

University of Baltimore, School of Law  
Spring 2020

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**Course:** Cyberspace Law Seminar, LAW 875, Section 512

**Instructor:** Jerry M. Bodman

**Class Times and Office Hours:** The class will meet every Thursday from 6:15 - 9:00 PM. I will generally be available immediately before or after class. If you desire another time, please let me know and we can make arrangements.

**Contact Information:** Please direct all electronic correspondence to my UB email account. If you to have a phone call, please pass your number in the email.

**Course Description:** This seminar covers a wide range of legal issues as they pertain to the Internet such as protecting intellectual property rights, imposing tort liability on service providers, preserving freedom of speech in electronic media, establishing global jurisdiction and venue principles, protecting privacy and/or anonymity, and otherwise regulating the new media. Recommended: One of the Core Courses of the Intellectual Property Area of Concentration, or Communications Law.

**Materials:** James Grimmelmann, *Internet Law: Cases and Problems* (9th ed. 2019); Other readings as provided on TWEN

**Learning Outcomes:** This course is designed to expose students to the challenges associated with the complexity of the Internet, technology, and how the intersection is manifested in legal frameworks. This course also satisfies an upper level writing requirement. By the end of this course, students will be able to:

- Demonstrate understanding of reading through case summarization and ability to explain to others the outcomes, facts, and law.
- Make use of acquired knowledge from reading by solving problems and exercises in class.
- Be able to work with others in small groups to analyze facts, discuss options, and complete exercises.
- Conduct legal research into topic of interest.
- Demonstrate ability to evaluate research and develop an outline of a research paper.
- Synthesize research using the outline you develop to create a rough draft of the final paper
- Demonstrate understanding of upper level writing. Construct a final paper.
- Show understanding of how to propose alternatives and recommend changes to the laws and issues associated with the Internet and technology.

**Grades:** The final grade for this course will be based on a combination of class participation (20%) and successful completion of a paper that meets upper level writing requirements (80%).

The class participation score will be based on: attendance; preparation for class as demonstrated through knowledge and participation; and a short presentation.

The paper will be produced in an iterative process with the following deliverables and due dates (subject to change):

- Topic – January 30th
- Outline – March 2nd

- Rough draft – April 6th
- Final version - May 11th

The final paper must be a minimum of 25 pages long (double-spaced with footnotes or endnotes) and no longer than 35 pages. If you feel that your paper must be longer than 35 pages, please coordinate with me. The total page count will not count the cover page, table of contents, or table of authorities if you choose to add them. Papers not received by the deadline may be penalized up to one letter grade per day.

**Expectations:** The goal of any law school course is for you to develop solid skills that will improve your ability to be great lawyers. This course is no different. At the end of the course, you should be able to demonstrate how lawyers solve problems in this area of law. I have high expectations for student performance in class and on assignments. You should be prepared to contribute in every class. If you find that you are not well prepared for class and have a valid reason for it, please let me know before class starts.

**Attendance:** Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

Regular Semester Hours		
Credit Hours	Meetings Per Week	
	1	2
2	2 absences	5 absences
3	2 absences	5 absences
4	--	5 absences

**Computers:** Students may use computers for class related purposes.

**Class Cancellation:** If the instructor must cancel a class, notices will be sent to students via email. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

**Course Evaluation:** It is a requirement of this course that students complete a course evaluation. The evaluation will be available later in the semester and is entirely anonymous. Faculty members will not have access to the feedback provided on course evaluations until after all grades are submitted.

**Academic Integrity:** Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process.

The School of Law Honor Code and information about the process is available at [http://law.ubalt.edu/academics/policiesandprocedures/honor\\_code/](http://law.ubalt.edu/academics/policiesandprocedures/honor_code/).

**Title IX Sexual Misconduct and Nondiscrimination Policy:** The University of Baltimore's Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX

requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

**Disability Policy:** If you are a student with a documented disability who requires an accommodation for academic programs, exams, or access to the University's facilities, please contact the Office of Academic Affairs, at [ublawacadaff@ubalt.edu](mailto:ublawacadaff@ubalt.edu) or (410) 837-4468.

**Homework for the First Day of Class:** In addition to completing the reading for the first day of class, please send me an email with answers to the following questions:

- Who are you? Provide a snapshot of your experiences and education background.
- Do you have a focus (e.g. business, health, national security)?
- Why are you taking the course?
- What is (at least) one thing you hope to learn by taking this course?

**Reading Assignments – WARNING:** All reading assignments are subject to change based on class progress and the need to spend class time on papers

16 Jan	Course Overview & Administrative Details; Paper requirements; Discussion on readings Reading: Introduction & Chapter 1; Chapter 2, A
23 Jan	Jurisdiction: Jurisdictional Conflicts, American Law Reading: Chapter 2 B, C  Speech: First Amendment Basics Reading: Chapter 3 A
30 Jan	Speech: What is Speech?, Harmful Speech, Section 230 Reading: Chapter 3 B, C, D  Deliverable: Paper Topic
06 Feb	Privacy: The Fourth and Fifth Amendments, Wiretapping, Reading: Chapter 4 A, B,  Guest Speaker – Cloud Technology & the Law
13 Feb	Privacy: Anonymity, Consumer Privacy, An International Perspective Reading: Chapter 4 C, D, E  Read and be prepared to discuss:  Reading: Omer Tene and Jules Polonetsky, Big Data for All: Privacy and User Control in the Age of Analytics, <i>11 Nw. J. Tech. &amp; Intell. Prop.</i> 239 (2013).
20 Feb	Access to Computers: Contracts, Trespass to Chattels, Computer Misuse Statutes Reading: Chapter 5 A, B, C

- 27 Feb Trademark and Domain Names: Trademark Basics, Domain Names  
Reading: Chapter 6 A, B
- 02 Mar Deliverable: Paper Outline
- 05 Mar Copyright: Copyrightability, The Exclusive Rights, Licenses  
Reading: Chapter 7 A, B, C
- 12 Mar Copyright: Fair Use, Secondary Liability, Section 512  
Reading: Chapter 7 D, E, F
- SPRING BREAK – 16-22 March
- 26 Mar Copyright: Digital Rights Management  
Reading: Chapter 7 G
- Patent  
Reading: Chapter 8
- 06 Apr Deliverable: Draft Paper
- 09 Apr Platforms: Points of Control, Platform Rights, Marketplaces  
Reading: Chapter 9 A, B, C
- 16 Apr Platforms: Points of Control, Platform Rights, Marketplaces, Antitrust, Network Neutrality  
Reading: Chapter 9 A, B, C, D, E
- 23 Apr Beyond the Internet: Virtual Property, Blockchains, Defective Software, Litigation, The Physical World,  
Reading: Chapter 10 A, B, C, D, E
- 11 May Deliverable: Final Paper