**JOMC 440**

**The Law of Cyberspace**

**Assignment Schedule**

**Spring 2014**

Note: Additional readings might be assigned during the semester or some of the readings (not the books) might be eliminated. Also, the order of these assignments might be changed.

# Week 1, Jan. 9

Topic: Overview of the course and instructions on how to use WestlawNext to find a court decision

Research: As soon as you receive your WestlawNext password in an email to you, go to the site (www.westlawnext.com). Click on “WestlawNext User Guides” at the bottom of the home page. Then click on “Getting Started.” You’ll be using the database all semester, so you’ll need to know how it works. There will be additional training later.

## Week 2, Jan. 14 and 16 (Jan. 16: first reading quiz and case brief due)

Topic: The First Amendment and the Internet

Read:

* *Declaration of the Independence of Cyberspace* by John Perry Barlow, <http://homes.eff.org/~barlow/Declaration-Final.html>.
* Read about John Perry Barlow. (Wikipedia works for this.)
* **First 10 pages only** of Thomas I. Emerson, *Toward a General Theory of the First Amendment*, 72 Yale L.J. 877 (1963), available on WestlawNext or at <http://www.heinonline.org.libproxy.lib.unc.edu/HOL/Page?handle=hein.journals/ylr72&div=63&collection=top30&set_as_cursor=51&men_tab=srchresults&terms=Emerson&type=matchall>.
* Read a history of the Internet: <http://www.isoc.org/internet/history/brief.shtml> or <http://www.netvalley.com/cgi-bin/intval/net_history.pl?chapter=1>.

**Brief this case:** *Reno v. ACLU*, 521 U.S. 844 (1997), available on WestlawNext. For best search results, search using the case citation. Case briefing instructions and a sample case brief are posted on the class Sakai site in the Resources section.

## Week 3, Jan. 21 and 23

Topics: Global issues in Internet regulation and how to select a research paper topic

Read:

* Rebecca MacKinnon, Consent of the Networked: The Worldwide Struggle for Internet Freedom (2012).

Research: Watch this online presentation on how to select a research paper topic:  <http://prezi.com/dkgvx36dybff/choosing-a-research-topic/?utm_campaign=share&utm_medium=copy>. The presentation says it’s for JOMC 718, but it’s for you, too.

## Week 4, Jan. 28 and 30

Topic: Internet censorship in China and France

Read:

* *The New York Times* has published hundreds of articles about the Chinese government’s censorship of the Internet: <http://topics.nytimes.com/topics/news/international/countriesandterritories/china/internet_censorship/index.html>. Spend an hour reading about the many methods used by the Chinese government to control what its citizens see, read, and post online. Start with the most recent articles.
* Jack Goldsmith and Timothy Wu, *Digital Borders*, Legal Affairs (Jan. 2, 2012). A copy of this article is on your class Sakai site. Look in the Resources section.

#### Week 5, Feb. 4 and 6 (Paper topic memo due Feb. 4)

Topic: Private control over the Internet, the law on state action, and net neutrality

Read:

* Tim Wu & Christopher Yoo, *Keeping the Internet Neutral?: Tim Wu and Christopher Yoo Debate*, 59 Fed. Comm. L.J. 575 (2007).
* The FCC’s 2010 Open Internet Order, <http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-10-201A1.pdf>.

##### Week 6, Feb. 11 and 13 (Stephanie The Super Librarian will be in class Tuesday.)

Topic: Government surveillance, national security and privacy

Read:

* Daniel J. Solove, Nothing to Hide: The False Tradeoff Between Privacy and Security (2011).

Research: In-class discussion of how to write the introduction and literature review for your research paper. Also, view this presentation on how to use Westlaw Next to find the materials you need for your literature review: <https://www.youtube.com/watch?v=YLCvn_Q-XVw>. Also, check out the PowerPoint slides that go with this presentation. They are on the Sakai site in the folder labeled “Research.” The slides are labeled “WestlawNext\_secondary sources.”

#### Week 7, Feb. 18 and 20

Topic: Wikileaks and Edward Snowden

* Shaina Jones & Jay Ward Brown, *“The Assange Effect”: Wikileaks, The Espionage Act and the Fourth Estate*, MLRC Bulletin (Aug. 2011), <http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=5&ved=0CFEQFjAE&url=http%3A%2F%2Flskslaw.com%2Fdocuments%2FWikiArticle%2800445013%29.PDF&ei=rKTpUJ30LIHC9QTxjYG4BA&usg=AFQjCNGJZOsoATBgB8xVIG22IREPyyg8wg&bvm=bv.1355534169,d.eWU>.
* Ryan Lizza, *State of Deception: Why won’t the President rein in the intelligence community*? The New Yorker 48 (Dec. 16, 2013), *available at* <http://www.newyorker.com/reporting/2013/12/16/131216fa_fact_lizza>.

√ this out to see what Wikileaks is up to now: <http://wikileaks.org>.

#### Week 8, Feb. 25 and 27 (Introduction to paper and literature review due Feb. 25)

Topic: Copyright law, beginning with a review of copyright law basics and including the balancing of First Amendment and copyright interests; the Creative Commons

Read:

* Lawrence Lessig, Free Culture: The Nature and Future of Creativity (2004). You can download this book for free here: http://www.free-culture.cc/freecontent/.
* *Eldred v. Ashcroft,* 537 U.S. 186 (2005). Lessig discusses this case at length in his book.
* *Golan v. Holder,* 565 U.S. \_\_,132 S.Ct. 873 (2012).

**√** this out: U.S. Copyright Office website at [http://www.copyright.gov](http://www.copyright.gov/) This tells you how to register your own copyrights.

#### Week 9, March 4 and 6

Topic: Fair use, news aggregation, terms of service, copyright trolls, etc.

Read:

* Kimberley Isbell, *The Rise of the News Aggregator: Legal Implications and Best Practices*, Berkman Center Research Publication No. 2010-10, (2010), *available at* [http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1670339#](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1670339).

Research: How to write the research questions and methodology section for your research paper

#### Week 10, March 11 and 14 (spring break)

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#### Week 11, March 18 and 20

Topic: The Digital Millennium Copyright Act and Viacom v. Youtube; anonymous speech and the right to be forgotten

Read:

* *Viacom v. Youtube*,940 F.Supp.2d 110 (S.D.N.Y. 2013)

#### Week 12, March 22 and 27 (Research questions and methodology due March 22)

Topics: Online libel and invasion of privacy

Read:

* Chapters 1-3, 5-8, and 10-13 in Saul Levmore & Martha C. Nussbaum, eds., The Offensive Internet: Speech, Privacy, and Reputation (2010).

#### Week 13, April 1 and 3

Topic: Section 230 of the Communications Decency Act

Read:

* Citizen Media Law Project, “Section 230 of the Communications Decency Act,” at <http://www.citmedialaw.org/section-230>. Read the “Section 230 Basics,” including Section 230 itself, to which you’ll find a link. Also read through the four links listed under “Information on Section 230 in Our Legal Guide.”
* *Fair Housing Council of San Fernando Valley v. Roommates.com*, 521 F.3d 1157 (9th Cir. 2008). (This is not a libel case, but it speaks to the important questions of what limits there are, if any, to the protection afforded by Section 230.)

Research: In-class discussion of how to write the rest of your research paper. View this presentation on how to use Westlaw Next to find cases, statutes, or administrative regulations you need: <https://www.youtube.com/watch?v=C1Mmr8Di1z8>. Also, check out the PowerPoint slides that go with this presentation. They are on the Sakai site in the folder labeled “Research.” The slides are labeled “WestlawNext\_primary sources.”

#### Week 14, April 8 and 10

Topic: Internet hate, including the Lori Drew case, North Carolina’s school cyberbullying law, and the law on true threats

Read:

* Chapters 4, 9, and 11 in The Offensive Internet.
* Lauren Collins, *Friend Game*, The New Yorker, Jan. 21, 2008, available at <http://www.newyorker.com/reporting/2008/01/21/08012/fa_facts_collins>.
* Kim Zetter, *Judge Acquits Lori Drew in Cyberbullying Case, Overrules Jury*, Wired, July 2, 2009, available at <http://www.wired.com/threatlevel/2009/07/drew_court/>.
* Student Press Law Center, *N.C. Outlaws Fake Social Media Profiles of School Officials* (Aug. 1, 2012), <http://www.splc.org/news/newsflash.asp?id=2418>.
* North Carolina’s cyberbullying statute: <http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_14/GS_14-458.1.html>.

#### Week 15, April 15 and 17 (Final papers due Monday, April 14, at 8 a.m.)

**Email your paper to Dr. Packer at** **clpacker@email.unc.edu****. Also, bring a paper copy of your paper to class Tuesday. No late papers, please!**

Student research presentations

#### Week 16, April 22 and 24

Student research presentations

#### Exam period

There will be no final exam. However, student research presentations might be scheduled for the time scheduled for the final exam: 4 to 7 p.m., Tuesday, April 29. Hopefully this will not be necessary.