

**Cyberlaw**  
Spring 2008, Prof. Michael Risch

**Prerequisites**

There are no prerequisites for this class. 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 1/21.

My office hours are 1:00-2:00 on Mondays and Wednesdays, 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 1<sup>st</sup> edition; much has changed in internet law in the four years since the 1<sup>st</sup> edition was published.

You should also buy the 2007 Supplement for the book.

The course website is:

<http://www.casesofinterest.com/tiki/tiki-index.php?page=Cyberlaw+Spring+2008>

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 PRS devices (“clickers”) during the course. Please see Keith Walton in the Library or Room 225 to obtain and register your clicker.

## **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 (copy attached) 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” web page (copy attached) 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 for more information.

## **Final Exam**

The final exam may be in-class or take home (to be determined).

## **Reading Assignments**

All reading assignments include the applicable statute (available from several free online sources) and the corresponding readings from the 2007 Supplement.

1. What is Cyberlaw?/Regulation of the internet: 1-12, 20-27, 30-35, 37-53; Recommended: Appendix A
2. Jurisdiction: 326-356
3. Consumer protection: 290-316
4. Privacy: 390-395, 399-430
5. Trademark basics: 64-82
6. Initial interest confusion: 82-114
7. Trademark defenses: 135-156
8. Domains - trademark issues: 156-180; Recommended: 27-30, Appendix B
9. Domains - dilution: 114-117, 180-199, 130-133
10. Anti-cybersquatting statute: 200-201, 205-230
11. More cybersquatting: 243-253, 260-275, 281-282, 286-289
12. Copyright basics: 460-464, 467-472, 476-477, 478-492, 496-499
13. Limitations on copyright: 500-516
14. Copyright on the internet: 517-522, 525-542, Field v. Google, Perfect10 v. Google

[http://w2.eff.org/IP/blake\\_v\\_google/google\\_nevada\\_order.pdf](http://w2.eff.org/IP/blake_v_google/google_nevada_order.pdf)  
<http://caselaw.findlaw.com/data2/circs/9th/0655405p.pdf>

15. Digital music: 542-551, 556-559, 565-582
16. Secondary liability - copyright: 582-612
17. Secondary liability continued: 612-622, 625-628, 643-666, Perfect10 v. ccBill

<http://caselaw.findlaw.com/data2/circs/9th/0457143pv2.pdf>

18. Secondary liability for non-IP harms: 1091-1131
19. SPAM: 1012-1051
20. Unauthorized access: 1051-1087, 18 U.S.C. 1030
21. Digital locks: 700-704, 711-712, 720-721, 728-752; Optional extra explanation 713-720
22. Digital locks and their limits: 722-727, 752-778
23. Contracts in cyberspace: 791-832
24. Virtual property: Handouts to be determined
25. Limits on contracting/Licensing IP: 889-920
26. Licensing IP continued: 920-955
27. E-Payments: 1163-1201

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).