



**Cyberspace Law (Law 793)**  
**Eric Goldman**  
Fall 2006

**1. SESSIONS.** The course meets 9:00-10:15 am on Mondays and Wednesdays between August 21 and November 29 except September 4 (Labor Day), October 2 (Yom Kippur) and October 9 (Academic Recess).

We will have two special guest speakers on November 6 ([Cindy Cohn](#) of EFF) and November 27 (Jay Monahan of eBay). Please make every effort to attend these days. Also, Cindy and Nicole Ozer (ACLU) will be speaking at noon November 6 on “Social Justice and Cyber Liberties” (Bannan 135).

**2. GRADING.** The final exam will be 100% of the course grade and is tentatively scheduled for December 4 at 8:30 am. I strongly encourage you to review my past exams to understand my exam style. You can find past exams and sample answers at [my website](#) (note that 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.**

**Introduction: What is Cyberspace? Who Regulates It?**

<a href="#">ACLU v. Reno</a> (CDA I District Ct. Facts Only) .....	Page 4
<a href="#">Noah v. AOL</a> (E.D. Va.) .....	21

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

**Foundation: Jurisdiction**

<a href="#">Toys ‘R’ Us v. Step Two</a> (3d Cir.) .....	32
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## Foundation: Contracts

<a href="#">Specht v. Netscape Communications</a> (2d Cir.) .....	46
<a href="#">Register.com v. Verio</a> (2d Cir.) (except Trespass to Chattels Section) .....	81

## Foundation: Trespass/CFAA

18 USC §1030 .....	102
<a href="#">Intel v. Hamidi</a> (Cal. Sup. Ct.) .....	108
<a href="#">Register.com v. Verio</a> (Trespass to Chattels Section) .....	100

## Foundation: Copyright

<a href="#">Copyright Office Circular 1</a> .....	149
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### *Subtopic: File Sharing*

17 USC §506(a) .....	156
<a href="#">BMG v. Gonzalez</a> (7th Cir.) .....	157
<a href="#">MGM Studios v. Grokster</a> (Sup. Ct.) .....	162

### *Subtopic: Derivative Liability*

17 USC §512 (Copyright Safe Harbors).....	186
<a href="#">Corbis v. Amazon</a> .....	195

## Foundation: Trademarks and Domain Names

15 USC §§1125 & 1129 (Infringement, Dilution and ACPA) .....	226
15 USC §1114 (Trademark Safe Harbors).....	232
<a href="#">Domain Name Dispute Resolution Policy and rules</a> .....	235
<a href="#">Trademark FAQs</a> .....	254
<a href="#">Trademark/UDRP/ACPA Handout</a> .....	258
<a href="#">Lamparello v. Falwell</a> (4th Cir.) .....	260
<a href="#">Promatek v. Equitrac</a> (7 <sup>th</sup> Cir.) <a href="#">Original Order</a> and <a href="#">Revision</a> .....	280
<a href="#">Lockheed Martin v. Network Solutions</a> (9 <sup>th</sup> Cir.).....	290

## Foundation: Pornography

<a href="#">Pornography Handout</a> .....	299
<a href="#">Reno v. ACLU</a> (Sup. Ct. 1997) .....	300
<a href="#">Ashcroft v. ACLU</a> (Sup. Ct. 2004) .....	326

## Foundation: Defamation and Information Torts

47 USC §230 (Immunization for Interactive Computer Services) .....	358
<a href="#">Zeran v. America Online</a> (4 <sup>th</sup> Cir.) .....	361

## **Foundation: Privacy**

16 CFR Part 312 (Regulations Implementing COPPA) .....	370
In re. Pharmatrak (1 <sup>st</sup> Cir.) .....	380

## **Application: Spam**

Where's the Beef? Dissecting Spam's Purported Harms .....	408
CAN-SPAM Act of 2003 .....	426
16 CFR Part 316 (CAN-SPAM implementing regulations) .....	447

## **Application: Search Engines**

Field v. Google .....	454
Perfect 10 v. Google .....	479
Playboy v. Netscape (9 <sup>th</sup> Cir. 2004) .....	526

## **Application: Adware/Spyware**

Spyware: Background and Policy Issues for Congress (Jan. 31, 2006 version) .....	550
1-800 Contacts v. WhenU (2d Cir. 2005) .....	561
Alaska SB 140, Sec. 3 (2005) .....	590

## **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](http://www.ericgoldman.org).