

Media Law

MEJO 740: 3 Credits

Fall 2023

COURSE POLICIES & SYLLABUS

Professor: Dr. Amanda Reid (she/her)
Office: Room 393 Carroll Hall
E-mail: AREid@unc.edu
Office hours: Wednesdays 10:00 a.m. to 12:00 p.m.
Other times also available by appointment

COURSE OVERVIEW

MEJO 740 is a graduate course in which students explore the delicate balance that exists between freedom and control of the media. Specifically, this course is an introduction to the laws of libel, defamation, privacy, indecency, obscenity, net neutrality, copyright, trademark, commercial speech, and prior restraint. This course is designed to introduce a basic understanding of how the law is made and the importance of free expression in a democracy. We will study both old and new law because both are relevant today. We will trace some of the key developments in the philosophies underlying media law and we will survey an array of legal doctrines so that you are equipped to identify and analyze many of the practical legal issues that impact your chosen professions. You should expect to recognize and understand how law and regulation are – or are not – continuing to adapt to and evolve in the rapidly advancing digital media and communication landscape. And, perhaps most importantly, you'll learn how our legal system works in a self-governing democracy to ideally protect our constitutional and legal rights as informed and participatory advocates, media professionals, and citizens.

CLASS TIME & PLACE

- ❖ Tuesdays and Thursdays from 8:00 a.m. to 9:15 a.m. in Carroll 305 (Freedom Forum).
 - For remote sessions, here is the Zoom link for our class: <https://unc.zoom.us/j/95830916976?pwd=SE9weTRtKzFnWll6U2RCRmswVFNgUT09>
 - Meeting ID: 958 3091 6976
 - Passcode: 8412509

TEXTS

Book 1: SAMANTHA BARBAS, ACTUAL MALICE: CIVIL RIGHTS AND FREEDOM OF THE PRESS IN NEW YORK TIMES V. SULLIVAN (2023)

Book 2: LEE MCGUIGAN, SELLING THE AMERICAN PEOPLE: ADVERTISING, OPTIMIZATION, AND THE ORIGINS OF ADTECH (2023)

- Open Access: <https://direct.mit.edu/books/oa-monograph/5610/Selling-the-American-PeopleAdvertising>

Book 3: ALICE MARWICK, THE PRIVATE IS POLITICAL: NETWORKED PRIVACY AND SOCIAL MEDIA (2023)

Book 4: REBECCA GIBLIN & CORY DOCTOROW, CHOKEPOINT CAPITALISM: HOW BIG TECH AND BIG CONTENT CAPTURED CREATIVE LABOR MARKETS AND HOW WE'LL WIN THEM BACK (2022)

- Open Access:
https://books.googleusercontent.com/books/content?req=AKW5QadlCxeJ90uOuYXuBFUYpQWGDQOVVHUW6FrP6I0hBrBwDY-iuJ026Y47LWVQUg5JcHcDp0-pvB0XQNkWKrjJO2ox132JOMqIk5uefiDEQ6xj8xjhdABclgSwlQqwEUkQCTq7s7uIIGYYjr3NlpMliJz9oDQWlXmsQd7BrAPgcYXskN6eLGvLyd9lmVDcsgC2EgZx66ECItH4KIf-yjHQJlqvX8oYicFYauGGAkwuU0I79KQLlbkHIfIaYagOLxQGi-QBWo4QZfvF62YNOu_XBOiinhPIqQ

COURSE LEARNING OBJECTIVES

- ❖ Explain the historical and philosophical bases of the First Amendment.
- ❖ Explain concerns about censorship in a democratic republic.
- ❖ Analyze and synthesize primary sources of media law.
- ❖ Apply legal tests to new scenarios and hypotheticals.

ACHIEVING SUCCESS

In this course we will cover a significant amount of dense material at a relatively quick pace. Some of the reading assignments are longer and more complicated than what you have encountered in other courses. Class attendance, active participation, and diligent preparedness are essential in order to master the material. The material cannot be memorized in a short amount of time. Skimming the material before class (or not reading at all) and “learning” the material from class alone will not lead to success. Success requires you to read, evaluate, critically think, and internalize the material before class so you can actively participate (either verbally or intellectually) during class. **The key to success in this course is preparation on a daily basis.**

GENERATIVE AI USAGE

- AI should help you think; *not think for you*
- Engage with AI responsibly and ethically
- Data that is confidential or personal should not be entered into AI tools

- You are 100% responsible for your final product
 - You must independently validate the source of the data or not include it in your submission
 - You must document what you did to validate all facts, quotes, and logic
- The use of AI must be open and documented
 - You will attest to how generative AI was used on every submission
- These guidelines apply unless I give you specific guidelines for an assignment

CLASSROOM EXPECTATION

In this class, I expect that you will:	By the same token, you can expect that I will:
<ul style="list-style-type: none"> • Come to class prepared to engage with the day's material. • Come to class on time. • Complete all assignments on time. • Silence your mobile phone during class. • Not waste class time on electronic or online services unrelated to class. • Speak up at least once per class period. • Let me know if and when you're having trouble understanding anything (feel free to do so publicly or privately). • Not insult or belittle me or your fellow classmates. • Refrain from plagiarism and other violations of UNC's Honor Code. 	<ul style="list-style-type: none"> • Come to class prepared and enthused to engage with the day's material. • Come to class on time. • Return your graded assignments in a timely manner. • Treat your personal views with respect. • Carefully explain any concepts that don't make sense. • Cultivate a civil and welcoming class environment. • Reward good-faith efforts to engage with course material. • Refer plagiarism and other violations of UNC's Honor Code to the proper authorities.

CLASS PREPARATION

It is critical that each student fully participate in classroom discussions to enrich the learning experience. You must come to each class prepared to participate. "Prepared" means that you have already read and thought about the assigned materials for the day's class, and you are ready to participate in class discussion.

Class time will primarily be used to (a) stress particular points made in the reading, (b) cover areas not addressed in the reading that I believe will increase your knowledge, or (c) work through hypotheticals and problems to help illustrate what you should have learned from the reading.

While I expect you to take class preparation and participation seriously, I do not require that you have a perfect answer prepared for every possible question I might pose during our class discussions. Moreover, there is rarely only one "right" answer to a legal question. Rather, different

arguments of varying strength exist. I am interested in helping you hone your skills in identifying, making, and evaluating those arguments. If you have thoroughly read and considered the assigned material, but nonetheless find yourself perplexed, don't worry. Your ability to clearly articulate to me and to your classmates what you found confusing will be a helpful learning tool for everyone.

Finally, our class conversations should always be civil and respectful. The law is about addressing and evaluating conflicting views and we will not always agree with one another. However, in debating differing viewpoints and perspectives, I require that everyone do so in a respectful and professional manner.

ATTENDANCE

University Policy: No right or privilege exists that permits a student to be absent from any class meetings, except for these University Approved Absences:

1. Authorized University activities
2. Disability/religious observance/pregnancy, as required by law and approved by [Accessibility Resources and Service](#) and/or the [Equal Opportunity and Compliance Office](#) (EOC)
3. Significant health condition and/or personal/family emergency as approved by the [Office of the Dean of Students](#), [Gender Violence Service Coordinators](#), and/or the [Equal Opportunity and Compliance Office](#) (EOC).

Please communicate with me early about potential absences. Please be aware that you are bound by the [Honor Code](#) when making a request for a University approved absence.

OFFICE HOURS

I host regular office hours on Wednesdays from 10:00 a.m. to noon in Carroll 393. Additional times are available by appointment. If you prefer to join my office hours remotely via Zoom, use this link:

<https://unc.zoom.us/j/98051487857?pwd=Zkk5TURMSldHVkJRbzJEdTFqNzYvdz09>

Alternative access to Zoom office hours:

Meeting ID: 980 5148 7857

Passcode: law

Office hours are specific times I have set aside to get to know you and to assist you with your work for the course. Please feel free to reach out to me. Note that I employ the Zoom "waiting room" feature for office hours; if I am meeting with another student, I may ask you to make an appointment with me. Occasionally my office hours will conflict with faculty meetings, conferences, or department meetings. As a result, I will need to cancel the office hours for that time.

GRADE SCALE & COURSE ASSESSMENTS

Grading at the graduate level is intended to offer feedback to students on their performance in the course. All master's and doctoral programs administered through The Graduate School operate under the same grading system. The graduate grading scale in use at UNC-Chapel Hill is unique in that it cannot be converted to the more traditional A/B/C grading scale. Graduate students do not carry a numerical GPA.

- **H (high pass): *Clear Excellence*.** The work is intellectually rigorous, shows an exceptional understanding of the material, and is error free. Student reads and critically engage with all of the assigned materials. Participation in discussions and written assignments exhibit the ability not only apply the material, but also to extrapolate ideas, expand into new areas, and contribute to the body of scholarship in the area. Assignments are submitted on time and are well written and engaging. Reserved for truly extraordinary work. *I will actually say "wow!"*
- **P (pass): *Entirely Satisfactory Graduate Work*.** The work illustrates a good effort at understanding the material and has few errors. These students read and critically engage with all materials. They are able to apply concepts and suggest new directions in many instances. Assignments are submitted on time and are well written and engaging.
- **L (low pass): *Inadequate Graduate Work*.** The work indicates some progress toward gaining an understanding of the material and has substantial errors. Students read most of the material but do not often critically engage with it. They are able to apply concepts and suggest new directions in some instances.
- **F (fail):** The work shows little to no understanding of the assignment or was not completed in a timely manner. Students miss one or more classes without prior arrangement. They do not always read the material, and they fail to critically engage with it.

Although no formal points corresponding to the grades are issues, the *weights* of each assignment in determining the final course grade are as follows:

<u>What</u>	<u>When</u>	<u>How much</u>
Book Review 1	10/3	10%
Book Review 2	10/17	10%
Book Review 3	11/2	10%
Book Review 4	12/5	10%
Law Explication	11/28	15%
Edit & Revise Book Review	12/14	30%
Discussions & Participation	passim	15%

*****Research-track Alternative:***

<u>What</u>	<u>When</u>	<u>How much</u>
Book Review 1	10/3	10%
Book Review 2	10/17	10%
Book Review 3	11/2	10%
Book Review 4	12/5	10%
Research Paper	12/14	45%
Discussions & Participation	passim	15%

Note: In the Research-track Alternative, the Research Paper option is in lieu of the Law Explication and the Revised Book Review. To elect this, you must opt-in by email to areid@unc.edu before Class 4.

PROFESSIONALISM

You are attending a professional school, and as such, I expect you to act professionally during class and during any interaction with me and your fellow students. Evidence of professionalism can include, but is not limited to, arriving to class on time and being prepared for and actively engaging in class activities. For discussions in this class, we will abide by the [Chatham House Rule](#): “participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.” If you have questions or concerns about this Rule, please don’t hesitate to ask.

E-MAIL COMMUNICATION

Because you are attending a professional school, and part of my responsibility is to teach you professionalism, **I expect all emails you send to me to be professionally written and contain an appropriate tone.** You should include an appropriate and professional salutation (i.e., not “hey prof” or “hiya”), and you should include a signature, specifying who is drafting the email. Do not assume I will know who you are from the email address. In addition, you must use correct grammar and punctuation.

If I receive an email that is not professionally written, or an email that would not be acceptable to send to an employer, I will instruct you to revise your email, and I will not further respond until you do so. Of course, if you find this email policy too burdensome, you may always come to my office hours to ask any questions you have.

I usually respond to email within twenty-four hours of reading the message. However, on weekends, evenings, and holidays my responses may be delayed. If I can answer your emailed question, I will put my response in writing and send it back to you by email. But I may ask you to set up a meeting time with me if the question seems to require a lengthy response.

Please feel free to e-mail me, particularly if you encounter an interesting media law issue in the news.

UNC HONOR CODE

[The Honor Code](#) forms a bond of trust among students, faculty, and administrators. The University of North Carolina at Chapel Hill operates under a system of self-governance, as students are responsible for governing themselves. As such, our University is transformed into a powerful community of inquiry and learning. The Honor Code embodies the ideals of academic honesty, integrity, and responsible citizenship, and governs the performance of all academic work a student conducts at the University. Acceptance of an offer of admission to Carolina presupposes a commitment to the principles embodied in our century-old tradition of honor and integrity.

You are expected to conduct yourself according to the guidelines of the University honor system. All academic work should be done with the high levels of honesty and integrity that this University demands. You are expected to produce your own work in this class. You should properly attribute any work done by others. Your full participation and observance of the Honor Code is expected, and it is your responsibility to be aware of what constitutes a violation of the Honor Code. You should also be mindful that you are responsible for upholding and maintaining the honor of our University learning community.

ACCREDITATION VALUES AND COMPETENCIES

The Hussman School of Journalism and Media's accrediting body, The Association for Education in Journalism and Mass Communication (AEJMC), outlines a number of values you should know and competencies you should be able to demonstrate by the time you graduate from our program. Learn more about them here: <http://hussman.unc.edu/accreditation>.

No single course could possibly give you all of these values and competencies; but collectively, our classes are designed to build your abilities in each of these areas. In this class, we will focus on the following values and competencies:

- ❖ Understand and apply the principles and laws of freedom of speech and press, and understand the range of systems of freedom of expression around the world, including the right to dissent, to monitor and criticize power, and to assemble and petition for redress of grievances;
- ❖ Demonstrate an understanding of professional ethical principles and work ethically in pursuit of truth, accuracy, fairness and diversity;
- ❖ Think critically, creatively and independently;
- ❖ Conduct research and evaluate information by methods appropriate to the communications professions in which they work;
- ❖ Write correctly and clearly in forms and styles appropriate for the communications professions, audiences and purposes they serve;
- ❖ Critically evaluate their own work and that of others for accuracy and fairness, clarity, appropriate style and grammatical correctness;
- ❖ Contribute to knowledge appropriate to the communications professions in which they work.

DIVERSITY & INCLUSIVITY

The University is committed to fostering a diverse and inclusive academic community, and it prohibits discrimination and harassment. The University's policy statements on Equal Employment Opportunity and Nondiscrimination are outlined here: <http://policy.sites.unc.edu/files/2013/04/nondiscrim.pdf>. In summary, the University does not discriminate in offering access to its educational programs and activities on the basis of age, gender, race, color, national origin, religion, creed, disability, veteran's status, sexual orientation, gender identity, or gender expression or disabilities. Moreover, the University does not tolerate harassment based on gender, race, religion, sexual orientation, culture, disability, or for any other reason. It is also a violation of the Honor Code and Title VII of the Civil Rights Act (1964) and Title IX of the Educational Amendments. I am fully committed to fostering the University's goals and enforcing these policies. If you need assistance with a discrimination or harassment issue, please bring it to my attention or The Office of the Dean of Students, dos@unc.edu or 919-966-4042.

SPECIAL ACCOMMODATIONS

Students with diagnosed or suspected disabilities that might impact their performance in the course should contact the Department of Accessibility Resources and Service (ARS) to determine whether and to what extent services or accommodations are available for this course. It is the goal of ARS to "ensure that all programs and facilities of the University are accessible to all members of the University community." If you need information about disabilities and accommodations, visit the Learning Center website at <http://learningcenter.unc.edu/ldadhd-services/> or call 919-962-3782. Relevant policy documents related to registration, accommodations determinations, and student registration forms are available on the ARS website at <https://ars.unc.edu/about-ars/policies>.

Reading Assignments & Class Schedule¹

MEJO 740

Dr. Reid

Class	Date	Topic	Before Class Assignment	Due
1	8/22 T	Overview of Court Systems and Civil Litigation	<p>READ: Chapter 1- VICTORIA SMITH EKSTRAND ET AL., TRAGER'S THE LAW OF JOURNALISM AND MASS COMMUNICATION (8th ed. 2023)</p> <ul style="list-style-type: none"> Open Access: https://us.sagepub.com/en-us/nam/tragers-the-law-of-journalism-and-mass-communication/book275194#preview <p>INTRODUCTIONS: Please come to class prepared to:</p> <ul style="list-style-type: none"> introduce yourself (tell us something interesting!), discuss what you already know/think about media law share your general research interests 	
2	8/24 Th	Rule of Law	<p>READ: "How to Read a Legal Opinion" by Prof. Orin Kerr</p> <p>VISIT: The Federal Courts website at http://www.uscourts.gov/FederalCourts.aspx</p> <p>READ: From the menu across the top of the page, use the drop-down – “About the Federal Courts” – and click on each subtitle and read each page (“The Federal Courts & the Public,” “Court Role and Structures,” and “Types of Cases” – and click on the hyperlinks to each sub-section on left and read those pages also).</p> <p>Explore the website including the federal circuits map. In which federal circuit is North Carolina?</p> <p>LISTEN: The Founding Contradiction: Thomas Jefferson's Stance On Slavery - https://one.npr.org/i/884634146:884796139</p> <p>SKIM: Informal Government Coercion and The Problem of "Jawboning" by Genevieve Lakier</p>	Discussions: About the Federal Courts
3	8/29 T	1 st A Theories & Prior Restraints	<p>READ: Chapter 2- VICTORIA SMITH EKSTRAND ET AL., TRAGER'S THE LAW OF JOURNALISM AND MASS COMMUNICATION (8th ed. 2023)</p> <ul style="list-style-type: none"> Open Access: https://us.sagepub.com/en-us/nam/tragers-the-law-of-journalism-and-mass-communication/book275194#preview <p>VISIT & PLAY: https://novehiclesinthepark.com/</p>	Discussions: “No Vehicles in the Park”

¹ The dates regarding covering the proposed material and assignments are my best estimates. I anticipate we will closely follow this schedule. However, we may need to make adjustments as the semester progresses. We may need to move certain material, slow down and cover certain material in more depth, cancel a class, or incorporate additional information. Please be flexible and consider yourself on notice that we may need to make adjustments from time to time.

			WATCH: What are the rational basis, intermediate scrutiny, and strict scrutiny tests?	
4	8/31 Th	1 st A Hierarchies & Book Reviews	<p>READ: NYT v. US (1971)</p> <p>READ: Reed v. Town of Gilbert (2015)</p> <p>LISTEN: What Up Holmes? - https://radiolab.org/podcast/what-holmes (Start listening around the 7-minute mark. Why Justice Oliver Wendell Holmes changed his mind on free speech during an 8-month period is one of the greatest mysteries in the history of the Supreme Court.)</p> <p>LISTEN: Mill's (invincible) Trident: An argument every fan (or opponent) of free speech must know - https://www.thefire.org/news/blogs/eternally-radical-idea/mills-invincible-trident-argument-every-fan-or-opponent-free</p> <p>Reverse Engineer How to Write a Book Review:</p> <p>*READ: https://ijoc.org/index.php/ijoc/article/view/21620/4248 & https://kara.reviews/you-cant-always-say-what-you-want/</p> <p>*FIND: 3-4 other book reviews – preferably in a peer-reviewed journal</p> <p>*CREATE: instructions for a graduate-level book review assignment</p>	<p>Discussions: Book Review Instructions</p> <p>9/5 Wellbeing Day</p>
5	9/7 Th	Judicial Review & Circuit Splits	<p>Synchronous Class on Zoom</p> <p>And/Or</p> <p>Legal Research Day – Class will meet at the Law School Library</p>	Discussions: AI Usage Attestation
6	9/12 T	Speech Distinctions	<p>READ: It's Time to Stop Using the 'Fire in a Crowded Theater' Quote by Trevor Timm</p> <p>LISTEN: Imminent Lawless Action - https://legaltalknetwork.com/podcasts/make-no-law/2020/10/imminent-lawless-action/</p> <p>LISTEN: Fighting Words - https://legaltalknetwork.com/podcasts/make-no-law/2018/01/fighting-words/</p> <p>LISTEN: A Thousand Ways to Kill You - https://one.npr.org/i/789202495:789202497</p> <p>LISTEN: Rap on Trial: How An Aspiring Musician's Words Led To Prison Time - https://one.npr.org/i/876485823:876495368</p>	Discussions: Role Sign-up Sheet

7	9/14 Th	Forum Analysis & Speech in the Schools	<p>READ: What is a “Forum” and Why Does it Matter? by Kristi Nickodem & Kristina Wilson</p> <p>READ: Tinker v. Des Moines (1969)</p> <p>READ: Mahanoy Area School District v. B.L. (2021)</p> <p>LISTEN: The Schoolhouse Gates - https://legaltalknetwork.com/podcasts/make-no-law/2018/01/the-schoolhouse-gates/</p> <p>LISTEN: The Most Moderate Protest - https://one.npr.org/i/781082031:781082033</p> <p>LISTEN: Drugs for a Deity - https://one.npr.org/i/784660015:784660022</p>	
8	9/19 T	Obscenity & Indecency	<p>READ: Roth v. US (1957)</p> <p>READ: Miller v. California (1973)</p> <p>READ: FCC v. Pacifica (1978)</p> <p>LISTEN: I Know It When I See It - https://legaltalknetwork.com/podcasts/make-no-law/2020/06/i-know-it-when-i-see-it/</p> <p>SKIM: Imagine A Community: Obscenity’s History and Moderating Speech Online by Kendra Albert</p>	
9	9/21 Th	Libel and Defamation	<p>READ: Introduction to Tort Law</p> <p>WATCH: What is Torts? And what Torts is not - https://www.youtube.com/watch?v=jQ6smN3lcnY</p> <p>WATCH: What is Defamation, Slander, & Libel - https://www.youtube.com/watch?v=64H5qti9xfA</p> <p>WATCH: Fake News and the First Amendment - https://reason.com/video/2019/04/10/fake-news-and-the-first-amendment-free-s/</p> <p>READ: Milkovich v. Lorain Journal Company (1990)</p> <p>READ: Is Accurately Repeating a Defamatory Allegation Itself Defamatory? It's complicated. by Eugene Volokh</p>	
10	9/26 T	Libel and Defamation	<p>READ: NYT v. Sullivan (1964)</p> <p>READ: A Bipartisan Case Against New York Times v. Sullivan by David McGowan</p>	

			<p>WATCH: NY Times v. Sullivan (Defamation) - Landmark Cases - https://www.youtube.com/watch?v=eIniZWb9oqI</p> <p>LISTEN: Libel Laws Protecting Media Assailed by Trump and Justice Clarence Thomas - https://one.npr.org/?sharedMediaId=698515438:698515440</p> <p>READ: The danger of attempting to rehabilitate a public image by suing for defamation by William Biggs</p>	
11	9/28 Th	Defenses to Defamation & CDA § 230	<p>READ: An Overview of the Communication Decency Act's Section 230</p> <p>READ: A User's Guide to Section 230, and a Legislator's Guide to Amending It (or Not) by Jeff Kosseff</p> <p>QUIZ: Everything You Know About §230 Is Wrong (But Why?)</p> <p>VISIT & PLAY: https://takedown.thecgo.org/ <ul style="list-style-type: none"> Optional: https://moderatormayhem.engine.is/ </p> <p>WATCH: SLAPP Suits: Last Week Tonight with John Oliver (adult language warning)</p>	Discussions: "The Takedown Game" (warning: graphic content)
12	10/3 T		<p>Book 1: Samantha Barbas, Actual Malice: Civil Rights and Freedom of the Press in New York Times v. Sullivan (2023)</p> <p>Structured Reading Group: https://docs.google.com/document/d/1jGcXlHFA3jzzj5QQQblU_hxoRDukSnqreZI0JYQg6TY/edit</p>	Book Review 1 First Amendment Day, 10/4
13	10/5 Th	"Commercial" Speech	<p>READ: Central Hudson Gas & Electric Corporation v. Public Service Commission of New York (1980)</p> <p>READ: Sorrell v. IMS Health (2011)</p> <p>WATCH: Corporations and the First Amendment: Free Speech Rules - https://reason.com/video/2019/09/05/corporations-and-the-first-amendment-free-speech-rules-episode-6/</p>	

14	10/10 T	Advertising & Commercial Speech	<p>READ: An Antitrust Framework for False Advertising by Michael A. Carrier & Rebecca Tushnet</p> <p>READ: False Advertising Law and New Private Law by Gregory Klass</p> <p>Read: Why Google Dominates Advertising Markets by Dina Srinivasan</p> <p>QUIZ: Are you a reasonable consumer? (2022)</p> <p>QUIZ: Are you a reasonable consumer? (2021)</p> <p>QUIZ: Are you a reasonable consumer? (2020)</p>	Discussions: False Advertising
15	10/12 Th	Electronic Media Regulation	<p>READ: Social Media Definition and the Governance Challenge - An Introduction to the Special Issue by Jonathan A. Obar & Steven S. Wildman</p> <p>READ: Surveillance Capitalism and the Challenge of Collective Action by Shoshana Zuboff</p> <p>WATCH: The Terrifying Cost of “Free” - https://youtu.be/5pFX2P7JLwA</p>	
16	10/17 T		<p>Synchronous Class on Zoom</p> <p>Book 2: Lee McGuigan, <i>Selling the American People: Advertising, Optimization, and the Origins of Adtech</i> (2023)</p> <p>Structured Reading Group: https://docs.google.com/document/d/1jGcX1HFA3jzzj5QQQblU_hxoRDukSnqreZI0JYQg6TY/edit</p>	Book Review 2
17	10/24 T	Platform Governance & Net Neutrality	<p>READ: The First Amendment, Common Carriers, and Public Accommodations: Net Neutrality, Digital Platforms, and Privacy by Christopher S. Yoo</p> <p>READ: Uncommon Carriage by Blake Reid</p> <p>READ: Democratizing the platforms: Promises and perils of public utility regulation by Victor Pickard</p>	
18	10/26 Th	Protecting Privacy	<p>READ: The Right to Privacy by Louis Brandeis and Samuel D. Warren</p> <p>READ: Understanding the 1890 Warren and Brandeis “The Right to Privacy” Article by Matthew L. Bycer</p> <p>READ: Privacy Harms by Danielle Keats Citron & Daniel J. Solove</p> <p>READ: Contextual Approach to Privacy Online by</p>	

			Helen Nissenbaum	
19	10/31 T	Intrusion & Private Facts	<p>READ: Cognitive biases, dark patterns, and the 'privacy paradox' by Ari Ezra Waldman</p> <p>READ: Privacy Law Is Devouring Internet Law (and Other Doctrines)...To Everyone's Detriment by Eric Goldman</p> <p>READ: A Relational Theory of Data Governance by Salomé Viljoen</p>	
20	11/2 Th	Privacy & Data Protection	<p>WATCH: GDPR explained: How the new data protection act could change your life - https://www.youtube.com/watch?v=acijNEErF-c</p> <p>WATCH: How the California Privacy Rights Act reshapes U.S. privacy compliance in 2023- https://www.youtube.com/watch?v=OoILD4206D8</p> <p>READ: Slave to the Algorithm? Why a 'Right to an Explanation' Is Probably Not the Remedy You Are Looking For by Lilian Edwards & Michael Veale</p> <p>READ: Towards a Global Data Privacy Standard by Michael L. Rustad & Thomas H. Koenig</p>	
21	11/7 T		<p>Book 3: Alice Marwick, <i>The Private Is Political: Networked Privacy and Social Media</i> (2023)</p> <p>Structured Reading Group: https://docs.google.com/document/d/1jGcXIHF3jzzj5QQblU_hxoRDukSnqreZ10JYQg6TY/edit</p>	Book Review 3
22	11/9 Th	Copyright	<p>READ: Chapter 1 - Open Intellectual Property Casebook by James Boyle & Jennifer Jenkins</p> <p>VISIT: U.S. Copyright Office website at https://www.copyright.gov/ and then READ the “Frequently Asked Questions” – all of them (just click on the first one under each main heading, and it will take you to all of the FAQs for that section – note that there are two pages of categories); and also READ the various types of works that can be registered (click on “Register a Work” on the main page and then click on each category of works)</p> <p>READ: Ninth Circuit Affirms Server Test in Instagram Embedding Case by Aaron Moss</p>	
23	11/14 T	Copyright Fair Use	<p>READ: Andy Warhol Foundation for the Visual Arts, Inc. v. Goldsmith (2022)</p> <p>READ: Google LLC v. Oracle America Inc. (2019)</p> <p>SKIM: “Fair Use” at http://fairuse.stanford.edu/overview/fair-use/ Scroll down and read the four subsections titled “What is Fair Use?,” “Measuring Fair Use: The Four Fair Use Factors,” “Summaries of Fair Use Cases,” and “Disagreements Over Fair</p>	

			<p>Use: When are You Likely to Get Sued” – each of these sections is a hyperlink you must click.</p> <p>SKIM: “Welcome to the Public Domain” at http://fairuse.stanford.edu/overview/public-%20domain/welcome/</p> <p>SKIM: “Public Domain Trouble Spots” at http://fairuse.stanford.edu/overview/public-domain/trouble-spots/</p> <p>RESOURCE: https://www.copyright.gov/fair-use/fair-index.html</p>	
24	11/16 Th	Trademarks	<p>READ: Chapter 1 (pp. 1-17) Trademark Law by Michael Grynberg</p> <p>READ: Matal v. Tam (2017)</p> <p>READ: Iancu v. Brunetti (2019)</p>	Discussion: Copyright & Trademarks
25	11/21 T	Music, Trademarks & Dilution	<p>Synchronous Class on Zoom</p> <p>LISTEN: Disparagement, Contempt, and Disrepute—Simon Tam named his band “The Slants” as a form of self empowerment, but ran into problems when he tried to register the name as a trademark, and ended up...- https://legaltalknetwork.com/podcasts/make-no-law/2018/03/disparagement-contempt-and-disrepute/</p> <p>READ: “Trademark Basics” (and watch videos), and “Trademark Process,” at https://www.uspto.gov/ (look for these links under “Learn about the process”)</p> <p>READ: https://www.copyright.gov/circs/circ56a.pdf https://library.osu.edu/blogs/copyright/2013/03/25/what-is-music-copyright/ http://www.copyright.com/blog/music-licensing-public-performance-license-synchronization/</p> <p>Read the Table of Contents and skim any portions that pique your interest: https://copyright.gov/docs/musiclicensingstudy/copyright-and-the-music-marketplace.pdf</p>	
26	11/28 T		Law Explication Presentations 1	Law Explication Due
27	11/30 Th		Law Explication Presentations 2	
28	12/5 T		<p>Synchronous Class on Zoom</p> <p>Book 4: Rebecca Giblin & Cory Doctorow, Chokepoint Capitalism: How Big Tech and Big</p>	Book Review 4

			Content Captured Creative Labor Markets and How We'll Win Them Back (2022)	
			Structured Reading Group: https://docs.google.com/document/d/1jGcX1HFA3jzzj5QQQblU_hxoRDukSnqreZl0JYQg6TY/edit	
Final Exam	12/14 Th	Noon-3pm	Final Work Product	
