

Cyberlaw (Law 434)
Eric Goldman
Fall 2005

1. **SESSIONS.** The course meets 10:30-11:45 am every Tuesday and Thursday from August 23 to December 1, except October 4 (Rosh Hashana), October 13 (Yom Kippur) and November 24 (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. **GRADING.** The final exam will be 100% of the course grade. I strongly encourage you to review prior exams to understand my exam style. You can find prior exams and sample answers at [my website](#) (note that the law may have changed in the interim).

While the exam style should be similar to the past years' styles, mechanically I may administer this exam in one of the following 3 ways: (1) as an in-class exam scheduled for December 6 at 8:30 am; (2) as a take-home exam with a few hours to complete your answer, which would be scheduled for December 6 at 8:30 am; or (3) as a take-home exam with several days to complete your answer. I will announce the format later in the semester.

4. **READER.** The course reader is the only required reading (except for any materials I distribute during the semester).
5. **TWEN.** I have built a course page in TWEN which I use, among other things, to send you emails related to the course. **YOU MUST REGISTER FOR THE TWEN COURSE NO LATER THAN AUGUST 26 AT 5:00 PM OR I MAY DROP YOU FROM THE COURSE.**
6. **OFFICE HOURS.** I can schedule a time to speak with you at your convenience. Please email me to make an appointment. I'm also happy to talk by email.
7. **SCHEDULE AND READINGS.**

Introduction: What is Cyberspace? Who Regulates It?

ACLU v. Reno (CDA I District Ct. Facts Only)	Page 4
Noah v. AOL (E.D. Va.)	21

Optional: if you're feeling uncomfortable with your technical knowledge, consider the [Animated Internet](#) website (an animated depiction of various Internet operations).

Foundation: Jurisdiction

Toys ‘R’ Us v. Step Two (3d Cir.)	33
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Foundation: Contracts

Specht v. Netscape Communications (2d Cir.)	47
Register.com v. Verio (2d Cir.) (except Trespass to Chattels Section)	82

Foundation: Trespass/CFAA

18 USC §1030	102
Intel v. Hamidi (Cal. Sup. Ct.)	108
Register.com v. Verio (Trespass to Chattels Section)	100

Foundation: Copyright

Copyright Office Circular 1	153
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Subtopic: File Sharing

17 USC §506(a)	160
BMG v. Gonzalez	161
MGM Studios v. Grokster (Sup. Ct.)	164

Subtopic: Derivative Liability

17 USC §512 (Copyright Safe Harbors).....	214
Corbis v. Amazon	225

Foundation: Trademarks and Domain Names

15 USC §§1125 & 1129 (Infringement, Dilution and ACPA)	260
15 USC §1114 (Trademark Safe Harbors).....	267
Domain Name Dispute Resolution Policy and rules	270
Trademark FAQs	289
Trademark Handout	294
ACPA/UDRP Handout	295
Bosley Medical Institute v. Kremer (9th Cir.)	296
Promatek v. Equitrac (7 th Cir.) Original Order and Revision	314
Lockheed Martin v. Network Solutions (9 th Cir.).....	324

Foundation: Pornography

Pornography Handout	330
Reno v. ACLU (Sup. Ct. 1997)	331
Ashcroft v. ACLU (Sup. Ct. 2004)	357

Foundation: Defamation and Information Torts

47 USC §230 (Safe Harbor for Interactive Computer Services) 389
Zeran v. America Online (4th Cir.) 392

Foundation: Privacy

16 CFR Part 312 (Regulations Implementing COPPA) 402
In re. Pharmatrak (1st Cir.) 410

Application: Spam

Where’s the Beef? Dissecting Spam’s Purported Harms 438
CAN-SPAM Act of 2003 453
16 CFR Part 316 (CAN-SPAM implementing regulations) 474
Federal Trade Commission v. Phoenix Avatar (July 30, 2004 ruling) 481

Application: Search Engines

Ticketmaster v. Tickets.com (March 2003 Ruling) 506
Playboy v. Netscape (9th Cir. 2004)..... 513

Application: Adware/Spyware

Spyware: Background and Policy Issues for Congress (May 16, 2005 version) 536
1-800 Contacts v. WhenU (2d Cir. 2005) 548
Utah Spyware Control Act (2005 amended version) 577
Will the Adware Industry Beat Spitzer? 587

8. 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 www.ericgoldman.org.