

Cyberspace Law
Lewis & Clark Law School
Syllabus Fall 2006 [Part 6]
 Prof. H. Tomás Gómez-Arostegui

Casebook: M.J. Radin, J.A. Rothchild, R.A. Reese, and G.M. Silverman, INTERNET COMMERCE: THE EMERGING LEGAL FRAMEWORK (Foundation Press: 2d ed. 2006) [hereinafter RADIN]. **Supplement:** Some readings will be posted on my class website as PDFs for you to download; they will be posted several weeks before the assigned readings: <http://www.law.lclark.edu/faculty/tomas/cyberspace.html> [hereinafter WEB].

Reading Assignments: The syllabus will be distributed in parts, as we progress throughout the course. I will post each part to the WEB as needed.

Meeting Time: We meet every Tuesday and Thursday, 9:00 am to 10:30 am, in Classroom 7 (Wood Hall).

Contact Information: My office is on the top floor of the LRC, No. 320. My phone number is 503-768-6816, and my e-mail is tomas@lclark.edu. My office hours are, essentially, the hours I am not teaching. So drop by any time.

Student Obligations and Grading: You are required to attend class, read the assignments, and participate in discussions relating to those assignments. Your grade for the course will largely be based upon a final examination at the end of the semester. The exam will be open book. Class participation can also affect your grade. Your participation may merit a one-step upward or one-step downward adjustment from your exam grade, or (as is more often the case) it may not merit any adjustment at all.

Class & Day	Topics	Materials	Explanatory Notes
[1] Tue 8/29	Regulation of the Internet	RADIN 1-17 RADIN 32-53 [total 37 pp]	Skip the articles by J.P. Barlow and T. Long Section III only
[2] Thu 8/31	Trademarks: The Basics, Infringement, Intitial-Interest Confusion, and Dilution	RADIN 64-74 RADIN 79-96 RADIN 114-17 [total 29 pp]	Start w/Exts. on p. 79 Skip the <i>Toys</i> Case
[3] Tue 9/5	Trademarks: Fair Use, Nominative Use, and the First Amendment	RADIN 135-36 RADIN 139-46 WEB <i>Paccar</i> Case RADIN 146-56 [total 22 pp]	The <i>Brookfield</i> Case Start w/the <i>Playboy</i> case Skip the <i>Name</i> Case on pp. 152-55

[4] Thu 9/7	Trademarks: Domain-Name Infringement and Dilution	RADIN 157-75 RADIN 179-200 [total 35 pp]	Start w/Ques.; skip the <i>Ty</i> Case on pp. 186-90
[5] Tue 9/12	Trademarks: The ACPA and the UDRP	WEB ACPA Excerpt RADIN 200-13 RADIN 224-25 RADIN 247-53 WEB UDRP Excerpt RADIN 260-69 [total 37 pp]	Start w/#2; end w/#3
[6] Thu 9/14	Personal Jurisdiction	RADIN 326-52 RADIN 355-70 [total 35 pp]	Skip: (1) Ext. on p. 334; (2) Ext. #3 on p. 341; (3) Ques. on pp. 341-42; (4) Ques. on pp. 343-44 Start w/Ques.; skip Exts. & Ques on pp. 364-66; do not read § G on p. 370
[7] Tue 9/19	Privacy: Online Problems	RADIN 390-431 [total 37 pp]	Skip: (1) Exts. on pp. 415-17; (2) Exts. & Ques. on pp. 419-20; (3) Sec. D on pp. 423-24
[8] Thu 9/21	Privacy: Protection Models	RADIN 432-59 [total 28 pp]	
[9] Tue 9/26	Copyright: The Basics & Internet Activities	RADIN 460-64 RADIN 467-68 RADIN 500 RADIN 512 RADIN 517-36 WEB <i>Perfect 10</i> Case [total 35 pp]	Stop after § 101 Read § 106 only Read § 107 only Read § 109 only
[10] Thu 9/28	Copyright: Digital Music	RADIN 542-49 RADIN 556-72 [total 24 pp]	
[11] Tue 10/3	Copyright: Secondary Liability and Safe Harbors	RADIN 582-630 [total 42 pp]	Skip: (1) Exts. & Ques. on pp. 598-600; (2) <i>Intellectual</i> Case on pp. 625-28

[12] Thu 10/5	Copyright: Secondary Liability for Technology Providers: The Sony and Grokster Cases	RADIN 630-66 [total 36 pp]	
[13] Tue 10/10	Digital Rights Management: The Right to Control Access	RADIN 700-13 RADIN 722-44 [total 37 pp]	Skip Ques. #1-3 on pp. 708-09; on p. 713, stop reading at the end of the first full ¶
[14] Thu 10/12	Digital Rights Management: Continued	RADIN 744-52 RADIN 777-90 [total 21 pp]	
[15] Tue 10/17	Contracting: Formation I: Shrinkwrap and its Online Analogues	RADIN 791-836 [total 36 pp]	Skip: (1) the <i>Klocek</i> case on pp. 804-12; (2) Ques. on pp. 812-13; (3) Exts. & Ques. on pp. 831-33
[16] Thu 10/19	Contracting: Formation II: Automated Contracts and Formalities	RADIN 842-49 RADIN 855-82 RADIN 889 [total 34 pp]	Comparative Notes
[17] Tue 10/24	Contracting: Licensing	RADIN 904-10 RADIN 927-44 [total 25 pp]	
[18] Thu 10/26	REVIEW SESSION	-----	-----
[19] Tue 10/31	Contracting: Open-Source Software and the GPL	WEB Open Source I WEB Open Source II WEB BSD License WEB GPL v2 WEB Stoltz Article [total 26 casebook equiv. pp]	SKIM FOCUS on the Preamble, and §§ 0-6, 11-12; SKIM the rest FOCUS on pp. 1439-53; the rest is OPTIONAL
[20] Thu 11/2	Patents	RADIN 956-68 RADIN 980-84 RADIN 996-1011 [total 31 pp]	Begin w/ § C; on p. 984, stop after the Amazon patent Start w/ § VI; skip Ques. on p. 1011

[26] Tue 11/28	Cybercrime: The Stored Communications and Wiretap Acts	WEB Cybercrime 6-11 WEB <i>Steve Jackson Case</i> WEB <i>Konop Case</i> WEB <i>Theofel Case</i> WEB <i>Ropp Case</i> [total 25 pp]	SKIM 8-11
[27] Thu 11/30	Cybercrime: The Fourth Amendment	WEB <i>Smith Case</i> WEB <i>Ziegler Case</i> WEB <i>Proetto Case</i> WEB <i>Turner Case</i> WEB <i>Long Case</i> WEB <i>Hambrick Case</i> WEB HLR Article [total 24 pp]	OPTIONAL
[28] Tue 12/5*	REVIEW SESSION	-----	-----

* Make-up class for the Thursday class missed due to Thanksgiving.