Internet Law (Law 793)
Professor Eric Goldman
Fall 2011

1. **SESSIONS.** The course meets in Bannan 135 Mondays and Wednesdays 2:40-3:55 pm from August 15 to November 23, except September 5 (Labor Day) and October 10 (Academic Recess).

2. **READER.** Please download the course reader PDF for free from Claranet. If you want it in hard copy, you may print the PDF wherever you choose. In Claranet, I’ve posted a letter authorizing copyshops to print the course reader file if you encounter any copyright concerns.

3. **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. You only need to let me know about an expected absence if you are requesting that I excuse it. 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.

   *Grading.* Except for adjustments due to excessive 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 essay questions with a maximum word count for each. You will check out a hard copy of the exam any time during the designated exam window, with the exam due no later than 24 hours from your checkout time. The Faculty Support Office must be open both when you check out the exam and when you return it (i.e., no checkouts on Friday). The checkout window will open on November 30, and the last checkout day is December 8. Please note: I do not accept late exams; you will fail the course if your exam is checked out for more than 24 hours—even by 1 minute. Please don’t learn the hard way how seriously I take deadlines.

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.

4. **RECORDING.** I intend to record most course sessions and post them to iTunesU. If you have any concerns about your in-class comments being recorded, please let me know.

5. **OFFICE HOURS.** Unless I am teaching class, at a meeting or traveling, I am typically in my office between 9:30 and 6 M-F. 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.
6. **READINGS.**

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

ACLU v. Reno (CDA I District Ct. Facts Only) ................................................................. Page 5
Noah v. AOL (E.D. Va.) ........................................................................................................ 24
Geolocation: Core To The Local Space And Key To Click-Fraud Detection ................. 33

**Jurisdiction**

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Toys ‘R’ Us v. Step Two (3d Cir.) ...................................................................................... 44
Illinois v. Hemi Group (7th Cir.) ...................................................................................... 53

Optional (recommended for International students):

**Contracts**

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Register.com v. Verio (2d Cir.) ......................................................................................... 74
Harris v. Blockbuster ...................................................................................................... 84

**Trespass/CFAA**

18 USC §1030 ..................................................................................................................... 87
California Penal Code §502 ............................................................................................. 93
Comparison of Trespass to Chattels Doctrines .............................................................. 98
Intel v. Hamidi (Cal. Sup. Ct.) ......................................................................................... 99
Register.com v. Verio (Trespass to Chattels Section) .................................................. 119

**Copyright**

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17 USC §506(a) ............................................................................................................... 127
Fair Use Summary ........................................................................................................ 128
Cartoon Network v. CSC (2d Cir.) ............................................................................... 129
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**Secondary Liability**

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Io v. Veoh ....................................................................................................................... 161
Viacom v. YouTube ...................................................................................................... 179
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Ticketmaster v. RMG ................................................................. 186

Trademarks and Domain Names

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15 USC §§1125 & 8131 (Infringement, Dilution and ACPA) ......................... 203
15 USC §1114 (Trademark Safe Harbors) ............................................. 211

Domain Names and Metatags
Lamparello v. Falwell (4th Cir.) ....................................................... 216
Promatek v. Equitrac (7th Cir.) Original Order and Revision ...................... 228

Search Engines
Google Trademark Policy .......................................................... 235
Network Automation v. Advanced System Concepts (9th Cir.) ....................... 239
Tiffany v. eBay (2d Cir.) ............................................................... 252

Pornography

Pornography Glossary ............................................................ 266
Reno v. ACLU (Sup. Ct. 1997) ....................................................... 267
Ashcroft v. ACLU (Sup. Ct. 2004) .................................................. 287

Defamation and Information Torts

47 USC §230 ............................................................................. 301
Zeran v. America Online (4th Cir.) ................................................... 304
Fair Housing Council v. Roommates.com (9th Cir. en banc) ...................... 311

Privacy

16 CFR Part 312 (Regulations Implementing COPPA) ............................ 338
In re. Pharmatrak (1st Cir.) ......................................................... 348

Spam

Where’s the Beef? Dissecting Spam’s Purported Harms .......................... 358
CAN-SPAM Act of 2003 ................................................................ 366
16 CFR Part 316 (CAN-SPAM implementing regulations) ....................... 381
MySpace v. theglobe.com ........................................................... 385

Blogs and Social Networking Sites

The Third Wave of Internet Exceptionalism ........................................... 394
Doe v. MySpace (5th Cir.) ........................................................................................................ 396
Zimmerman v. Weis Markets ................................................................................................ 403
In re Rolando S. ................................................................................................................ 406
Moreno v. Hanford Sentinel (Cal. App. Ct.) ........................................................................ 411

7. **CONTACT INFORMATION.**

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When emailing me, please reference “Internet Law” in the subject line to avoid unintentional deletion as spam. This also helps me distinguish emails from my two classes.

If you want to see some of the issues I’m tracking, consider reading my blog or following me at Twitter (@ericgoldman). More course-related materials, including an electronic copy of this syllabus, are available at my personal website, http://www.ericgoldman.org.