Syllabus and Assignments: BUS 517 Cyberlaw – Online 2010
Professor Robert Barrett
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University of La Verne
College of Business and Public Management
Online 2010

CYBERLAW: Sex, Lies, and the Internet

BUS 517 CRN 1361: Three Credits, Graduate Level
Prerequisite: MBOM 510 (Management of Information Technology)
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Text Website: http://www.cengage.com/cengage/student.do?disciplinenumber=404&product_isbn=9780324164886&courseid=BL18&codeid=6036&instructorFlag=true

(Click the blue Student Companion Site link for additional student resources)

SYLLABUS AND ASSIGNMENTS

I. SYLLABUS

Introduction

Hello!

Below you will find a host of official rules, information, and guidelines. Please don’t let them put you off. Our goal is to have an intellectually stimulating and reasonably enjoyable time together. Occasionally it can even be fun, believe it or not. School by its nature is not the most exciting place in the world. We have to work hard to learn and not be bored. The rules are there to eliminate distractions and interference with that goal. That is especially true in the online environment.

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1 This is intended to be a take-off on the title of a Hollywood movie of some years back called “Sex, Lies, and Videotape.” Much of Cyberlaw involves things like the legality of sexual images on the Net under the First Amendment’s Free Speech protection, the legal risks of lying under the law of Defamation when it can be spread world-wide, and similar issues.
Speaking of boredom, class is a collaborative effort. Boredom is our main enemy. It’s like a sporting event or artistic performance: If you don’t come “ready to play” – that means doing the assigned reading – you won’t know what’s going on, you won’t be able to contribute, and you’ll probably be bored. People learn nothing when they’re bored. Remember that school is your job right now. So don’t expect our class to be the most fun you’ve ever had in life. But make it worth the precious time you’re investing here. You can never get that back.

This Syllabus and Assignments document is the roadmap for our course. Keep it handy, and, to save yourself some time, refer to it before asking me your questions in case they’re answered here.

A. Course Description

The course focuses on the legal impact and implications of doing business on the Internet. Law and technology courses in the past concerned primarily the intellectual property law of trademarks, patents, copyrights, and trade secrets. These remain essential concerns of the law of technology. With the emergence of the Internet in business, however, managers must now become conversant with new paradigms, such as e-mail, on-line contracting, defamation, obscenity, invasion of privacy in the workplace, and the rise of computer crime.

Among the University Mission elements most directly implicated by this subject are these two: (1) Diversity and Intercultural Orientation: With instantaneous global transmission of words, images, and data, managers face challenges nonexistent even a few years ago. They must deal with the clash of cultures often far apart in values, sophistication, and living standards, thrown immediately together in cyberspace. (2) Interdisciplinary Thinking: Managers cannot afford to know only their own businesses. The Internet continues to evolve, and new ways of doing business emerge at a greater rate than ever before.

B. Learning Objectives

The course seeks to develop the following knowledge, skills, and competencies:

- Familiarity with the new litigation landscape, such as the emerging law of where you are when you are in cyberspace (territorial jurisdiction over defendants);

- Recognition of how the traditional areas of intellectual property law including trademarks, copyrights, patents, and trade secrets have changed as a result of the technology of doing business on the Internet;
The ability to apply traditional legal analysis to issues emerging on the Internet, including e-mail, on-line contracting, defamation, obscenity, invasion of privacy in the work-place, and the rise of computer crime, and

Facility with Internet-based legal resources and data bases, including case and statutory law, government regulatory agencies, and consumer-oriented data bases and websites.

C. Nature of activities in the class

Class activities will include (1) objective assessment of the student’s grasp of the basic knowledge base through regular in-class objective testing, (2) live Internet exercises to develop searching skills and database familiarity, (3) group discussion of current topics and cases, (4) lectures employing PowerPoint and other visual aids to reinforce essential course concepts, and (5) a significant written research project.

D. Evaluation and Grading

Course grades will be determined by the following required course components:

- Class Participation (Discussion Board) 20%
- Tests (may include objective, true-false, multiple-choice, or essay) 50%
- Research Paper 30%

Grading Policy

The following is abridged from policy in the University Catalog:

The grading policy for graduate students is based on the assumption that the grade for acceptable and satisfactory performance in graduate study is B (3.0). This implies that graduate students must perform at an above-average level, compared to undergraduate standards, in order to progress satisfactorily in graduate programs. It also implies that the C- and D grades are unacceptable in graduate work; therefore, there are no C- or D grades for graduate students.

A, A–
Demonstrates insightful mastery of the subject matter and exceptional quality in written and oral communication

B+, B, B–
Exhibits professional competence in the subject matter and in all written and oral communication

C+, C
Completes course assignments and requirements with minimally acceptable proficiency in written and oral communication (Below professional standards)

INC
Incomplete are authorized only when it is impossible for the student to complete the course because of illness or other justifiable cause and only with a formal written petition form the student to the professor. The petition must be filed prior to the last day of the term."

Consistent with ULV grading policies all tests, examinations, written projects, and oral presentations may be given numerical scores that will be converted to final letter grades. Final course grades are subject to curving, at the discretion of the professor.

Please see the ULV Course Catalog under Grading Policy – Graduate Credit/No Credit, Incomplete, In Progress, and other policies, all of which apply to this course.

E. Plagiarism Policy

Please see the ULV Course Catalog under Responsibilities – Academic Honesty for ULV’s policy, which applies to this course.

F. Attendance Policy

Please see the ULV Course Catalog under Responsibilities – Class Attendance for ULV’s policy, which applies to this course.

G. Class Participation

“Class participation” for purposes of your grade means: Meaningful, regular participation in the Discussion Board, demonstrating knowledge of the assigned reading, bringing of new and interesting material to class for discussion on your own initiative, or other enhancement of an interactive classroom experience.

H. Research Paper

Writing a research paper isn’t easy for anyone. A good place to start:

http://library.laverne.edu/tutorial/rs1.htm

Click through the pages. Don’t take the quizzes – just see what’s there that may help you get going. There are many sites on the Net that provide basic help as well.
You can just go right to no. 8 in the left menu (“Writing a paper”) if you’re in a hurry. That will jump-start the process.

You can also get personalized online tutorial help with your paper at our Learning Enhancement Center. One of our skilled tutors will actually read your draft and work with you online:

http://www.laverne.edu/academics/learning-enhancement-center/online-tutoring

Take a look at other research papers such as short pieces in academic journals to see how they are structured.

Make sure you follow proper citation and bibliography format. Any of the following three style manuals are acceptable: APA, MLA, or Turabian.

If you don’t know what I’m talking about, now is the time to contact the La Verne Librarians or the Center for Teaching and Learning to learn how to prepare a master’s-level research paper.

Also, include in your paper the following:

**Cover Page**

Paper title, your name, course title, professor, submission date

**Abstract**

A one-paragraph summary on its own page of what the reader can expect in the paper

**Headings**

Numbered to identify topic and sub-topic headings throughout your paper to make it easy for the reader to find particular subjects

**Table of Contents**

This corresponds to your Headings so the reader can go right to the topic or sub-topic in which they are interested

Papers are built, piece by piece – topic, scope, research, outline, first draft, revision, and so forth. The step-by-step guide helps you create each piece. It’s just like following a recipe. If you follow it, you’ll remove the guess-work, and eliminate the agony of staring at a blank piece of paper late at night near the deadline, silently screaming to yourself, “What am I supposed to do?!?” Instead, you will be able to attack it one manageable piece at a time, and get it done on time.
A hint on citing to sources: Students sometimes forget, or don’t know, that the more relevant sources you quote and identify, the better your paper and the higher your grade. There’s never a reason to plagiarize, because each time you find someone who’s said something you wish you’d thought of, if you put it in quotes and credit the source, you’ve improved your grade.

The deadlines for submission of your (1) Topic, Outline, and Research Plan, (2) First Draft, and (3) Final Paper are set forth below in the Assignments.

Creating Your Research Paper

Each student will be required to prepare a typed (double-spaced) paper on a topic of their choice regarding the subject matter of this course. Good places to get ideas for topics include the Wall Street Journal, Forbes, Fortune, Barron’s, U.S. News & World Report, and The New York and Los Angeles Times.

The free online newsletter Download This! to which you will subscribe can also provide leads to current cases in the courts and media concerning Cyberlaw.

[HINT: Create a topic in which you are interested! If you find the topic boring you will hate writing about it. Don’t do that!]

As the title to this course on the first page of the Syllabus suggests, we cover almost everything concerning the law of the Internet – privacy, obscenity, pornography, free speech, defamation, cybercrime, identity theft, Internet gambling, Internet contracting, and intellectual property, among other topics.

Surely you can find something among those topics in which you are interested! If you’re interested in it, the paper will be easier to write, the reader will enjoy it, and your grade will be better.

The text of the paper must be between ten and twenty pages long. (The bibliography or list of resources consulted does not count towards this page requirement.) It must include a bibliography at the end in proper form, and when you quote from sources, put the quoted material in quotation marks and provide endnotes to credit your sources.

By all means, quote others! If they said it well, why not? It shows you’ve done your research. But don’t fail to put their words in quotes. If you use good quotes correctly, you get extra credit. If you don’t use quotes and pretend their words are your own, you’ve plagiarized, which is academic dishonesty.

One of the things you’ll turn in as part of preparing the paper is a Research Plan. The general idea is that you should poke around in some sources before,
and while, you are coming up with a topic to see what's out there that looks fruitful.

   The process should be flexible - your topic may change as you read things that cause you to tweak it in one direction or another.

   You should keep track of everywhere you look, in a list of sources. The ones that look promising you should mark in some way so you know those are the ones you will want to come back to when you get into writing.

   Once you've got a list of marked sources, that’s your Research Plan – it’s what you plan to read and refer to, at least at this early stage of the writing process.

   Your list of sources may grow larger (or smaller if some of your original sources don't turn out to be as useful as they first appeared) as you get further into researching, but this gives us an idea of what you think you'll be reading.

   Grading of the paper will be based on (1) appropriateness of the topic, (2) understanding of the significance of the topic in relation to our course, (3) analysis of the significant legal facts in relationship to the issues involved, and (4) comprehension of the legal principles raised by the issues. Additional grading considerations include English language usage, spelling, and general appearance of the written presentation.

   The paper should be prepared as though you were a business manager making a presentation to other professionals in the business the research concerns, to advise them of matters about which they should know.

   I.  Class Preparation:

       Students are expected to be fully prepared by reading the assigned materials in advance and to actively participate in the Discussion Board. Although all assigned pages may not be covered specifically in the Audio Lectures, students are expected to be prepared to discuss all the assigned material. Additionally, all assigned material is subject to testing whether or not specifically covered in the Audio Lectures.

   J.  Teaching method:

       This class will be taught using a modified “Socratic method.” That means that, although there will be traditional lecture periods, during the Discussion Board you will be asked to respond to questions based on the assigned material or what other students have said. Your responses in the Discussion Board should evidence knowledge of the readings assigned.

       We will solicit your views and opinions. All students must participate in and contribute to class discussions in the Discussion Board. The give and take of such
II. ASSIGNMENTS

The deadlines for submission of your Research Paper (1) Topic, Outline, and Research Plan, (2) First Draft, and (3) Final Paper are set forth below.

In addition, the following Assignments are to be completed prior to the class session indicated. To guide your reading and preparation for the tests, follow these directions:

A. Cases in Chapters:

Every chapter contains excerpts from judicial opinions in actual decided cases. Judicial opinions can be hard to follow. Often they contain technical legal terms with which you won’t be familiar. Don’t worry if you don’t get everything at first. But you can train yourself to recognize the essentials.

This will help: There are a few short Case Questions at the end of each case. Be sure to answer the Case Questions after you’ve read the case and be prepared to discuss your answers in the Discussion Board. You needn’t write out full answers but you should jot down some short notes. If you can do that, you have a basic understanding of the essentials of the case.

B. Review Materials at End of Each Chapter:

Every chapter contains a very useful set of review materials at the end. Be sure carefully to read the Summary and Key Terms (page numbers are provided for each definition), review the Manager’s Checklist, and give the Ethical Considerations some thought. These materials will help prepare you for each test.

C. Case Problems:

You are not tested on any of these. You needn’t read them. But beware if you do: They refer to other decided cases, and some are really interesting and even downright weird. You may be tempted to look them up and find out what happened. Don’t blame the professor if you get caught up in reading them – you have been warned!

D. Tests:

Brief objective tests which may include objective, true-false, multiple-choice, or essay questions will be given for you to complete online, as described below.

E. Discussion Board:
This is one of the most important parts of the class. Regular, substantive participation is required.

F. Lectures:

There are recorded audio lectures on our Blackboard for each chapter we cover.

**HINT:** The audio lectures aren’t very long, and they clue you in to a lot of what the professor thinks is important about that week’s reading assignment. The lectures emphasize material likely to show up on the quizzes.

G. PowerPoints:

There are PowerPoint presentations for each chapter in the book. These are found in the Assignments link in our Blackboard.

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**FOR EACH ASSIGNMENT:**

Do in the following order:

1. Read the assigned chapter.
2. View the PowerPoints for that chapter, found in the Assignments link.
3. Listen to the recorded audio lecture for that chapter, also found in the Assignments link (at the very bottom of the page).

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**Class 1:**

**Introductory Audio Lecture: Review of the Syllabus, Assignments, course requirements, use of Blackboard, and our textbook**

**Chapter 1: Technology and Cyberlaw**
**Chapter 2: Jurisdiction**

**Audio Lecture on Chapter 1**
**Audio Lecture on Chapter 2**

In addition, each class-member must subscribe via the Internet to “Download This!” which is a free Internet newsletter concerning Cyberlaw developments in the courts and media:
a. Go to http://newsletters.findlaw.com

b. You’ll see a line that says “Check the box next to each newsletter you want, then click the Subscribe button.”

c. Underneath that are three columns. Beneath the right-hand column called Blog Newsletter is called a sub-column called Legal News Topics.

d. The sixth title down in that column is called Download This! Click that box.

e. Scroll down the page to the end of the columns and on the left click the little light-gray box at the bottom left that says “Subscribe to Free Newsletters>>”

f. On the next page it says in green letters “Don’t have a FindLaw account?” Next to that click the link in blue letters that says “Create one today!”

e. Fill out that page. When done, click the light-gray bar at the bottom that says “Create your Free Findlaw Account.”

Discussion Board: “Introduce Yourself” – There will be some questions for you – and I – to answer to help us get to know each other!

Class 2:

Chapter 10: Obscenity

Audio Lecture on Chapter 10

Discussion Board 1: Chapter 1 – Since the Internet is an open computer network made up of people from many countries, who should ultimately police the Internet? What court system should ultimately have jurisdiction over legal matters?

1. Read Chapter 10.

2. Read the newspaper article posted in Blackboard under Course Documents, in Articles, called E-Bay – India Porn 2004 .doc, by Abrams, “Digital Legal Drama Unfolds India’s Discovery of E-Commerce Sex, Guilt” (L.A. Daily Journal 12/23/04)

3. Test # 1 on Chapters 1 and 2

Class 3:

Chapter 11: Defamation
Discussion Board 2: Chapter 2 – Owner, a U.S. website owner, sells products worldwide. Customer in China buys one from Owner, is injured by it in China, and wishes to sue Owner. Should Customer have to come to the U.S. to sue Owner, or should Owner have to go to China to defend itself? Why? Explain the implications for a business of your choice.

1. Read Chapter 11.
2. Test # 2 on Chapter 10

Class 4:

Chapter 9: Privacy

Audio Lecture on Chapter 9

Discussion Board 3: Chapter 10 – Should it be necessary for the U.S. government to draft laws specifically meant to protect children such as the COPA or should children be entitled to the same freedoms as adults including access to materials online such as pornography?

1. Read and be prepared to discuss Chapter 9.
2. Test # 3 on Chapter 11

Class 5:

Chapter 6: Online Contracting

Audio Lecture on Chapter 6

1. Read Chapter 6.
2. Test # 4 on Chapter 9

Class 6:

Chapter 3: Trademarks

Audio Lecture on Chapter 3
1. Read Chapter 3.
2. **Test # 5 on Chapter 6**

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**Class 7:**

**Chapter 4: Copyrights**

**Audio Lecture on Chapter 4**

1. Read Chapter 4.
2. **Test # 6 on Chapter 3**
3. First Research Paper Deadline:

   Submit Topic, Outline, and Research Plan to Professor

   You will get a reply e-mail with comments so you can proceed to the First Draft.

4. Go to Course Documents, open Articles, and read Article 1: Google - Copyright Indexing 1-23-06, and Article 4: “Brangelina”

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**Class 8:**

**Chapter 5: Business Methods, Patents, and Trade Secrets**

**Audio Lecture on Chapter 5**

**Discussion Board 4:** Chapter 4 – What media should copyrights and trademarks protect online? (i.e., books, print, music, software). In addition, how far should copyright and trademark protection extend?

1. Read Chapter 5.
2. **Test # 7 on Chapter 4**
3. Second Research Paper Deadline: Submit First Draft to Professor. You will get a reply e-mail with comments so you can proceed to your Final Paper.
Class 9:

Chapter 13: Internet and Computer Crime

Audio Lecture on Chapter 13

Discussion Board 5: Chapter 13 – Does the United States have jurisdiction to enforce computer crime laws on foreign land? If not, should it?

1. Read Chapter 13.

2. Test # 8 on Chapter 5

Class 10:

Chapter 12: Internet Security

Audio Lecture on Chapter 12

1. Test # 9 on Chapter 13

2. Third Research Paper Deadline: Submit Final Paper to Professor

Your continued enrollment in this course denotes understanding of and compliance with all elements of this Syllabus. The Syllabus and Assignments are subject to modification at the professor’s discretion.
Academic Honesty

Each student is responsible for performing academic tasks in such a way that honesty is not in question. Unless an exception is specifically defined by an instructor, students are expected to maintain the following standards of integrity:

a. All tests, term papers, oral and written assignments, recitations, and all other academic efforts are to be the work of the student presenting the material.

b. Any use of wording, ideas, or findings of other persons, writers, or researchers requires the explicit citation of the source; use of the exact wording requires a "quotation" format.

c. Deliberately supplying material to a student for purposes of plagiarism is also culpable. When academic honesty is in question, the following may occur:

1. A faculty member who has clear evidence that academic honesty has been violated may take appropriate disciplinary action. Appropriate disciplinary action may include, but is not limited to, requiring the student to rewrite a paper or retake a test, giving the student an F on the assignment and/or in the course, and/or recommending expulsion. If the action includes giving a course grade of NCR or F and/or a recommendation for expulsion because of academic dishonesty, the faculty member must report the action to the Department Chair and/or Academic Dean (or to the Campus/Program Director for off-campus situations).

2. If a faculty member has reason to suspect academic dishonesty (even after having seen requested additional or revised work when appropriate) and the student denies the allegation, the faculty member may refer the matter to the Provost (through the Campus/Program Director for off-campus situations). Following due process an Academic Judicial Board may be formed to investigate the matter and make a recommendation to the Provost about whether academic honesty has been violated. The Vice President will then take appropriate action which may include, but is not limited to, academic probation, suspension, or expulsion. In this process students may be asked to produce earlier drafts of their work and/or original notes and resources, other samples of writing, or documents deemed appropriate or necessary by the Board.

3. Grades of F or NCR received in courses due to academic dishonesty will be filed with appropriate documentation for future reference in the office of the Provost by the Department Chair, Academic Dean, or Campus/Program Director. Students receiving an F or NCR as a result of academic dishonesty will be sent a letter from the Provost noting that a second offense will result in expulsion.

4. Expulsion for academic dishonesty will be noted on the student's transcript by the words "Expelled for Academic Dishonesty."