

Cyberlaw (Law 434)
Eric Goldman
Fall 2003

1. **SESSIONS.** The course meets every Tuesday and Thursday from 5:30 pm to 6:45 pm from August 26 to December 4, except November 27 (Thanksgiving).
2. **PREREQUISITES.** You should have some basic familiarity with the Internet, but a technical background is not otherwise required.
3. **FINAL EXAM.** The final exam is scheduled for December 16 starting at 5:30 pm. 100% of the course grade is based on the final exam. I plan to follow the standard law school curve. My current plan is to style the final exam as a “take home” exam to enable you to use computers, but conduct it over only a few hours, like an in-class exam would be.

The exam is very practice-oriented and will emphasize your problem-solving skills. I strongly encourage you to review prior exams to understand the exam style. You can find prior exams and sample answers at my website (note that the law may have changed in the interim).
4. **CASEBOOK.** The course supplement is the only required reading (except for any materials I distribute during the semester).
5. **EMAIL LIST.** You are required to join the course’s TWEN email list, which I use to send administrative emails and other emails of interest. **YOU MUST SIGN UP TO THE TWEN EMAIL LIST NO LATER THAN FRIDAY, AUGUST 29 AT 5 PM OR I MAY DROP YOU FROM THE COURSE.**
6. **OFFICE HOURS.** I am in my office (Room 110E) all the time and I invite you stop by at your convenience. Or, email me to arrange a scheduled time to talk. Also, I use email extensively, so I am also happy to answer questions by email.
7. **ACADEMIC FREEDOM.** The course necessarily requires us to discuss the full range of human behavior. If you have any concerns about topic coverage, you should see me ASAP.
8. **ATTENDANCE.** ABA and AALS rules require you to attend class. However, I do not record attendance or grade in-class participation. Therefore, you don’t need to inform me if you are unable to attend class.

9. SCHEDULE AND READINGS.

Note: I have tried to include various statutory, case and common law tests and definitions in the “Helpful Hints” notes in the front of most sections. While you may find it useful to briefly peruse these hints as part of your pre-class reading, their primary purpose is to expedite in-class discussion and after-class review.

Introduction to Cyberspace (Weeks 1-3)

Topics: Internet technologies, Internet business models, the Commerce Clause and state action

ACLU v. Reno (CDA I District Ct. facts only)	5
Noah v. AOL Time Warner	23
Helpful Hints on the Commerce Clause	33

Topics: Jurisdiction and Venue

Helpful Hints on Jurisdiction	34
La Ligue Contre le Racisme et l’Antisemitisme v. Yahoo (Paris County Ct. Nov. 2000)	36
Yahoo v. La Ligue Contre le Racisme et l’Antisemitisme (US Nov. 2001)	57
Toys ‘R’ Us v. Step Two (3d Cir.).....	68

Contracts (Week 4)

Helpful Hints on Contracts	82
Handout on Online Contracts	83
Specht v. Netscape Communications (2d Cir.).....	87
Comb v. PayPal (Aug. 2002)	115

Trespass and Spam (Week 5)

Helpful Hints on Trespass to Chattels	133
Spam Editorial	134
Intel v. Hamidi (Cal. Sup. Ct.).....	136

Intellectual Property (Weeks 6-8)

Topics: Linking, Framing, Scraping, Circumvention

Helpful Hints on Copyright Law	179
Protecting Content Databases handout	181
A&M Records v. Napster (facts and file-trader liability portions) (9 th Cir. Feb. 2002)	183
Ticketmaster v. Tickets.com (March 2003 ruling)	192
Universal City Studios v. Corley (2 nd Cir.).....	198

Topics: Trademarks, Domain Names, Metatags and Keywords

Helpful Hints on Trademarks.....	225
Playboy v. Welles (9 th Cir. 2002)	227
Promatek v. Equitrac (7 th Cir.).....	244

Privacy (Week 9)

US Privacy Overview handout	254
Grandma Goldstein Recipe handout	257
Privacy Editorial	259
In Re Pharmatrak, Inc. Privacy Litigation (1 st Cir.).....	261

Pornography (Week 10)

Eric Goldman's Helpful Hints to Knowing Your Porn Terms	287
ACLU v. Reno (Sup. Ct. 1997)	288
Ashcroft v. ACLU (Sup. Ct. 2002).....	315

Information Torts (Week 11)

Topics: Defamation, Publicity/Privacy Rights, Harmful/Inaccurate Information

Helpful Hints on Information Torts	356
--	-----

Intermediary Liability (Weeks 12 and 13)

Zeran v. America Online (4 th Cir.).....	358
MGM Studios v. Grokster (April 2003)	367
In re. Aimster Copyright Litigation (7 th Cir.)	399
Lockheed Martin v. Network Solutions (9 th Cir.).....	422

Wrap-Up (Week 14)

No reading assigned

STATUTORY SUPPLEMENT

18 USC §1030 (Computer Fraud and Abuse Act).....	430
15 USC §§1125, 1129 (ACPA)	438
Domain Name Dispute Resolution Policy . Also see the associated rules (not in the book).....	444
16 CFR Part 312 (Regulations Implementing COPPA)	450
47 USC §230 (Safe Harbor for Interactive Computer Services)	464
17 USC §512 (Copyright Safe Harbors).....	468
15 USC §1114 (Trademark Safe Harbors).....	480

10. CONTACT INFORMATION.

Eric Goldman
Marquette University Law School, Room 110E
1103 W. Wisconsin Avenue
Milwaukee, WI 53233
Phone: 414-288-5232
Fax: 414-288-6403
Email: eric.goldman@marquette.edu

More course-related materials, including an electronic copy of this syllabus, are available at http://eric_goldman.tripod.com.