Instructor: Suanne Ansari, J.D., Esq.
Department of Accounting and Business Law
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Communication: Email is the best way to reach me. Include BLAW560 and what you are emailing me about in the subject line. I will use my best efforts to reply within 24 hours.
Office: JC Long 332A; I am occasionally on campus over the summer. If you wish to have an in-person meeting, please email me to schedule a time.
Office hours: By appointment on Zoom or on campus

BLAW560-01 Course Overview: This Special Topics course will survey the law of the Internet, namely how contracts, intellectual property, defamation and information torts, jurisdiction and other legal doctrines impact business activity in the online environment and how existing legal frameworks must struggle to keep up as the internet continues to evolve.

Prerequisite: Graduate Student Standing

Required Course Materials:
This course will primarily utilize selected readings and assignments from the textbook, Internet Law: Cases & Materials; Author Professor Eric Goldman; 2022, which you may purchase via the links below. I recommend the pdf copy. I may also provide supplemental materials.

PDF ($10): https://ericgoldman.gumroad.com/l/nrtah
* Kindle ($9.99): https://amzn.to/3yd2ktH
* Soft cover ($20): https://amzn.to/3uk3C4L
* Hard cover ($28): https://amzn.to/3R4ikqF

Course Learning Objectives:
• Students will develop an understanding of the major legal and public policy debates involving Internet law.
• Students will analyze how the development of the Internet continues to pose new questions for governments, courts, and other legal actors.
• Students will recognize and learn how to differentiate between the major substantive areas of Internet Law that impact business activity.

Learning Goals of MACC: The learning objectives correspond to the Learning Goals of MACC related to Achieving a Broadened Perspective, Acquiring Specialized Technical Skills and Knowledge, Demonstrating Effective Communication, Understanding the Implications and Importance of Ethical Behavior, and Understanding Global Dimensions within their area of practice.

Learning Goals for SOB: COMMUNICATION SKILLS: Students will demonstrate the ability, via both written and spoken word, to effectively present, critique, and defend ideas in a cogent, persuasive manner. GLOBAL AND CIVIC RESPONSIBILITY: Students will be able to identify and define social, ethical, environmental, and economic challenges at local, national and international levels. Students will also be
able to integrate knowledge and skills in addressing these issues. INTELLECTUAL INNOVATION AND CREATIVITY: Students will be able to demonstrate their resourcefulness and originality in addressing extemporaneous problems. SYNTHESIS: Students will demonstrate the ability to integrate knowledge from multiple disciplines incorporating learning from both classroom and non-classroom settings in the completion of complex and comprehensive tasks.

**Grading:**
A = 90 +, B+ = 87 to 89, B = 80 to 86, C+ = 77 to 79, C = 70 to 76, F = 69 or less

**Grade Components:**

*Focus Review 60%:* There will be several Focus Review assignments, to include case briefs, and question responses. Prompts are posted on OAKS/Content and responses are turned in on OAKS/Assignments by Wednesday’s class meeting (see Class Format below). This grade component is a significant portion of your overall grade. As a graduate student, your work is expected to reflect your best efforts and will be graded accordingly.

A few of the Focus Review prompts require you to provide a summary of a particular case. Your goal is to outline or “brief” the case. Here is the basic idea:

a) Facts (basic background info, case name, parties, court)
b) Issues (what is in dispute)c) Rule(s) (the relevant rules of law the court uses to make a decision)d) Analysis (summarize the court’s rationale for applying the law to the facts)e) Conclusion (what is the final outcome of the case)

See this paper for more information about outlining a legal case: https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:ff189909-3539-4a30-89ca-fc0ccda46e0a

*Written Report with Summary Presentation 40%:* This is the course final. There is a written component and a presentation component.

**Written Report:** This is a research paper, and you are required to discuss relevant materials from the course, and find and incorporate outside sources, such as articles and cases. You are expected to develop an argument supporting a thoughtful thesis. The written report is due on the last day of class and must be turned in on OAKS/Assignments by 11:59PM, June 26.

- **Topic:** Section 230 of the Communications Decency Act; What is it, how has it shaped the Internet as we know it, and how might the US Supreme Court’s upcoming ruling in Gonzalez v. Google change the future of the Internet?
- **Format and Length:** The paper should be between 9 and 12 pages long not counting a cover page or bibliography, and double spaced. Every statement based on a source should have a reference in the form of a footnote, or an in-line parenthetical, with a bibliography at the end of the report.
- **Grading:** Your report grade will be based on the following:
  - Quality of analysis: Demonstrates thorough research and reflection. It presents convincing arguments and addresses potential objections.
  - Course reflection: The paper supports its points with concepts or examples covered in the course and does so accurately.
  - Research: Cites outside research materials and uses them effectively.
  - Originality: The paper is creative, interesting, and presented in an engaging manner. The student relies on original thought and does not rely on generative AI tools for any portion of the paper. Use of generative AI tools such as ChatGPT will result in a 0 grade.
Organization and style: The paper has a logical structure and is well-organized. It uses professional grammar, spelling, and punctuation.

Summary Presentation: You will present a brief summary of your report to the class on Zoom on the last day of class, Monday, June 26. You may use notes, PowerPoint, Slides, or other tools if desired. Your summary presentation will be between 5 and 7 minutes long.

Class Format: This course is online with scheduled online meetings. As of this writing, we will meet Wednesdays on Zoom at 3:30PM to talk about the assigned readings and Focus Review work completed for that week. This is not a lecture course. Most class sessions will be discussion based with the goal of understanding key points of law developed through interactive conversation about the cases, materials, readings, and Focus Review tasks assigned. It is imperative that you complete the work assigned prior to the class meeting so that you may benefit from and contribute to the discussion.

Attendance: Attendance is mandatory. The 1st week is the only week we meet twice (see Course Schedule below). The remainder of the semester, we meet once per week. A student missing more than two class meetings may receive a failing grade. Exceptions may be made on a case-by-case basis in my discretion.

COURSE SCHEDULE: Everything you need to know about this course is found on OAKS/Content where each week’s assigned readings and Focus Review tasks are organized in checklists.

Week 1, May 15 – May 17: What is the Internet?; Jurisdiction Issues; How is business activity regulated that takes place on the Internet? Bordered regulation in a borderless world?

Meet Monday May 15: Zoom meeting 2:00PM; How things work in BLAW560 Special Topics

Meet Wednesday May 17: Class discussion on Zoom 3:30PM

**Complete prior to class meeting May 17**

***Because we are just getting started, for this 1st week's module, the due date to turn in completed Focus Review assignments on OAKS is fluid with the absolute due date being Sunday May 21, 11:59PM***

What is the Internet?

Read: Goldman, pp. 1 – 11 stop at Noah v. AOL Time Warner top of page 11

Read: Ebeid v. Facebook, Inc. 2019 (N.D. Cal. 2019), Click the link below.

pp. 1-3, 5 (B. Analysis) - 14

https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:8d9c845e-7a9a-47aa-af3a-7541f8d149cd

*DO Focus Review I

Determining the Geographic Location of Internet-Connected Devices

Read: Goldman, pp. 23 to 27, stop at 3rd paragraph that begins “An example of how…”

Jurisdiction

Read: Goldman, pp. 30, 31-37 stop at B. Jurisdictional Discovery (excerpt from Toys ‘R’ Us, Inc. v. Step Two, S.A.)

Read: Nexon Korea Corp. v. Ironmace Co. Ltd. 2023 (USDC WaWD) Paragraphs 1-15 (pp. 1-5), 170-182 (pp.46-50) Click the link below.


*DO Focus Review II
**Week 2, May 22 – May 24:** Online Contracts: How can a business avoid crisis of contract issues online?; Smart Contracts

Meet Wednesday May 24: Class discussion on Zoom 3:30PM
**Complete prior to class meeting May 24**

Contracts
Read: Goldman, pp. 47-72 (stop mid-page at “Compare Sarchi v Uber Technologies)
*DO Focus Review III

Smart Contracts
Read: Amendments to Uniform Commercial Code Aim To Provide Clarity on the Transfer of Digital Assets, Skadden, click this link: https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:c8098a22-3131-443d-881d-99f9f27e9e91
Read: https://www.forbes.com/sites/seansteinsmith/2022/10/12/smart-contractsthe-secret-sauce-of-blockchains/?sh=5bfe25cf4d1a
Review: American Bar Association Business Law Section Hybrid Spring Meeting 2023, Blockchain, Smart Contracts, Crypto and Web 3.0 For Business Lawyers, slides pp. 16 -31
Click the link: https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:7ef74c2d-3dae-45a8-b758-9f6d61a87ddc
*DO Focus Review IV

**Week 3, May 29 Memorial Day No Class, May 31:** Trespass/Computer Fraud & Abuse Act; legal doctrine of trespass to chattels applied to hacking, denial of service attacks, spamming, scraping, unauthorized file downloads.

Meet Wednesday May 31: Class discussion on Zoom 3:30PM
**Complete prior to class meeting May 31**
Read: Goldman, pp. 97-121
*DO Focus Review V

**Week 4, June 5 – June 7:** Defamation and Information Torts; Unique quality of defamation on the Internet
Meet Wednesday June 7: Class discussion on Zoom 3:30PM
**Complete prior to class meeting June 7**
Read: Goldman, pp. 285-300, 308-317 (Zeran v. America Online, Inc.), 349-357
DO Focus Review VI

**Week 5, June 12 – June 14:** Trademarks and Domain Names; keyword advertising, and more. Social Media.
Meet Wednesday June 14: Class discussion on Zoom 3:30PM
**Complete prior to class meeting June 14**

**Trademark**

Read: Goldman, pp. 195-199, 221-238 (Case Network Automation, Inc. v. Advanced Systems Concepts, Inc.)

*DO Focus Review VII*

**Social Media**

Read: Goldman, pp. 383-396

Read: Goldman, Technology & Marketing Law Blog, Click the link: https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:1e07a7f9-2ded-4b85-8eb4-673348d5aec2

Read: Hall v. Twitter (05/09/2023) Click the link: https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:1480630f-93db-48ee-9ee8-9a30d29b016a

*DO Focus Review VIII*

**Week 6 June 19 – June 21:** Copyright: The Internet is a giant copying machine! Web browsing, file-sharing, secondary liability, generative AI issues, and more.

**Meet** Wednesday June 21: Class discussion on Zoom 3:30PM

**Complete prior to class meeting June 21**

Read: Goldman, pp. 122-130, 158-159, 182-194 (Case Ticketmaster LLC v. RMG Technologies Inc.)

*DO Focus Review IX*


*DO Focus Review X*

**Week 7**

**Last Day of Class Monday June 26:** Written Reports due by 11:59PM (turned in on OAKS/Assignments); with Summary Presentations on Zoom during class time.

*Meet Monday June 26 at 2:00PM.*

END Course Schedule

**Statement on Use of Generative AI tools:** Your grade in this course is based on written work you create using your own thoughts in compliance with the College of Charleston Honor Code and Academic Integrity policies. Use of a generative AI tool such as ChatGPT to produce any portion of your work is a violation of the Honor Code. You will receive a 0 for that grade item and may face academic discipline. Please be aware:

- Turnitin scans each paper and provides a similarity report.
- Turnitin has recently released an AI detection report. I also utilize other AI detection tools. While there is a 1% chance of a false positive report, they are 98% accurate. If a student's report indicates a high likelihood of use of an AI tool to write the report, this indicates a potential violation of the Student Code of Conduct. I always give students the benefit of the doubt and will not make a default decision when presented with an unfavorable AI use result but will carefully make a determination.
Use of AI to generate any portion of an assignment or report is prohibited and will result in a 0 grade.
Use of AI to brainstorm and get ideas to help you get started IS OKAY. It can be a very productive tool but may not be used to generate ANY portion of the written report. YOU must develop and write your own original content.

IMPORTANT POLICIES:

• To successfully complete this course, you must 1. have reliable access to the Internet(!), 2. check OAKS and your CoC email often for class announcements and 3. be able to meet on zoom.
• This course is online and if you experience technological difficulty, it is imperative that you resolve the issue asap. Please contact the College’s IT support staff if you are experiencing technological difficulties: https://chat.help.cofc.edu/
• There will be no video, audio, photograph, or any means of recording or copying any course materials including discussions, reports, assignments, or Zoom meetings without my approval. Students have an expectation of privacy in order to foster a healthy learning environment; the professor and third parties have proprietary rights in the materials used during class.
• Standard netiquette protocols will be expected and enforced for all online activities. Violators of this policy may experience an adverse effect on their grade. Disrespectful communication will not be tolerated.
• When on zoom, please activate the video so we can have a more engaging conversation.
• I encourage you to communicate with me if you experience any disruption or circumstance that is interfering with your successful performance in this class. I am here to help and can only do so if you reach out.
• Yes, I am an attorney, but I am NOT your attorney and we do not have an attorney-client relationship. Nothing I say in class is to be taken as legal advice!
• *All contents of this syllabus and related course policies are subject to modification; any changes made will be posted on OAKS.

Recording of Class Discussion (via ZOOM)
Please be aware that I may record zoom discussions via both voice and video recording. By attending and remaining in this class, the student consents to being recorded. The recorded class sessions are for instructional use only and may not be shared with anyone who is not enrolled in the class.

Disability Statement If you have a documented disability and have been approved to receive accommodation through the Center for Disability Services / SNAP, please notify me. Any student eligible for and needing accommodation because of a disability is requested to contact me during the first two weeks of class or as soon as you are approved for services so that reasonable accommodation can be arranged.

Center for Student Learning: I encourage you to utilize the Center for Student Learning’s (CSL) academic support services for assistance in study strategies, speaking & writing strategies, and course content. They offer tutoring, Supplemental Instruction, study strategy appointments, and workshops. Students of all abilities have become more successful using these programs throughout their academic career and the services are available to you at no additional cost. For more information regarding these services please visit the CSL website at http://csl.cofc.edu or call (843)953-5635. The CSL is not fully staffed over the summer, but this link has many helpful resources: https://csl.cofc.edu/study-skills/handout-library.php
Mental & Physical Wellbeing:
At the college, we take every student’s mental and physical wellbeing seriously. If you find yourself experiencing physical illnesses, please reach out to student health services (843.953.5520). And if you find yourself experiencing any mental health challenges (for example, anxiety, depression, stressful life events, sleep deprivation, and/or loneliness/homesickness) please consider contacting the Counseling Center (professional counselors at http://counseling.cofc.edu or 843.953.5640).

Food & Housing Resources:
Many CofC students report experiencing food and housing insecurity. If you are facing challenges in securing food (such as not being able to afford groceries or get sufficient food to eat every day) and housing (such as lacking a safe and stable place to live), please contact the Dean of Students for support (http://studentaffairs.cofc.edu/about/salt.php). Also, you can go to http://studentaffairs.cofc.edu/student-food-housing-insecurity/index.php to learn about food and housing assistance that is available to you. In addition, there are several resources on and off campus to help. You can visit the Cougar Pantry in the Stern Center (2nd floor), a student-run food pantry that provides dry-goods and hygiene products at no charge to any student in need.

College of Charleston Honor Code and Academic Integrity
As members of the College of Charleston community, we affirm, embrace and hold ourselves accountable to the core values of integrity, academic excellence, liberal arts education, respect for the individual student, diversity, equity and inclusion, student centeredness, innovation and public mission. Congruent with these core values, the College of Charleston expects that every student and community member has a responsibility to uphold the standards of the honor code, as outlined in the Student Handbook. In pursuit of academic learning, you are expected to reference the work of other scholars, and complete your own academic work, while utilizing appropriate resources for assistance. Any acts of suspected academic dishonesty will be reported to the Office of the Dean of Students and addressed through the conduct process. Your adherence to these practices and expectations plays a vital role in fostering a campus culture that balances trust and the pursuit of knowledge while producing a strong foundation of academic excellence at the College of Charleston. Any questions regarding these expectations can be clarified by your instructor.

Students should be aware that unauthorized collaboration--working together without permission-- is a form of cheating. Unless the instructor specifies that students can work together on an assignment, quiz and/or test, no collaboration during the completion of the assignment is permitted. Other forms of cheating include possessing or using an unauthorized study aid (which could include accessing information via a cell phone or computer), copying from others’ exams, fabricating data, and giving unauthorized assistance. For incidents handled by the instructor, depending on the severity of academic dishonesty, you may have points deducted from your grade, receive an entire letter grade lower, or a failing grade.

Research conducted and/or papers written for other classes cannot be used in whole or in part for any assignment in this class without obtaining prior permission from the instructor.

Students can find the complete Honor Code and all related processes in the Student Handbook at http://deanofstudents.cofc.edu/honor-system/studenthandbook/index.php