Internet Law & Policy
(Law #6930, Section 09F9, Three Credits)

Professor Danielle M. Conway
Fall 2014 – TuWTh 1-1:50PM, Room 382
Office & Office Hours: Room 368D
Wednesdays, 11:00AM – Noon, or by appointment
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Internet Law & Policy on TWEN

REQUIRED TEXT

Bellia, Berman Frischmann & Post, Cyberlaw: Problems of Policy and Jurisprudence in the Information Age (4th. ed. 2011) (Cyberlaw)

Lawrence Lessig, The Future of Ideas: The Fate of the Commons in a Connected World (Random House 2001) (Lessig)

COURSE DESCRIPTION

Internet Law & Policy is a primer on the impact of the development and use of new technologies on global business and social culture. E-commerce, telecommunications, information technology, government regulation, and social policy have all been brought together by the use of the Internet. The revolutionary medium of the Internet has required legal practitioners to reassess the applicability of current laws and policies that protect and govern members of the global community. This class will explore the legal implications of the new global economy, copyright law in cyberspace, e-commerce, privacy, security, trademarks, domain names, tort liability, and ethics.

COURSE REQUIREMENTS

This course explores the architecture of the Internet and how that architecture has impacted law and society. Depending on class discussions, I reserve the right, on behalf of the class, to limit or augment readings to coincide with the level of class interest on a topic.

To complete this course successfully, you must regularly prepare for, punctually attend, and actively participate in class. Exceptional and continuous participation may lead to an upward adjustment of your earned grade by up to one letter grade (i.e., from a B to an A).
COURSE GOALS

By the end of the semester, I hope that you will acquire the following:

(a) An understanding of the technology preceding the creation of the Internet, the Internet’s origin story, its architecture and the motivations for its original use and its modern use;

(b) Fluency in the subset of issues arising as a result of the rapid transformation in communications, privacy, commerce, property, culture, politics, governance, and security due to the existence and persistence of the Internet;

(c) A desire to read beyond the casebook to assess what lawyers and non-lawyers are saying about how the law has responded to a dynamic Internet; and

(d) The ability to analyze when content, transactions, information aggregation practices, and virtual communities and existences are exceptional or unexceptional in the context of the Internet and what approaches to regulation, if any, should be applied to advance common societal goals and objectives.

COURSE GRADE

The course grade is comprised of the following:

Written review of the week’s content and TWEN post of review for virtual discussion (30%)
Participation (includes virtual discussion) (20%)
Attendance (10%)
Final Exam Blogpost (not for public posting) (40%)

I will monitor attendance by both sign-in sheet and visual observation. Please sit in your assigned seat so that I may key your attendance to a pictoral seating chart.

The law school grading policy is available at the following link: http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9.

The make-up exam policy is available at the following link: http://www.law.ufl.edu/student-affairs/current-students/academic-policies#12.

The accommodations for students with disabilities policy is available at the following link: http://www.law.ufl.edu/student-affairs/current-students/academic-policies#11.

Other important policies are available at the following link: http://www.law.ufl.edu/student-affairs/current-students/academic-policies.
CLASS PREPARATION, PARTICIPATION, AND ATTENDANCE

Based on the course grade composition above, it should be evident that class preparation, participation, and attendance are significant components in measuring acceptable performance. Please complete the assigned video views, readings, and tasks before each class. Please come prepared to engage me and your colleagues in relevant, meaningful, and respectful discussion.

I assess preparation by observing your active listening skills, receiving your respectful commentary during class discussions, and receiving your formulation of thoughtful, relevant, and informed questions during class.

I assess participation by observing your willingness and capacity to share your relevant thoughts and insights on a subject. I assess exceptional participation by receiving summaries of relevant materials not assigned in the syllabus, viewing well-reasoned posts on TWEN that spark additional discussion among your colleagues, and observing unaided colloquy between and among you and your colleagues during class for the benefit of the class, as opposed to side conversations about subject matter that do not aid the entire class.

I assess attendance by your being punctual to class and present throughout the entire class. I discourage entering and exiting the class, unless there is an emergency. If you have six or more absences (University recognized religious holidays are exempt when you have provided me with advance notification in writing), you will not be allowed to take the final examination. This may result in you failing the course.

RECORDING DEVICES AND CELL PHONES

Unless you receive my express permission, please do not use recording devices. Please do not use mobile phones during class, except in the case of an emergency.

STUDENT COURSE EVALUATIONS

Students are expected to provide feedback on the quality of instruction in this course based on 10 criteria. These evaluations are conducted online at https://evaluations.ufl.edu. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available to students at https://evaluations.ufl.edu.
(Week 1) Internet Architecture

Tuesday, August 19, 2014
A. View/Listen to TED Talk - Andrew Blum: Discover the physical side of the internet

If you want to delve deeper into the Architecture of the Internet, you can read Andrew Blum's book, “Tubes: A Journey to the Center of the Internet,” (not required reading)

B. Read Cyber Law: Chapter 1 – Introduction to the Idea of Cyber Law, pp. 3-14

Wednesday, August 20, 2014
B. Read Lessig: Chapter 1 – Free, pp. 3-16

Thursday, August 21, 2014
A. Read Cyber Law: Chapter 2 – Problems of Metaphor and Analogy, pp. 25-35
B. From Cyber Law: Review and prepare to discuss Notes and Questions 3 and 6, pp. 34-35
C. Read Lessig: Chapter 2 – Building Blocks: “Commons” and “Layers”, pp. 19-25
(Week 2) Challenging Physical Architecture

Tuesday, August 26, 2014
A. View/Listen to TED Talk - Kevin Slavin: How algorithms shape our world
B. Read Lessig: Chapter 3 – Commons on the Wires, pp. 26-34

Wednesday, August 27, 2014
A. Read Cyber Law: Chapter 2 – Consumer Confusion and Online Trademarks, pp. 51-58
B. Read Lessig: Chapter 3 – Commons on the Wires, pp. 34-41

Thursday, August 28, 2014
A. Read Cyber Law: Chapter 2 – The Platform Metaphor, pp. 68-73
B. Read Lessig: Chapter 3 – Commons on the Wires, pp. 41-48

(Week 3) Continuing to Challenge Physical Architecture

Tuesday, September 2, 2014
A. View/Listen to TED Talk – Philip Rosedale: Life in Second Life
B. Read Lessig: Chapter 7 – Creativity in Real Space, pp. 103-119

Wednesday, September 3, 2014
A. Read Cyber Law: Chapter 3 – Who Regulates?, Geography & Sovereignty, pp. 75-84
B. Read Lessig: Chapter 8 – Innovation from the Internet, pp. 120-132

Thursday, September 4, 2014
A. Read Cyber Law: Chapter 3 – Who Regulates?, Geography & Sovereignty, pp. 84-92
B. Read Lessig: Chapter 8 – Innovation from the Internet, pp. 132-141
(Week 4) Ownership, Control, and End-2-End Architecture

Tuesday, September 9, 2014

A. View/Listen to TED Talk – Rebecca MacKinnon: Let’s take back the Internet!
C. Read Lessig: Chapter 9 – Old v. New, pp. 145-146
   Chapter 10 – Controlling the Code Layer, pp. 147-160

Wednesday, September 10, 2014

A. Read Cyber Law: Chapter 3 – Jurisdiction to Prescribe, pp. 99-103
B. Read Lessig: Chapter 10 – Controlling the Code Layer, pp. 160-176

Thursday, September 11, 2014

Read Cyber Law: Chapter 3 – Jurisdiction to Prescribe, pp. 118-129

(Week 5) Sovereignty and Jurisdiction to Adjudicate

Tuesday, September 16, 2014

A. View/Listen to Fresh Air with Terry Gross – Professors Tim Wu and Jack Goldsmith: Who Controls the Internet: Illusions of a Borderless World
B. Read Cyber Law: Chapter 3 – Jurisdiction to Adjudicate, pp. 129-142

Wednesday, September 17, 2014

Read Cyber Law: Chapter 3 – Jurisdiction to Adjudicate, pp. 142-151

Thursday, September 18, 2014

Read Cyber Law: Chapter 3 – Judgment Recognition, pp. 151-163
(Week 6) Public Versus Private Regulation

Tuesday, September 23, 2014
A. View/Listen to TED Talk – Paddy Ashdown: The global power shift
B. Read Cyber Law: Chapter 4 - Private Regulation, pp. 165-176

Wednesday, September 24, 2014
Read Cyber Law: Chapter 4 – Regulation by Contract, pp. 176-193

Thursday, September 25, 2014
Read Cyber Law: Chapter 4 – Public Responses to Private Regulations, pp. 202-211; 230-238

(Week 7) Internationalization of Legal Regimes

Tuesday, September 30, 2014
A. View/Listen to TED Talk – Clay Shirky: Why SOPA is a bad idea
B. Read Cyber Law: Unit Two (between chapters 4 and 5), pp. 263-275

Wednesday, October 1, 2014
Read Cyber Law: Unit Two (between chapters 4 and 5), pp. 275-289

Thursday, October 2, 2014
Examination Preparation: Review of Practice Blogpost Question
(Week 8) Legal versus Technological Regulation

Tuesday, October 7, 2014

A. View/Listen to TED Talk – Christopher Soghoian: Government surveillance – this is just the beginning

B. Read Cyber Law: Chapter 5 – Effect of Technological Change on Legal Rules, pp. 301-313

Wednesday, October 8, 2014

Read Cyber Law: Chapter 5 – Internet Surveillance and the 4th Amendment, pp. 313-319

Thursday, October 9, 2014

Read Cyber Law: Chapter 5 – Internet Surveillance and the 4th Amendment, pp. 319-330

(Week 9) Legal Rules and Their Effect on Innovation

Tuesday, October 14, 2014

A. View/Listen to TED Talk – Don Tapscott: Four Principles for the open world

B. Read Cyber Law: Chapter 5 – Home Video Recording Devices, pp. 333-342

Wednesday, October 15, 2014

Read Cyber Law: Chapter 5 – Peer-to-Peer File Sharing, pp. 350-359

Thursday, October 16, 2014

Read Cyber Law: Chapter 5 – Peer-to-Peer File Sharing, pp. 360-371
(Week 10) Continuing with Legal Rules and Their Effect on Innovation

Tuesday, October 21, 2014
A. View/Listen to TED Talk – Lawrence Lessig: Re-examining the remix
B. Read Cyber Law: Chapter 5 – DMCA, pp. 343-348

Wednesday, October 22, 2014
Read Lessig: Chapter 6 – Commons Lessons, pp. 85-99

Thursday, October 23, 2014
Read Cyber Law: Chapter 5 – Technology Supplanting Legal Rules, pp. 382-389

(Week 11) The Intermediary Problem

Tuesday, October 28, 2014
A. View/Listen to Last Week Tonight – John Oliver: Net Neutrality (HBO)
B. Read Cyber Law: Chapter 6 – Secondary Liability for Defamatory Content, pp. 420-428

Wednesday, October 29, 2014
Read Cyber Law: Chapter 6 – Secondary Liability for Defamatory Content, pp. 429-439

Thursday, October 30, 2014
Read Cyber Law: Chapter 6 – Secondary Liability for Defamatory Content, pp. 441-444
(Week 12) Continuing with The Intermediary Problem

Tuesday, November 4, 2014

A. View/Listen to Fresh Air with Terry Gross – Susan Crawford: When It Comes to High-Speed Internet, U.S. “Falling Way Behind.”

B. Skim Verizon v. F.C.C. (D.C. Cir., Jan 14, 2014) full decision

C. Read summary of Verizon decision

Wednesday, November 5, 2014

Visit FCC.gov comments webpage, click on Filings in Last 30 days (273368) for Protecting and Promoting the Open Internet. Browse comments in expanded view.

Draft a paragraph describing your position on network neutrality

Be prepared for a critical discussion of network neutrality in class on November 6, 2014

Thursday, November 6, 2014

Network neutrality discussion

(Week 13) Problems of Privacy and Surveillance

Tuesday, November 11, 2014

No Classes – Veterans' Day

Wednesday, November 12, 2014

A. View/Listen to TED Talk – Edward Snowden: Here’s how we take back the Internet

B. Read Cyber Law: Chapter 8 – Framing Privacy, pp. 625-639

Thursday, November 13, 2014

Read Cyber Law: Chapter 8 – Government Surveillance and Data Mining, pp. 665-668; 679-683; 688-690
(Week 14) Continuing with Problems of Privacy and Surveillance

Tuesday, November 18, 2014
A. View/Listen to TED Talk – Alessandro Acquisti: Why privacy matters
B. Read Cyber Law: Chapter 8 – Government Data Mining, pp. 690-705

Wednesday, November 19, 2014
Read Cyber Law: Chapter 9 – Ownership and Control Over User-Generated Content, pp. 765-782

Thursday, November 20, 2014
Open discussion regarding your future with the Internet

(Week 15)

Tuesday, November 25, 2014
Examination Review