

LAW 7554-01: INTERNET LAW

SYLLABUS

Prof. Bell
Fall 2016

COURSE DESCRIPTION AND OBJECTIVES

This course explores the legal issues arising out of the Internet's growing role as a personal, commercial, and public forum. Topics will include Internet regulation policy, free speech issues, enforcement of intellectual property rights, jurisdictional puzzles, encryption, and Internet commerce. This class should also help to polish your legal reasoning skills and introduce you to some of the practical and ethical concerns of a working attorney. The law school has approved this elective for the Entertainment Law Certificate.

COURSE REQUIREMENTS

This course has no prerequisites. You need no technical expertise beyond knowing how to use email and the World Wide Web. You will need an email account and web access, of course, both of which the law school provides.

GRADING

Your course grade will come from a midterm exam worth 10% of your final grade and a final exam worth 90% of it. Both will ask you to analyze hypothetical fact patterns and to write your answer in the form of a practical piece of writing such as a client letter or memorandum. Both will be take-home open-book (and open-Internet) exams subject to strict word and time limits. I will distribute the exams via email for you to return to the Registrar in a format, such as hardcopy, that preserves your pseudonymity. You will have from 1:30 pm or earlier on Friday, October 7 until no later than 1:30 pm on Wednesday, October 12 to take the midterm exam. For the final exam, you will have from 1:30 pm or earlier on Monday, December 12 until no later than 5:00 pm Friday, December 16.

Your class participation may also affect your grade. I will throughout the semester randomly call on students to answer questions about the assigned materials and related hypothetical problems. If you are not prepared to engage in such a discussion you may elect to pass. There is no penalty for passing once, but any student who elects to pass more than once or who fails to pass but exhibits inadequate preparation will lose .1 points from his or her final grade each time.

Also, you will be required to give one brief, informal presentation to the class on a recent news story of your choosing that relates to our course material. I will invite you to volunteer for a day of your choosing or, if I lack volunteers, will randomly assign you the day on which you must make your presentation. You will need to send the newstory to me at least 24 hours beforehand with a few sentences relating your analysis so that I can guide your treatment of it and share it with your colleagues. As with class participation, failure to perform in good faith will result in a deduction of .1 points from your final grade.

CONTACT INFORMATION

I encourage you to contact me if you have questions or comments about what we discuss in class or about law school in general. I hold regular office hours in room 438 each Wednesday and Friday from 9:30 a.m. until 1:00 p.m. (though you will often find me in at other days and times). I welcome you to visit by appointment or chance. You can also call 714-628-2503 or email tbell@chapman.edu. Email usually works best. On Blackboard and at www.tomwbell.com/teaching.html you can find course documents and study materials.

READING ASSIGNMENTS

Your text is ERIC GOLDMAN, *INTERNET LAW* (2016), which you can download for a small fee from <https://gumroad.com/l/aMVE> (note that because Professor Goldman self-publishes, there is no ISBN number). Before each class, please read the assigned materials. Where specifically directed to do so, you should likewise selectively browse through assigned web sites with an eye to the issues at hand.

Please note that while we will most likely follow this syllabus closely, unforeseen events may result in changes to it during the semester.

I. What is Cyberspace? Who Regulates It?

Class 1: *American Civil Liberties Union v. Reno*.

Class 2: *Noah v. AOL Time Warner Inc.* through end of Chapter I.

II. Jurisdiction. Class 3: Chapter II.

III. Contracts. Classes 4, 5, & 6: Chapter III.

IV. Trespass/Computer Fraud & Abuse Act. Classes 7 & 8: Chapter IV.

V. Copyright. Classes 9, 10, 11, 12, & 13: Chapter V.

NB: We will miss a class session on Friday, September 30, which will be made up at a later date.

Take-Home Midterm Exam: Available from 1:15 pm or earlier on Friday, October 7 until no later than 1:30 pm on Wednesday, October 12.

VI. Trademarks and Domain Names. Classes 14, 15, 16, & 17: Chapter VI.

VII. Pornography. Classes 18, 19, & 20: Chapter VII.

VIII. Defamation and Information Torts. Classes 21, 22, & 23: Chapter VIII.

IX. Privacy. Class 24: Chapter IX.

X. Spam. Class 25: Chapter X.

XI. Blogs and Social Networking Sites. Classes 26 & 27: Chapter XI.

XII. Review. Class 28: (no assigned readings)

Take-Home Final Exam: Available from from 1:30 pm or earlier on Monday, December 14 until no later than 1:30 pm Friday, December 18.

LAW SCHOOL AND UNIVERSITY ADMINISTRATIVE NOTICES

Learning Outcome Assessment: The law school has designated three learning outcomes as important for all students: legal analysis, legal writing, and client representation. This course focuses on the legal analysis of statutes, cases, persuasive codifications, and uniform laws. Under the heading of “client representation,” it also includes consideration of how to practice law professionally and ethically.

Accommodations: In compliance with ADA guidelines, students who have any condition, either permanent or temporary, that may affect their ability to perform in this class are encouraged to contact Associate Dean of Student Affairs and Administration Jayne Kacer or the University Disability Services Office. Dean Kacer is located in the law school Dean's Suite and can be reached at kacer@chapman.edu or 714-628-2641. You also may contact the Office of Disability Services at 714-516-4520 or www.chapman.edu/disabilities. If your request for an accommodation is granted, please discuss with your professor *only* those accommodations that relate to classroom learning, e.g., the need to sit in a special location, audio taping, etc. Because exam grading is anonymous, please do not discuss with your professors any accommodations related to exams. These accommodations will be handled by the Registrar's Office. The granting of any accommodation will not be retroactive and cannot jeopardize the academic standards or integrity of the course.

Equity and Diversity Notification: Chapman University is committed to ensuring equality and valuing diversity. Students and professors are reminded to show respect at all times as outlined in Chapman’s Harassment and Discrimination Policy: <http://tinyurl.com/CUHarassment-Discrimination>. Any violations of this policy should be discussed with the professor, the Dean of Students, and/or otherwise reported in accordance with this policy.