**Course Description**: This course has two aims. It is first and foremost a methodological course designed to teach graduate students in technology fields how to grapple with the law.

Second, it is a survey course of issues at the intersection of law and technology. Global digital networks and associated devices that access, store, manipulate, create, and transmit information have created a host of complex regulatory and political issues. Local, state, national, and international law also heavily influence the development, use, and impact of ICT. This intersection between technology and regulation will be explored in order to introduce students to ICT law and policy issues that they will face as users, employees, designers, citizens, activists, and/or a number of other roles.

Topics include governance of network architecture, censorship and access, intellectual property, privacy and identity, liability for insecure systems and defective information, surveillance, computer crime, trans-border data flows, and international information policy.

The Legal Analysis in ICT Law & Policy course introduces foundational skills in legal analysis, familiarity with legal materials, and confidence using policy arguments. It involves ongoing and anticipated ICT policy issues, emphasizing both legal and technological foundations. The course objectives are to give students the foundation to communicate and argue effectively about legal and political aspects of technology, to engage in the global ICT policy debates to come, and to firmly understand the underlying technologies from which these issues arise. Assignments will include a short take home midterm essay, a debate, and a final take home essay.

**Texts & Readings**

James Grimmelmann, Internet Law and Problems 5.0, (Semaphore Press).
This required text is available for download only at www.semaphorepress.com. Semaphore Press uses a publishing model different from the traditional law school casebook publishers. I encourage you to read about Semaphore Press's publishing approach on its website (you’ll love it!). This book has a suggested price of $30. I urge you to pay the suggested retail price in order to keep high-quality legal educational material available at reasonable prices.

**Course Grading**:

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| --- | --- |
| Attendance and In-class participation.  | 15% |
| Midterm Take Home (one week) Essay | 10% |
| Debate | 25% |
| Final Take Home (one week) Essay | 50% |

Participation: The success of this class depends upon each student being prepared (carefully completing the reading) and actively participating in class. You are expected to read and attend class, but no weekly written assignments are due. You will be called on in class but simply have to send me an email if you are not prepared. Although attendance is not a large portion of your grade, class discussion of the material is intended to prepare you to tackle the subject matter in a comprehensive way (in the form of take home essay exams and debate). Take notes.

Midterm: The midterm exam is an introduction to the format and type of questions you can expect on the final exam but will only test the material covered to that point. It will not be harshly graded and you will receive feedback on your responses.

Debate: DATE TBD The class will debate the ICT Law & Policy course on a privacy topic at an agreed upon evening day and time. The topic will be given in advance. A written submission will be required the day of the debate from each student, but only a few students (chosen by the students) will actually represent each class during the debate. More detailed instructions will be given in class.

Final Exam: The final exam is comprehensive. All material is fair game.

**Class Policies:**

Sensitive Subjects: Some of the subjects covered in this class could be offensive/uncomfortable for some of you. If you are uncomfortable discussing (or even hearing about) particular topics, please let me know. I am happy to excuse you from individual classes, and assign alternate assignments to substitute for those points.

Assignments: Significant points will be deducted for late assignments (absent compelling circumstances), with the exception of the final paper which will not be accepted after 11:59PM, Dec. 8, 2014.

Laptops and similar devices can and should be brought to class – but only to ASSIST in the class and group assignments in class. We will often throw out different questions to the class for students to look up and discuss. However, if you are doing anything other than using them for note-taking or in-class assignments, I’ll ask you to stop. No email. No social networking. Repeat reprimands will get you kicked out of class for that day.

**General Policies:**

Disability Accommodations: If you have a disability for which you are or may be requesting accommodations for this class, please speak with me. These conversations will be kept confidential. Students may also discuss their needs with the University’s Academic Resource Center staff, located in the Leavey Center, Suite 335, 202-687-8354, arc@georgetown.edu. More details can be found at <http://academicsupport.georgetown.edu/disability/>.

Religious Observances: Georgetown University promotes respect for all religions. Any student who is unable to attend classes or to participate in any examination, presentation, or assignment on a given day because of the observance of a major religious holiday or related travel shall be excused and provided with the opportunity to make up, without unreasonable burden, any work that has been missed for this reason and shall not in any other way be penalized for the absence or rescheduled work. Students will remain responsible for all assigned work. Students should notify professors in writing at the beginning of the semester of religious observances that conflict with their classes. The Office of the Provost, in consultation with Campus Ministry and the Registrar, will publish, before classes begin for a given term, a list of major religious holidays likely to affect Georgetown students. The 2013-2014 list of holidays can be found at <http://campusministry.georgetown.edu/files/Campus%20Ministry%20Religious%20Days%202013-14.pdf>. Students who cannot be accommodated should discuss the matter with an advising dean.

Classroom Behavior: Students and faculty each have responsibility for maintaining an appropriate learning environment. Those who fail to adhere to such behavioral standards may be subject to discipline. Professional courtesy and sensitivity are especially important with respect to individuals and topics dealing with differences of race, color, culture, religion, creed, politics, veteran's status, sexual orientation, gender, gender identity and gender expression, age, disability, and nationalities. Class rosters are provided to the instructor with the student's legal name. We will gladly honor your request to address you by an alternate name or gender pronoun. Please advise me of this preference early in the semester so that we may make appropriate changes to my records. See the Student Code of Conduct at <http://studentconduct.georgetown.edu/files/Code%20of%20Conduct%202013.pdf> for more information.

Discrimination and Harassment: Georgetown University policies related to bias, discrimination, and harassment policy apply to all students, staff, and faculty. Any student, staff, or faculty member who believes s/he has been the subject of sexual harassment or discrimination or harassment based upon race, color, national origin, sex, age, disability, creed, religion, sexual orientation, or veteran status should contact the Office of Compliance and Ethics at 202-687-6493, Institutional Diversity, Equity & Affirmative Action at 202-687-4798, or the Center for Multicultural Equity & Access at 202-687-4054. Information about the above referenced policies and the campus resources available to assist individuals regarding discrimination or harassment can be obtained at <http://compliance.georgetown.edu/>.

Honor Code: All students of the Georgetown University are responsible for knowing and adhering to the academic integrity policy of this institution. Violations of this policy may include: cheating, plagiarism, aid of academic dishonesty, fabrication, lying, bribery, and threatening behavior. All incidents of academic misconduct shall be reported to the Honor Council (carrollprograms@georgetown.edu; 202-687-0665). Students who are found to be in violation of the academic integrity policy will be subject to both academic sanctions from the faculty member and non-academic sanctions (including but not limited to university probation, suspension, or expulsion). Other information on the Honor Code can be found at <http://gervaseprograms.georgetown.edu/honor/system/>.

**Course Calendar:**

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| **Date** | **Topic** | **Assignments for class (due on date listed)** |
| 11/20 | Class Introduction | * How to read the law:
	+ [A Guide to Reading, Interpreting, and Applying Statutes](https://www.law.georgetown.edu/academics/academic-programs/legal-writing-scholarship/writing-center/upload/statutoryinterpretation.pdf), Georgetown Law Center (2006)
	+ [Using Cases in Legal Analysis](https://www.law.georgetown.edu/academics/academic-programs/legal-writing-scholarship/writing-center/upload/Using-Cases-in-Legal-Analysis-Revised.pdf), Georgetown Law Center (2012).
	+ Orin Kerr, [How to Read a Legal Opinion](http://www.volokh.com/files/howtoreadv2.pdf) (2007).
* Why read the law:
	+ Retro Report, “[Scalded by Coffee, Then News Media](http://www.nytimes.com/video/us/100000002507537/scalded-by-coffee-then-news-media.html),” NYTimes (Oct 21, 2013).
	+ Liebeck v. McDonald’s Restaurants, P.T.S., Inc., No. CV-93-02419
* Issue spotting
 |
| 21/27 | Computers & the Internet | Pages 9-60Steven J. Murdoch and Ross Anderson, [*Tools and Technology of Internet Filtering*](https://opennet.net/sites/opennet.net/files/Deibert_04_Ch03_057-072.pdf) in Access Denied: The Practice and Policy of Global Internet Filtering (2008). |
| 32/3 | Jurisdiction | Pages 61-121Christopher Kuner, *Data Protection Law and International Jurisdiction on the Internet (*[*Part 1*](http://ijlit.oxfordjournals.org/content/18/2/176.full.pdf%2Bhtml?sid=18cdd935-1f4b-4fb8-bc57-b093b15f643e) *and* [*Part 2*](http://ijlit.oxfordjournals.org/content/18/3/227.full.pdf%2Bhtml?sid=18cdd935-1f4b-4fb8-bc57-b093b15f643e)*)*, International Journal of Law and Information Technology (2010). |
| 42/10 | Speech | Pages 122-204Adrienne Stone, *The Comparative Constitutional Law of Freedom of Expression* in Research Handbook of Comparative Constitutional Law 406 (2013). |
| 52/17 | Privacy from the Government | Pages 205-278Ira Rubinstein, Gregory Nojeim, and Ronald Lee, [*Systematic Government Access to Personal Data: A Comparative Analysis*](http://idpl.oxfordjournals.org/content/4/2/96.full.pdf%2Bhtml) 4:2 International Data Privacy Law 96 (2014). |
| 62/24 | Privacy from everyone else | Pages 279-325 midterm out“[Should the U.S. Adopt European-Style Data Privacy Protections?](http://www.wsj.com/articles/SB10001424127887324338604578328393797127094)” WSJ (Mar. 10, 2013). |
| 73/2 | Midterm | To me via email – due by 11:59PMFeedback on midterm in class; debate prep |
| 8 TBD | Debate | Topic: TBD |
| 93/16 | Access | Pages 327-372[OpenNet Imitative](https://opennet.net/) |
| 103/23 | Trademarks and Domain Names | Pages 373-446Chih-Hong (Henry) Tsai, [*The Trademark/Domain Name Protection War: A Comparative Study of the U.S., UDRP and Taiwanese Law*](http://repository.jmls.edu/cgi/viewcontent.cgi?article=1301&context=ripl), 12 J. Marshall Rev. Intell. Prop. L. 350 (2013). |
| 113/30 | Copyrights and Patents | Pages 447-583 (edit pages)[Comparative Analysis of National Approaches to the Liability of Internet Intermediaries for Infringement of Copyright and Related Rights](http://www.wipo.int/export/sites/www/copyright/en/doc/liability_of_internet_intermediaries_garrote.pdf), WIPO Report (Apr. 30, 2014). |
| 124/6 | Private powers | Pages 583-642Urs Gasser and Wolfgang Schulz, [*Governance of Online Intermediaries: Observations from a Series of National Case Studies*](http://papers.ssrn.com/sol3/Papers.cfm?abstract_id=2566364), Berkman Center Research Publication (Feb. 2015). |
| 13TBD | International governance | Laura DeNardis, [*The Emerging Field of Internet Governance*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1678343) (2010).Guest speaker |
| 14TBD | Recap | Study session and feedback |
| 4/13 | Final exam  | To me via email – due by 11:59PM |