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

- **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
- **Ticketmaster v. Tickets.com** (March 2003 ruling) ...................................................................... 200

**Topics:** Trademarks, Domain Names and Keywords

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

In re. Pharmatrak, Inc. Privacy Litigation (1st 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 (4th Cir.) .......................................................................................... 345
Grace v. eBay (Cal. App. Ct. on rehearing) ........................................................................... 354

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

Trademark
Lockheed Martin v. Network Solutions (9th Cir.) ...................................................................... 428
Playboy v. Netscape (9th 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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Milwaukee, WI 53233  
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Fax: 414-288-6403  
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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](http://eric_goldman.tripod.com).