



**Cyberlaw (Law 434)**  
**Eric Goldman**  
Marquette University Law School  
Spring 2003

1. **SESSIONS.** The course meets every Monday and Wednesday from 2:30 to 3:45 from January 6 to April 30, except January 20 (MLK Holiday) and March 10 and 12 (Spring Break).
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 will be held May 3 at 8:30 am. The course is graded 100% based on the final exam. I intend to follow the standard law school curve. The final exam probably will be 2½ hours long with 3-4 essay questions. 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 reader is the only required reading (except for any materials I distribute during the semester).
5. **EMAIL LIST.** I will create and maintain a course email list, which I will use to send administrative emails and other emails of interest. Therefore, I need an email address for you that you actually check. **YOU MUST GET ME A WORKING EMAIL ADDRESS NO LATER THAN JANUARY 17 OR I MAY DROP YOU FROM THE COURSE.** I would prefer if you email me a note from the email account you'd like me to use with the subject line "Cyberlaw—Use this Email Address." Please include your name with the email and make sure I know you're in this course as opposed to Copyright.
6. **OFFICE HOURS.** I don't have regularly scheduled office hours, but I am on campus most days (usually between 9:30-6:30) and I invite you stop by my office (Room 110E) at your convenience. Or, email me to arrange a scheduled time to talk. 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. SCHEDULE AND READING LIST.

### Introduction to Cyberspace (Weeks 1 and 2)

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

<a href="#">ACLU v. Reno</a> (CDA I District Ct. facts only) .....	page 5
<a href="#">La Ligue Contre le Racisme et l'Antisemitisme v. Yahoo</a> (Paris County Ct. Nov. 2000) .....	24
<a href="#">Yahoo v. La Ligue Contre le Racisme et l'Antisemitisme</a> (US Nov. 2001) .....	45
<a href="#">Access Now v. Southwest Airlines</a> (S.D. Fla.) .....	56
<a href="#">State v. Heckel</a> (Wash. Sup. Ct.) .....	67

### Jurisdiction and Venue (Week 3)

<a href="#">Millennium Enterprises v. Millennium Music</a> (Jan. 1999) .....	76
<a href="#">ALS Scan v. Digital Service Consultants</a> (4 <sup>th</sup> Cir) .....	93
<a href="#">Griffis v. Luban</a> (Minn. Sup. Ct.) .....	100

### Contracts (Week 4)

Topics: Clickthrough Agreements, UCITA, UETA/E-Sign

<a href="#">15 USC §§7001-7006</a> (exclude §7005) .....	111
<a href="#">Handout on Online Contracts</a> .....	127
<a href="#">Hill v. Gateway 2000</a> (7 <sup>th</sup> Cir.) .....	130
<a href="#">Forrest v. Verizon Communications, Inc.</a> (D.C. App. Ct.) .....	135
<a href="#">Specht v. Netscape Communications</a> (2d Cir.) .....	151
<a href="#">Comb v. PayPal</a> (Aug. 2002) .....	179

### Copyrights, Trespass and Protecting Factual Data (Weeks 5 and 6)

Topics: Linking, Framing, Scraping, Caching, Circumvention

<a href="#">17 USC §512</a> .....	197
<a href="#">18 USC §1030</a> .....	209
<a href="#">eBay v. Bidder's Edge</a> (May 2000) .....	215
<a href="#">Ticketmaster v. Tickets.com</a> (Aug. 2000) .....	229
<a href="#">Register.com v. Verio</a> (Dec. 2000) .....	234
<a href="#">Intel v. Hamidi</a> (Cal. Ct. App.) .....	253
<a href="#">Kelly v. Arriba Software</a> (9 <sup>th</sup> Cir.) .....	288
<a href="#">A&amp;M Records v. Napster</a> (facts and file-trader liability portions) (9 <sup>th</sup> Cir. Feb. 2002) .....	310
<a href="#">Universal City Studios v. Corley</a> (2 <sup>nd</sup> Cir.) .....	319

## Trademarks and Domain Names (Weeks 7 and 8)

Topics: Trademarks, Domain Names, Metatags and Keywords

15 USC §§1125, 1129 .....	page 346
ICANN <a href="#">Domain Name Dispute Resolution Policy</a> (and associated <a href="#">rules</a> ).....	354
<a href="#">Playboy v. Welles</a> (9 <sup>th</sup> Cir. 2002) .....	372
<a href="#">Promatek v. Equitrac</a> (7 <sup>th</sup> Cir.).....	388
<a href="#">Ty v. Perryman</a> (7 <sup>th</sup> Cir.).....	396

## Privacy (Week 9)

15 USC §§6501-6504 .....	407
16 CFR Part 312 (implementing COPPA).....	419
<a href="#">US Privacy Overview handout</a> .....	433
<a href="#">Grandma Goldstein Recipe handout</a> .....	436

## Pornography (Week 10)

Topics: Obscenity, Child Pornography, Indecency, “Harmful to Minors” Speech

<a href="#">Eric Goldman’s Helpful Hints to Knowing Your Porn Terms</a> .....	438
<a href="#">ACLU v. Reno</a> (Sup. Ct. 1997) .....	439
<a href="#">Ashcroft v. ACLU</a> (Sup. Ct. 2002).....	465

## Security, Spam and Information Torts (Week 11)

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

Review <a href="#">18 USC §1030</a> , <a href="#">Heckel</a> , <a href="#">Register.com</a> and <a href="#">Hamidi</a> .....	67, 209, 234, 253
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## Intermediary Liability for User Content/Actions (Weeks 12 and 13)

Reread <a href="#">17 USC §512</a> .....	197
<a href="#">47 USC §230</a> .....	504
<a href="#">15 USC §1114</a> .....	508
<a href="#">Zeran v. America Online</a> (4 <sup>th</sup> Cir.).....	510
<a href="#">Schneider v. Amazon.com</a> (Wash. Ct. App.).....	519
<a href="#">Gentry v. eBay</a> (Cal. App. Ct.) .....	526
<a href="#">A&amp;M Records v. Napster</a> (secondary liability portions) (9 <sup>th</sup> Cir. Feb. 2002) .....	540
<a href="#">ALS Scan v. RemarQ Communities</a> (4 <sup>th</sup> Cir.) .....	549
<a href="#">Hendrickson v. eBay</a> (Sept. 2001).....	558
<a href="#">Aimster Copyright Litigation</a> (N.D. Ill. Sept 2002) .....	572
<a href="#">Perfect 10, Inc. v. Cybernet Ventures</a> (April 2002).....	596
Review <a href="#">Corley</a> (focus on liability for linking discussion).....	319
<a href="#">Lockheed Martin v. Network Solutions</a> (9 <sup>th</sup> Cir.).....	650

**Catch-Up (Week 14)**

**9. CONTACT INFORMATION.**

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More course-related materials, including an electronic copy of this syllabus, are available at [http://eric\\_goldman.tripod.com](http://eric_goldman.tripod.com).