

**Cyberlaw**  
Spring 2010, Prof. Michael Risch

**Prerequisites**

There are no prerequisites for this class, nor do you need any special understanding of the internet from a technical point of view. You may wish to look at “The Animated Internet” or “How Stuff Works” sites for background about how the internet works.

<http://www.learnthenet.com/english/animate/animate.htm>  
<http://computer.howstuffworks.com/internet-channel.htm>

**Class Days and Office Hours**

Class will meet Mondays and Wednesdays from 2:00-3:15. We will not meet on 1/18.

My office hours are 1:00-2:00 on Mondays, plus any other time that we might schedule in advance. Additionally, if I am in my office with the door open, please feel free to come in and talk. You may contact me at [michael.risch@mail.wvu.edu](mailto:michael.risch@mail.wvu.edu).

**Class Goals**

1. You will understand the different ways the internet is regulated
2. You will learn to advise clients about basic issues related to internet presence
3. You will determine when service providers are liable for the wrongdoing of their users
4. You will consider the laws that affect advertising, contracting, and ecommerce
5. You will apply the laws of the internet to new fact patterns

**Books and Materials**

Unless otherwise noted, all page numbers refer to Radin, et al., INTERNET COMMERCE: THE EMERGING LEGAL FRAMEWORK, 2<sup>nd</sup> edition. I do not recommend that you buy a used 1st edition; much has changed in internet law in the four years since the 1st edition was published.

You should also buy the Latest Supplement for the book.

The course website is:

<http://www.casesofinterest.com/tiki/Cyberlaw+Spring+2010>

You can access the page via the course’s TWEN page as well. The course page includes this syllabus and associated information, and may contain additional materials in the future.

Finally, we will be using TurningPoint devices (“clickers”) during the course. I will bring the clickers to class on the days we need them.

## **Writing Requirement**

A total of four percent (4%) of your grade will be from short written case briefs. Please see the “Writing Requirement” web page at [casesofinterest.com](http://casesofinterest.com) for more discussion.

## **Class Participation**

Three percent (3%) of your grade will be based on class participation, with an emphasis on quality over quantity. Short class exercises may be assigned, and they are mandatory but not graded; instead, they will be included in your class participation grade. Please see the “Class Participation and Policy” web page at [casesofinterest.com](http://casesofinterest.com) for more discussion.

## **Attendance**

Your attendance and participation in class is required, and is critical to your learning the material in the assigned readings. Class attendance will not be graded *per se*, but excessive absences may lead to reduction in grades. See the “Class Participation and Policy” document at [casesofinterest.com](http://casesofinterest.com) for more information.

## **Final Exam**

The final exam will be an eight-hour take home with a word limit.

## **Reading Assignments**

All reading assignments include the applicable statute (available from several free online sources) **and the corresponding readings from the Supplement** unless advised otherwise.

1. What is Cyberlaw?/Regulation of the internet: 1-12, 20-27, 30-35, 37-52; Recommended: Appendix A
2. Jurisdiction: 326-356
3. Trademark basics: 64-82
4. Initial interest confusion and fair use: 82-103, 135-139
5. Pop-ups and nominative use: 104-113, 139-156
6. Domains - trademark issues: 156-180; Recommended: 27-30, Appendix B
7. Domains - dilution: 114-115, 180-199, 130-133 (pay special attention to the supplement)
8. Anti-cybersquatting statute: 200-201, 205-213, 219-230
9. More cybersquatting: 243-253, 260-275
10. Consumer protection: 290-316
11. Privacy: 390-395, 399-430
12. Copyright basics: 460-464, 467-472, 466-477, 491-492 (just Section 101), 496-499
13. Limitations on copyright: 478-491, 500-512
14. Copyright on the internet: 517-522 (optional), Perfect10 v. Google case in the supplement (but no need to read parts IV and V yet), 536-541
15. Digital music: 542-545, 545-551 (optional), 556-559, 565-572
16. Secondary liability - copyright: 582-604 (note 1)

17. Secondary liability continued: 605 (bottom)-622, 625-630
18. Secondary liability continued: 643-655, 655-666 (optional), Perfect10 Part IV
19. Secondary liability for non-IP harms: 1091-1092, 1103-1131
20. SPAM: 1012-1024, 1029-1037, 1039 (bottom), 1050-1051 (notes only); AOL v. LCGM, 1024-1029 is optional, 1037-1039 (top) and 1040 are optional, Hall v. Earthling 1046-1050 is not required, but read the notes after the case
21. Unauthorized access: 1051-1059, 1072-1083, 1083-1087 (optional)
22. CFAA: 1059-1071, Supplemental Reading (TBD), 18 USC 1030
23. Digital locks: 700-704 (end of page), 711-712, 720-721, 728-752; optional extra explanation 713-720
24. Digital locks and their limits: 752-772
25. Contracts in cyberspace: 791-832
26. Virtual Property/Limits/IP Licenses: Bragg v. Linden Research (on course website), 904-905, 910-920

Bragg case:

[http://www.casesofinterest.com/tiki/tiki-download\\_wiki\\_attachment.php?attId=76&page=Cyberlaw%20Spring%202008](http://www.casesofinterest.com/tiki/tiki-download_wiki_attachment.php?attId=76&page=Cyberlaw%20Spring%202008)

27. Licensing IP continued: 927-947

Unless otherwise noted or discussed in class, each assignment applies to each class session, even if we haven't finished discussing the last assignment in class. You are, of course, free to read unassigned materials, and those materials may help your understanding of cyberlaw.

### **Social Justice Statement**

West Virginia University is committed to social justice. I concur with that commitment and expect to maintain a positive learning environment based upon open communication, mutual respect, and non-discrimination. Our University does not discriminate on the basis of race, sex, age, disability, veterans status, religion, sexual orientation, color or national origin. Any suggestions as to how to further such a positive and open environment in this class will be appreciated and given serious consideration.

If you are a person with a disability and anticipate needing any type of accommodation in order to participate in this class, please advise me and make appropriate arrangements with the Office of Disability Services (293-6700).