. If you have any questions or concerns, please do not hesitate to contact me. For more on personal pronouns, see www.mypronouns.org.

Wellness Statement

I know you will do the best you can in this class (and all of your classes); however, it should never be at the expense of your own mental health, physical health, or well-being. Jesuit

education is grounded in *cura personalis*, concern for the whole person—mind, body, and spirit. What does this mean for you? Be kind to others, and more importantly, be kind to yourself. Attend to your sleep (quantity and quality); drink lots of water; move; get outside; and pay attention to beauty that isn't coming to you on a screen. Eat good food; laugh; enjoy friends and family; look for opportunities to connect with others in new ways; pray, meditate, or otherwise attend to your spirit. And ask for help, even if you don't think you need it. Lots of folks, including me, are here to support you. It's never too late to reach out, and I am committed to helping you.

SCU has many resources and programs to support you. These resources may be especially helpful:

- Wellness Center: <https://www.scu.edu/wellness/>. The Wellness Center provides resources to aid and promote student well-being across the eight dimensions of wellness, including student peer groups for healthful living, violence prevention, and recovery.
- CAPS: <https://www.scu.edu/cowell/counseling-and-psychological-services-caps/>. Santa Clara students are provided confidential counseling sessions at no cost through Counseling and Psychological Services (CAPS). Students have access to clinically appropriate, short-term therapy; group therapy; and other resources for care. A 24/7 support line is also available: 408-554-5220.
- SCU Culture of Care: <https://www.scu.edu/osl/culture-of-care/>. If you are concerned for the mental or physical welfare of one of your peers, the Office of Student Life Culture of Care website provides resources for recognizing and helping someone in distress.
- Academic Concerns. If you are concerned with your progress in this class, please contact me so that we can find solutions together.