

MCGC Syllabus

Legal and Ethical Internet Issues

1. Title

Legal and Ethical Internet Issues

2. Description

Who owns what on the Internet? What are the issues surrounding copyright, privacy protection, and liability in an online environment? This course will explore the highlights of intellectual property doctrine, including the latest legislation and guidelines available. Students will also examine privacy law, contract law basics, and contemporary legal issues such as universal design, "malware" and identity theft.

3. Intended Audience and Rationale

Students enrolled in the entry level of the GC masters level programs.

4. Goals

This yearlong course provides future technology leaders with an overview of pertinent legal topics, and multiple perspectives on contemporary ethical issues.

5. Learning Objectives

Students enrolled in this course will:

- Identify the basic mechanisms of the American legal system
- Describe the major areas of law pertinent to internet technology integration
- Define representative legislation, case law, regulatory law, contract law, intellectual property, copyright law, fair use doctrine, copyright compliance, privacy law, privacy compliance, and contract compliance.
- Apply legal concepts and precedents to practical case examples.
- Analyze ethical considerations inherent in technology integration efforts.
- Synthesize law and ethics to construct recommendations for compliance.

6. Topical Outline

Fall Trimester

Focus on Intellectual Property Law

9/09 – 9/15 Introductions

Post your introduction; respond to at least one classmate

9/16 – 9/22

Legal Basics

1. Read the Basics of American Law Handout
(Uploaded to the Legal Basics Conference)
2. Read the "Thomas guide" about How Our Laws are Made
<http://thomas.loc.gov/home/lawsmade.toc.html>
3. Read Understanding the Federal Courts – Constitution and Federal Judiciary
http://www.uscourts.gov/understand03/content_1_0.html

Post your a) biggest surprise or b) greatest concern or c) your most pressing question or d) any other thoughts triggered by these reading assignment. Respond to at least one classmate.

9/23 – 9/29
The US Code

1. Read the US Code entry from the Wikipedia
http://en.wikipedia.org/wiki/Us_code
2. Skim the actual US Code – read Title 17
http://en.wikipedia.org/wiki/Us_code

Post your key questions about Title 17 – what is clear? What is not? (Be precise – no generalizations, please. Make an honest attempt to practice legal citations when you pose your question, or offer your insight/understanding about what is clear or not clear.) Be sure to respond to at least one classmate this week.

9/30 – 10/06
IP Doctrine

1. Read What is Intellectual Property from USInfo.gov
Be sure to hit Digital Age, Fair Use, and the Public Domain in Section II. The glossary in Section IV is very useful, too. Dip into other sections as your time and interests permit.
<http://usinfo.state.gov/products/pubs/intelprp/index.htm>
2. Listen to Lewis Hyde (Berkman Center at Harvard) discuss historical perspectives on intellectual property.
<http://blogs.law.harvard.edu/audioberkman/tag/intellectual-property/>

Post a message to this week's conference, offering your perspective on the balance between promoting creativity by "securing for limited times the exclusive rights" and benefiting the public by releasing those rights (eventually)... This would be a good time to introduce a strong opinion – there are strong points of view "out there" on both the impact of piracy and the impact of the "shrinking" public domain. Argue your perspective with at least one classmate.

10/07 – 10/13
Copyright

1. Read the Copyright Basics (Circular 1) from the US Copyright Office
<http://www.copyright.gov/circs/circ1.html>
2. Read Brad Templeton's legendary "10 Big Myths" article
<http://www.templetons.com/brad/copymyths.html>
3. Listen to Dean Jon Garon (scroll all the way to the bottom of the page) for a basic introduction to copyright law (establishing a prima facie case for use/infringement)
<http://www.hamline.edu/law/conversations/>

Post a memo to your client, colleague, or friend that explains the copyright law as it pertains to him/her/them. Make specific references to their original materials (web site, songs, other creative property) and/or those materials they would like to use. Make recommendations that cite the law (or plain English versions of it). No response required this week – just memos!

10/14 – 10/20

Trademarks

1. Read the Wex entries on Patent:

<http://www.law.cornell.edu/wex/index.php/Patent>

2. ...and Trademark law:

<http://www.law.cornell.edu/wex/index.php/Trademark>

3. Read the brief US Patent and Trademark Office overview

<http://www.uspto.gov/web/offices/pac/mpep/documents/intro.htm>

4. View the webcast of James Bessen at Duke, on the Empirical Evidence on Patents

<http://www.law.duke.edu/cspd/lectures/>

Post your questions, answers, and/or Aha! Moments regarding trademark and patent law. Respond to at least one classmate this week (we missed the interaction!)

10/21 – 10/27

Fair Use and Permission Requests

1. Read the bitlaw tutorial about Fair Use

http://www.bitlaw.com/copyright/fair_use.html

2. Read the Kastenmeier Guidelines

<http://www.lib.berkeley.edu/MRC/Kastenmeier.html>

3. Refer to all four Permissions resource sites (you will need these!)

Ten Common Copyright Permission Myths

http://copylaw.com/new_articles/copy_myths.html

Microsoft Permissions (great example of permissions granted in advance)

<http://www.microsoft.com/mscorp/permission/default.msp>

Permission Requests

AAP: <http://www.publishers.org/about/higheredpermission.cfm>

Licensing Requests

RIAA: <http://www.riaa.com/issues/licensing/howto.asp>

4. MAT (for your information) Read the Classroom Guidelines to Section 110

<http://www.fs.uiuc.edu/cam/CAM/ii/ii-13attachii.html>

Post any **one** of the following messages:

1. a permission request to an owner of a work you would like to use – or
2. your own disclaimer / permission request policy/rights release for some work that you have created – or
3. a four point analysis of why a particular work you have used complies with the Fair Use exceptions – or
4. a guide/primer/brief to a colleague or client that explains to them why/how to determine whether a use is fair, or whether/when to request permission for a specific use.

See, those resources sites are really going to come in handy this week! Again, no response is required – focus on your specific application of the Fair Use and Permission provisions of Intellectual Property.

10/28 – 11/03

Digital Millennium Copyright Act (DMCA)

1. Read the quick guide to the DMCA

<http://www.copyright.gov/legislation/dmca.pdf>

2. Read the ALA Guide to the DMCA

<http://www.ala.org/ala/washoff/WOissues/copyrightb/dmca/guidedmca.htm>

3. Listen to the IPTelligentsia podcast "Satisfying the 21st Century Consumer" (part 2 – part 1 is optional, not required).

http://www.iptablog.org/2006/04/03/iptelligentsia_podcast_satisfying_the_21st_century_consumer_part_22.html

Discuss the most useful, or the least useful, and/or the most puzzling aspects of the DMCA. Hints: we are still grappling with the impact of some key provisions (google garage door opener designs to see what I mean) also, how does DMCA connect to Distance Learning and the TEACH Act? Respond to at least one classmate this week – those focused assignments help us reach beyond the class, but we should be serving as a great support group for each other by now!

11/04 – 11/10

Copyright Term Extension Act (CTEA)

1. Read the background to Eldred v. Reno

<http://www.jmls.edu/ripl/vol2/issue1/vicki-middle.html>

2. Read

Read the wikipedia entry on Eldred v. Ashcroft (the Supreme Court)

http://en.wikipedia.org/wiki/Eldred_v._Ashcroft

3. Scan the table of Copyright terms

<http://www.jmls.edu/ripl/vol2/issue1/vicki-middle.html>

Turn back the clock to the day before the Supreme Court is scheduled to hear arguments in Eldred. Write an amicus brief (friend of the Court) in support of either side in Eldred. You should be able to find many samples online – there were a LOT of amici in this case! As usual when we write an assignment targeted to an external audience, no response is required this week.

11/11 – 11/17

Recording Industry Association of America – Motion Picture Association of America

1. Read the RIAA position page on piracy

<http://www.riaa.com/issues/piracy/default.asp>

2. Read the MPAA position pages about piracy

http://www.mpaa.org/piracy_AndLaw.asp

3. Read the landmark Sony v. Universal Studios case syllabus

http://caselaw.lp.findlaw.com/scripts/prINTER_friendly.pl?page=us/464/417.html

4. Read the ALA Guide to Digital Rights Management

<http://www.ala.org/ala/washoff/WOissues/copyrightb/digitalrights/digitalrightsmanagement.htm>

5. View the Professor Strumpf webcast about the Effect of File Sharing on the Sale of Entertainment Products"

<http://www.law.duke.edu/cspd/lectures/>

Discuss your relative degree of surprise (not at all surprised ← → very surprised) at the Strumpf findings OR discuss your perspective on file sharing, piracy, and digital rights management – offer real-world solutions wherever possible. Respond to at least one classmate this week – expect controversy!

11/18 – 11/24

Google

1. Read the Authors' Guild lawsuit against Google
<http://www.boingboing.net/images/AuthorsGuildGoogleComplaint1.pdf>
2. Read the Perfect 10 injunction summary against Google (this one is juicy)
<http://www.techlawjournal.com/topstories/2006/20060217b.asp>

"Don't be evil." Defend or refute the Google mantra, in light of this week's cases. Respond repeatedly to one another – these posts can be shorter, more pointed, and more plentiful. Be ready to cite cases, laws, and relevant guides in your posts.

11/25 – 12/01

1. Read the EFF summary of MGM v. Grokster (the new Napster, refuses to go-legit Kazaa)
http://www.eff.org/IP/P2P/MGM_v_Grokster/
2. Listen to both of the MGM v. Grokster podcasts from IT Conversations
<http://www.itconversations.com/series/lawandit.html>
Bonus: Scroll down for a fun, illustrated explanation of the bittorrent technology you heard in the podcasts.
<http://www.wtata.com/faq/>

Bonus Materials
Anytime

For folks who are interested in Copyleft and the Future, visit these resources:
<http://www.gnu.org/copyleft/>
and
<http://mitworld.mit.edu/video/303/>

12/02 – 12/09
Final Project

Post yours early (and often) for feedback / suggestions. Ask any specific questions you may have as you work on your project.

Winter Trimester

Focus on Privacy, Identity, and Internet Safety Topics

Spring Trimester

Focus on Contemporary Legal & Ethical Issues: Universal Design, Digital Divide, etc.

7. Instructional Procedures

This course is completely asynchronous, although we can meet for a synchronous chat from time to time, whenever we see each other online, or schedule one.

The course is divided into 1 topic per week. For each topic, we will read several brief articles, laws, or case syllabi in preparation for our asynchronous discussions. We will new use subject lines for each topic, so we can keep our ideas organized. Please post your responses to each Topic's readings using the subject lines suggested. Our

responses may be questions, objections, reactions, and/or responses to one another's postings.

In addition to the readings and online participation in asynchronous discussion, at the end of each trimester, you may opt to create either

- a) a brief academic position paper or recommendation report based on the topic of your choice
- or
- b) a web-based (Capstone) resource based on the topic of your choice

Details of this assignment will be crafted individually for each student. The main goal of the assignment is to demonstrate that you can

- Identify the key ideas comprising your topic of choice
- Explain how the topic has developed (over time, across audiences)
- Investigate (and cite) resources beyond those assigned in class
- Apply some aspect of the topic to some real world situation
- Synthesize your understanding and application in about 750 words

Examples: a copyright compliance report to your client, a fair use tutorial for your students, a pamphlet advising your colleagues about how to protect their intellectual property, a web page of annotated resources for a very specific audience not currently addressed by existing resources (kids, physics professors, artists...)

8. Evaluation Procedures

65% Asynchronous Discussion

35% Final Paper or Project Page(s)

9. Format

Every week, we will participate in a discussion of a posted topic. All discussions are held online, in First Class. The Course Shell indicates which conferences we will use for each topic. Late assignments will be accepted – advance notice to instructor is appreciated.

10. Prerequisites

None

11. Instructional Resources

See links in course.