

University of Laverne
College of Business and Public Management
Laverne Online Summer 2018

CYBERLAW

BUS 517 CRN 1442: Three Credits, Graduate Level

Prerequisite: BUS 510 if in the career MBA; BUS 615 if in the MBAX.

Instructor: Robert Barrett, Esq., Professor of Law and Business

Office Hours: By appointment: Phone and Video

Contact: rbarrett@laverne.edu
 (310) 317-4600

Required Text: *Cyberlaw: Text & Cases* Ferrera Reder Lichtenstein Bird
 Darrow Aresty Klosek (South-Western 3rd Ed. 2012) ISBN-
 13: 9780324399721

1. The textbook may, or may not be, available from the Laverne bookstore. New, used, and electronic copies are available online.
2. You can find copies by searching the internet using the ISBN number:

9780324399721
3. Some websites advertise free e-copies of the textbook. Make sure your computer virus-checking software is up to date before downloading anything from the Internet!
4. International editions of the textbook are acceptable.

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.

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 time 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: They may already be 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-communication, online contracting, internet security, government regulation, invasion of privacy, 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 by doing business on the internet;

- The ability to apply traditional legal analysis to issues emerging on the internet, including e-communication, online contracting, internet security, government regulation, invasion of privacy, and 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) assessment of the student’s grasp of the basic knowledge base through regular objective testing, (2) internet exercises to develop searching skills and database familiarity, (3) group discussions of current topics and cases, (4) lectures 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 (Discussions)	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

Incompletes 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 Discussions, 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

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

Writing a research paper isn’t easy for anyone. I like the below two links to start, or as a refresher. They provide very simple, straight-forward steps. I find that if I take it one simple step at a time I don’t find the process too overwhelming. If these links are too elementary for you, you’re already a better paper-writer than I am:

<http://www.wikihow.com/Write-a-Research-Paper>

<http://www.aresearchguide.com/1steps.html>

Look at other research papers such as short pieces in academic journals just 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 these style manuals are, now is the time to contact the La Verne Librarians to learn how to prepare a master's-level research paper.

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

Endnotes

When you quote from sources, put the quoted material in quotation marks and provide endnotes to credit your sources.

Bibliography

The paper must include a bibliography at the end in proper form.

Papers are built, piece by piece – topic, scope, research, outline, first draft, revision, and so forth. It's just like following a recipe. If you follow it, you'll remove the guess-work. Attack it one manageable piece at a time, and you will get it done.

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

A good place to get ideas for topics is the *Download This!* Newsletter you subscribe to during the first week of our course.

Other good sources include the Wall Street Journal, Forbes, Fortune, Barron's, U.S. News & World Report, and The New York and Los Angeles Times.

The body of the paper must be between ten and twenty pages long, double-spaced, 12-point font.

The Cover Page, Abstract, Table of Contents, Endnotes, and Bibliography DO NOT COUNT towards this page requirement.

Do not add blank lines, start new sections on a separate page, use a large type font, or anything like that, to "pad" the length of the paper.

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!

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.

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 the significance of the topic in relation to our course
- (3) comprehension of the legal principles raised by the issues
- (4) analysis of the significant legal facts in relationship to the issues involved
- (5) English language usage, spelling, and general appearance of the written presentation

It is highly recommended that you find another person to proof-read your Final Paper with you before you turn it in. Ideally pick a native English speaker who is detail-oriented and has excellent grammar and punctuation skills. Don't let technical mistakes hurt your grade.

Academic Honesty

This class follows current University policy found in the section of the current ULV Catalog entitled "Academic Honesty." Some of the key elements of that section are summarized below.

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:

- * All assignments of all types are to be the work of the student or students presenting the material and only those students.

* 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.

* Deliberately supplying material to another student for purposes of plagiarism or academic dishonesty is culpable.

* In addition, by taking this course, students agree to abide by the [Online Honor Code](#) found on the course Home Page, left menu **Week 1** tab.

I. Class Preparation:

Students are expected to be fully prepared by reading the assigned materials in advance and to actively participate in the Discussions. 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 lectures, during the Discussions you will be asked to respond to questions based on the assigned material or what other students have said.

I will solicit your views and opinions. All students must participate in and contribute to class discussions in the Discussions. The give and take of such discussions provides an opportunity for students to improve their analysis and communication skills, and is a substantial part of your grade.

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.

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. 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 may help – there are a few short Case Questions at the end of each case:

- See if you can come up with answers to the Case Questions after you've read the case. Don't write out answers, but it may help to jot down a few notes.
- Then see if you can explain in plain English to someone else what happened in the case – not all the details; just the main idea.
- If you can give a simple explanation of what the case was about to someone else, you have a basic understanding of the case.

B. Review Materials at End of Each Chapter:

Every chapter contains a set of review materials at the end. Be sure to read the Summary, Key Terms, and Manager's Checklist. *These materials will help prepare you for each test.*

You are *not* responsible on the tests for the Questions and Case Problems at the end of the chapters. You may find them interesting reading, however.

C. 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.

D. Discussions:

*This is one of the most important parts of the class. Regular, substantive participation is required. **Your responses in the Discussions should evidence knowledge of the readings assigned.***

The Discussion grade will be posted at the end of the term.

I do not post any grades for individual threads. Rather, for each satisfactory individual thread, full credit (grade of A) is given unless the posting was late, or I point out deficiencies, identify things that were missed, or indicate where improvement could occur.

If I end my comment for a thread with something like "great job", "excellent work," or the like, it means the thread earned full credit (grade A).

Late threads are given full credit if (1) the student emails me the reason for the lateness, (2) I indicate the lateness will be excused if the student posts a satisfactory thread promptly thereafter, and (3) the student follows my instructions to email me they have posted the late thread, and where they posted their late comment on another student's thread.

E. Lectures:

There are recorded Audio Lectures on our Blackboard for each chapter we cover.

HINT: The Audio Lectures 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 appear on the quizzes.
 - Cyberlaw is ever-changing. The Lectures identify changes in the law which differ from the textbook and which will show up on the quizzes.
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For each class, do in the following order:

1. **Read** the assigned material.
2. **Listen** to the recorded Audio Lecture for that week, found in the Audios link in the left menu on our BB Home Page.
3. **Take** any Test assigned for that week. All tests are untimed and open-book. You can start, stop, and return to them later. Please read the Online Honor Code in the left menu tab on our Home Page before starting the tests.

4. **Discussions:**

Each Class corresponds to a week in the term. You can work ahead of the below schedule for the readings, lectures, and tests.

But the Discussions should be done *ONLY* during the week of the Class assigned.

If you do them early you will be talking to yourself.

If you don't do them during the week they are assigned your grade will suffer. **LATE SUBMISSIONS WILL BE MARKED DOWN.**

But you *must* do ALL Discussions, even if late, or you won't receive ANY credit for the Discussions, which are 20% of your course grade.

If you post after the deadline for that week, I will read and grade your late submission but I won't comment on it. Email me the date of your post, and the name of the other student on whose post you commented so I can give you credit for them.

For the Discussions, I have found that the best plan is to (a) make your primary post addressing the question presented early in the week, and (b) reply to others' posts as the week progresses.

I may comment on your Discussions posts either as the week progresses, on the Monday after the Discussions for that week closes, or at some other time.

5. **Research Paper:** Submit each component by the end of the week in which it is assigned. **LATE SUBMISSIONS WILL BE MARKED DOWN.**

Week 1: Monday June 11, 2018

Readings:

Chapter 1: Introduction to *Cyberlaw: Text & Cases*

Chapter 2: Innovations and Inventions: The Ideas and Implementations of Technology Core to Developing Business Models as a Means to Create Value

Audios:

1. Introductory Lecture
2. Lecture on Chapter 1
3. Lecture on Chapter 2

Other:

- **Subscribe:** 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. Near the top of the page in large letters it says **FindLaw Newsletters.**
 - c. Scroll down to the heading in smaller letters which says **Business of Law.** In the right-hand column, it says in blue letters **Download This!**
 - d. Click the box next to the words **Download This!**
 - e. Scroll down the page to the end of the columns and click the gray box at the right which says **Subscribe to Free Newsletters>>**

f. On the next page it says Please Log In. Beneath that it says Not Registered? Click the blue letters on that page which say [register here](#).

g. Fill out the next page. When done, click the gray bar at the bottom which says “Create your Free Findlaw Account.”

- **Discussions:** “Introduce Yourself!” – There will be some questions for you (and I) to answer to help us get to know each other.

Week 2: Monday June 18, 2018

Readings:

Chapter 3: Business Governance and Management: Formation, Financing and Exit Strategies

Audios:

Lecture on Chapter 3

Other:

- Watch the Anatomy of a Hostile Takeover video mentioned in Lecture 3. The below information is also in the Documents & Links tab on our Home Page.

Go to:

<http://www.learner.org/resources/series81.html>

Scroll down the page at the link above until you see a heading called “Individual Program Descriptions.”

Video 5 is Anatomy of a Hostile Takeover

To the right of the video’s description is a little box that says “VoD” which means Video-on-Demand. Click that box.

The video may start right away. To enlarge the picture to the full size of your computer screen, while it is playing put your mouse-pointer over the picture, right-click, scroll down to Zoom and select Full Screen.

Hit the Escape or Esc button on your computer to exit Full Screen, or right-click the picture again, scroll down, and select Exit Full Screen.

Turn off your screen-saver while watching the video.

You can stop, rewind, start over, or come back another time.

[If the video doesn't start right away you may be taken you to a registration and sign-in screen. If so, click the link that says, "Sign up here!"

At the next screen, fill in the required items to register. Click the Yes button under Remember Me if you want to avoid re-signing in if you leave the video and return later. Don't forget to write down the Password you create.

Then click the Proceed button.]

- **Discussions: Question 1**
- **Test # 1 on Chapters 1 and 2** (All tests are untimed and open-book. You can start, stop, and return to them later. Please read the [Online Honor Code](#) in the **Week 1** left menu tab on our Home Page before starting the tests.)

Week 3: Monday June 25, 2018

Readings:

Chapter 8: Dispute Resolution: Jurisdiction, Litigation, and ADR

Audios:

Lecture on Chapter 8

Other:

- **Discussions: Question 2**
- **Test # 2 on Chapter 3**

Week 4: Monday July 2, 2018

Readings:

Chapter 11: Government Regulation

Audios:

Lecture on Chapter 11

Other:

- **Discussions: Question 3**
 - **Test # 3 on Chapter 8**
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Week 5: Monday July 9, 2018

Readings:

Chapter 12: Privacy

Audios:

Lecture on Chapter 12

Other:

- **Discussions: Question 4**
 - **Test # 4 on Chapter 11**
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Week 6: Monday July 16, 2018

Readings:

Chapter 13: Security and Computer Crime

Audios:

Lecture on Chapter 13

Other:

- **Test # 5 on Chapter 12**
- **Develop Topic, Outline, and Research Plan for Research Paper.**

Week 7: Monday July 23, 2018

Readings:

Chapter 9: Contracts for the Internet and Tech Sectors

Audios:

Lecture on Chapter 9

Other:

- **Test # 6 on Chapter 13**
- First Research Paper Deadline: [E-mail Topic, Outline, and Research Plan to Professor](#). You will get a reply e-mail with comments so you can proceed to the [First Draft](#).

Week 8: Monday July 30, 2018

Readings:

Chapter 4: Trademarks

Audios:

Lecture on Chapter 4

Other:

- **Test # 7 on Chapter 9**
- Second Research Paper Deadline:
[E-mail First Draft to Professor](#) – You will get a reply e-mail with comments so you can proceed to your [Final Paper](#).
[Read the SafeAssign Description](#) – It is in a link in the Home Page [Week 8 Assignment](#) tab. It tells you about SafeAssign. It checks your paper for quotations to make sure you identify their sources before turning in your Final Paper.

[Submit First Draft to SafeAssign](#) – Go to our Home Page left menu. Click **Draft of Paper**. Follow the instructions.

Week 9: Monday August 6, 2018

Readings:

Chapter 5: Copyrights

- **Article:** Read **“Crazy Copyright Cases”** (Link in Home Page Week 9 Assignment tab)

Audios:

Lecture on Chapter 5

Other:

- **Discussions: Question 5**
 - **Test # 8 on Chapters 4 and 5**
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Week 10: Monday August 13, 2018

Readings:

Chapters 6 and 7: Patents and Trade Secrets

Audios:

Lecture on Chapters 6 and 7

Other:

- **Discussions: Question 6**
 - **Test # 9 on Chapters 6 and 7**
 - Third Research Paper Deadline: [E-mail Final Paper to Professor](#)
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The course closes at 11:59 p.m. Sunday August 19, 2018. All course materials, tests, discussions and other requirements must be submitted by then.

Completing an Evaluation at end of our course is required. Your final course grade will not be submitted until you have done it.

The Syllabus and Assignments are subject to modification at the professor's discretion.
