



Cyberlaw (Law 434)
Eric Goldman
Fall 2004

1. **SESSIONS.** The course meets every Tuesday and Thursday from 2:00 pm to 3:15 pm from August 24 to December 2, except September 16 (Rosh Hashana) and November 25 (Thanksgiving).
2. **PREREQUISITES.** The first year law school curriculum is a prerequisite. However, you do not need the IP survey course or a technical background.
3. **FINAL EXAM.** The final exam is scheduled for December 9 starting at 8:30 am. Except as adjusted for attendance, 100% of the course grade is based on the final exam. 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. 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. **READER.** The course reader is the only required reading (except for any materials I distribute during the semester).
5. **ATTENDANCE.** Following the conclusion of each “module,” I plan to post the PowerPoint slides for that module to the TWEN website. This should save you from having to rotely transcribe the slides into your notes. However, some students might mistakenly assume that they can master the course material merely by reviewing the slides. To avoid any misunderstanding on this front, I require you to attend class. For every unexcused absence (after 2 free passes), I may reduce your final exam score by up to 2.5 percentage points. For example, if you have five unexcused absences, I may reduce your final exam score by up to 7.5%. I will excuse an absence for emergencies and illness but for very few other reasons.
6. **EMAIL LIST.** YOU MUST REGISTER FOR THE COURSE’S TWEN SITE NO LATER THAN AUGUST 27 AT 5:00 PM OR I MAY DROP YOU FROM THE COURSE. I send important course-related emails to the TWEN email list, so please use an address you check regularly.
7. **OFFICE HOURS.** I am in my office (Room 109E) all the time and I invite you to visit at your convenience. Or, email me to schedule a time to talk. Also, I use email extensively, so I am also happy to talk with you by email.

8. ACADEMIC FREEDOM. The course necessarily requires us to discuss the full range of human behavior. If you have any concerns about topic coverage, please see me ASAP.

9. SCHEDULE AND READINGS.

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)	page 5
Noah v. AOL Time Warner	25

Topics: Jurisdiction and Venue

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.).....	70

Contracts (Weeks 3-4)

Specht v. Netscape Communications (2d Cir.).....	84
Register.com v. Verio (2d Cir.) (except trespass to chattels section)	119

Spam and Trespass (Week 5)

The Harms of Spam	141
Intel v. Hamidi (Cal. Sup. Ct.)	143
Register.com v. Verio (trespass to chattels section)	138

Intellectual Property (Weeks 6-8)

Topics: Copyright and Databases

Copyright Law Basics	186
Protecting and Licensing Internet Content Databases	189
A&M Records v. Napster (facts and file-trader liability portions) (9 th Cir. Feb. 2002)	191
Ticketmaster v. Tickets.com (March 2003 ruling)	200

Topics: Trademarks, Domain Names and Keywords

Trademark Law Basics	207
Playboy v. Welles (9 th Cir. 2002)	223
Promatek v. Equitrac (7 th Cir.): original order and revision	240

Privacy and Spyware (Week 9)

In re. Pharmatrak, Inc. Privacy Litigation (1 st Cir.)	250
Current Developments in Adware and Spyware Law	279

Pornography (Week 10)

ACLU v. Reno (Sup. Ct. 1997)	282
Ashcroft v. ACLU (Sup. Ct. 2004)	308

Information Torts (Week 11)

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

No reading assigned

Intermediary Liability (Weeks 12 and 13)

Publisher/Speaker

Zeran v. America Online (4 th Cir.)	345
Grace v. eBay (Cal. App. Ct. on rehearing).....	354

Copyright

MGM Studios v. Grokster (April 2003)	373
In re. Aimster Copyright Litigation (7 th Cir.)	405

Trademark

Lockheed Martin v. Network Solutions (9 th Cir.).....	428
Playboy v. Netscape (9 th Cir. 2004).....	437

Wrap-Up (Week 14)

No reading assigned

STATUTES

CAN-SPAM Act of 2003	460
18 USC §1030 (Computer Fraud and Abuse Act).....	481
15 USC §§1125, 1129 (ACPA)	490
Domain Name Dispute Resolution Policy . Also see the associated rules (not in the book)....	502
16 CFR Part 312 (Regulations Implementing COPPA)	508
Utah Spyware Control Act	516
18 USC §2252B (Truth in Domain Name Act)	521
47 USC §230 (Safe Harbor for Interactive Computer Services)	522
17 USC §512 (Copyright Safe Harbors).....	526
15 USC §1114 (Trademark Safe Harbors).....	543

10. CONTACT INFORMATION.

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In all emails to me related to this course, please put the words “cyberlaw” in the subject line so that I can keep my courses straight (and avoid unintentional deletion as spam).

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