



Cyberspace Law (Law 793)

Eric Goldman

Fall 2008

1. SESSIONS. The course meets Mondays and Wednesdays 10:30-11:45 am from August 18 to November 26, except September 1 (Labor Day), October 1 (Rosh Hashana) and October 13 (Academic Recess).

2. GRADING.

Attendance

In-class material and discussions are crucial to this course, so I expect you to attend every class. However, because our lives are unpredictable, you have five “free passes” for unexcused absences (no need to notify me in advance). I will excuse absences only for very good cause. Your sixth unexcused absence may trigger a significant penalty to your final course grade. At my option, I may drop you from the course or give you an F upon a seventh unexcused absence.

Final Exam

Except for any adjustments due to unexcused absences, the final exam will constitute 100% of the course grade. The final exam will be a take-home exam, probably consisting of 2-3 essay questions with a maximum word count. I propose distributing the exam Dec. 1 at 9 am, due Dec. 2 at 4 pm. Please advise me ASAP of any significant conflicts with this proposal.

I strongly encourage you to review my past exams, which you can find (along with sample answers) at [my website](#). Note the law may have changed in the interim.

3. READER. The course reader is the only required reading (except for any materials I distribute during the semester).

4. 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.

5. READINGS.

What is Cyberspace? Who Regulates It?

ACLU v. Reno (CDA I District Ct. Facts Only)	Page 5
Noah v. AOL (E.D. Va.)	21
Geolocation: Core To The Local Space And Key To Click-Fraud Detection	26

Optional: if you'd like to know more about the Internet's technical operations, you might check out the [Animated Internet](#) website.

Jurisdiction

Toys 'R' Us v. Step Two (3d Cir.)	33
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Contracts

Specht v. Netscape Communications (2d Cir.)	47
Register.com v. Verio (2d Cir.) (except Trespass to Chattels Section)	81

Trespass/CFAA

18 USC §1030	102
California Penal Code §502	108
Trespass to Chattels and Related Doctrines Handout	113
Intel v. Hamidi (Cal. Sup. Ct.)	116
Register.com v. Verio (Trespass to Chattels Section)	100

Copyright

Copyright Office Circular 1	157
Fair Use Cheat Sheet	164
Cartoon Network v. CSC (2d Cir.)	165

Subtopic: File Sharing

17 USC §506(a)	192
BMG v. Gonzalez (7th Cir.)	193
MGM Studios v. Grokster (Sup. Ct.)	201

Subtopic: Secondary Liability

17 USC §512	225
Perfect 10 v. ccBill (9th Cir. as amended)	232
Perfect 10 v. Amazon (9th Cir. as amended)	253
Perfect 10 v. Visa (9th Cir.)	296

Subtopic: Robotic Ticket-Sniping (a recap)

Ticketmaster v. RMG	347
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Trademarks and Domain Names

Trademark FAQs	375
Helpful Hints to Knowing Your Trademark Terms	377
15 USC §§1125 & 1129 (Infringement, Dilution and ACPA)	379
15 USC §1114 (Trademark Safe Harbors).....	386

Domain Name Dispute Resolution Policy and rules	390
<i>Subtopic: Domain Names and Metatags</i>	
Lamparello v. Falwell (4th Cir.)	409
Promatek v. Equitrac (7th Cir.) Original Order and Revision	428
<i>Subtopic: Search Engines</i>	
Keyword Law slides	438
Playboy v. Netscape (9th Cir. 2004)	443
FragranceNet.com v. FragranceX.com	466
<i>Subtopic: Secondary Liability/Auction Sites</i>	
Tiffany v. eBay	478
Pornography	
Helpful Hints to Knowing Your Porn Terms	544
Reno v. ACLU (Sup. Ct. 1997)	545
Ashcroft v. ACLU (Sup. Ct. 2004)	565
Defamation and Information Torts	
47 USC §230 (Immunization for Interactive Computer Services)	597
Zeran v. America Online (4th Cir.)	600
Fair Housing Council v. Roommates.com (9th Cir. en banc)	613
Privacy	
16 CFR Part 312 (Regulations Implementing COPPA)	665
In re. Pharmatrak (1st Cir.)	671
Spam	
Where's the Beef? Dissecting Spam's Purported Harms	700
CAN-SPAM Act of 2003	715
16 CFR Part 316 (CAN-SPAM implementing regulations)	736
MySpace v. TheGlobe.com	742
Omega World Travel v. Mummagraphics (4th Cir.)	753
Blogs and Social Networks	
Social Networking Sites and the Law handout	770
Blog Law slides	772
Doe v. MySpace	776

6. CONTACT INFORMATION.

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In all emails to me related to this course, please put the word “cyberlaw” in the subject line to avoid unintentional deletion as spam.

More course-related materials, including an electronic copy of this syllabus, are available at www.ericgoldman.org.