

**Cyberlaw  
Spring 2004**

**Prof. Susan Crawford  
Cardozo School of Law**

**Course Information and Syllabus**

M-W-Th, 1:30-2:20 pm, Room 205  
212/790-0277  
Office: Room 519  
scrawford@scrawford.net

Contact Information: The best way to reach me is via email at scrawford@scrawford.net. Office hours are 2:30pm to 3:30pm, Monday and Wednesday. I am happy to make appointments via email for other times.

Course Materials: Lemley, Menell, Merges, Samuelson: SOFTWARE AND INTERNET LAW (2003); supplemental materials; materials posted on scrawford.net (under "courses"). I will let you know what subset of the syllabus material should be prepared for each class.

Course Requirements: Attendance and active participation are essential. More than four absences will have an effect on your grade. You will frequently work in groups during class time. There will be a four-hour final exam.

**Class 1 -- Why Cyberlaw?**

Wed., Jan. 21

*Easterbrook, Cyberspace and the Law of the Horse* (supplement)  
*Lessig, The Law of the Horse: What Cyberlaw Might Teach* (supplement)  
*John Perry Barlow manifesto* (supplement)

**Class 2 -- Internet Basics**

Thurs., Jan. 22

*Jeff Tyson, How Internet Infrastructure Works* (supplement)  
*Marshall Brain, How Domain Name Servers Work* (supplement)  
*Term sheet* (supplement)

**Classes 3-4: Analogy Problems**

Mon., Jan. 26, Wed., Jan. 28

*eBay, Inc. v. Bidder's Edge, Inc.* (casebook 940-952)  
*Intel v. Hamidi* (supplement)

**Classes 5-7: Trademark Law I**

Thurs., Jan. 29, Mon., Feb. 2, Wed., Feb. 4

Required:

*Panavision Int'l, L.P. v. Toeppen* (casebook 631-637)  
*Planned Parenthood Federation of America v. Bucci* (casebook 647-659)  
*Bally Total Fitness v. Faber* (supplement)  
*Shields v. Zuccarini* (casebook 665-671)  
*PETA v. Doughney* (casebook 671-676)  
*Sporty's Farm v. Sportsman's Market* (supplement)

Recommended:

U.S. Patent and Trademark Office, *Frequently Asked Questions (FAQ) About Trademarks* <<http://www.uspto.gov/web/offices/tac/tmfaq.htm>>

### **Classes 8-11: Trademark Law II**

Thurs., Feb. 5, Mon., Feb. 9, Wed., Feb. 11, Thurs., Feb. 12

*UDRP* (casebook 676-682)  
*Brookfield Communications, Inc. v. West Coast Entertainment Corp.* (casebook 683-692)  
*Playboy Enterprises, Inc. v. Welles* (casebook 692-698)  
*Playboy Enterprises, Inc. v. Excite* (casebook 699-703)  
*U-Haul International, Inc. v. WhenU.com, Inc.* (supplement)  
*1-800 Contacts, Inc. v. WhenU.com, Inc.* (supplement)

### **Classes 12-14: Personal jurisdiction**

Mon., Feb. 16, Wed., Feb. 18, Thurs., Feb. 19

*Cybersell, Inc. v. Cybersell, Inc.* (casebook 583-592)  
*Blumenthal v. Drudge* (supplement)  
*Zippo Manufacturing Co. v. Zippo Dot Com, Inc.* (casebook 592-600)  
*ALS Scan, Inc. v. Digital Service Consultants, Inc.* (casebook 600-605)  
*Bochan v. LaFontaine* (casebook 609-617)

### **Classes 15-16: International jurisdiction**

Mon., Feb. 23, Wed., Feb. 25

*La Ligue Contre le Rascisme et l'Antisemitisme v. Yahoo* (supplement)  
*Yahoo! Inc. v. League Against Racism and Antisemitism* (casebook 616-626)  
*Dow Jones & Company, Inc. v. Gutnick* (supplement)

### **Class 17: Copyright I**

Thurs., Feb. 26

Required:

*Kelly v. Arriba Soft Corp.* (casebook notes 712-717; supplement case)  
*Intellectual Reserve, Inc. v. Utah House Light Ministry* (supplement)

Recommended:

U.S. Copyright Office, *Copyright Basics*  
<<http://lcweb.loc.gov/copyright/circs/circ1.html>>

## **No Classes Week of March 1**

### **Class 18-23: Copyright II**

Mon., Mar.8 (2.5 hours, 12 pm in room 204 plus 1:30 pm in regular room);  
Wed., Mar.10, Thurs., Mar. 11; Fri. Mar. 13 at 12 pm in room 204 for 1.5 hour  
session

*Religious Technology Center v. Netcom* (casebook 717-727)

*A&M Records, Inc. v. Napster, Inc.* (casebook 728-745)

*In re Aimster* (supplement)

*M.G.M. Studios v. Grokster* (supplement)

DMCA discussion (casebook 745-751)

*Universal City Studios, Inc. v. Reimerdes* (casebook 751-773)

*Implications of the Broadcast Flag: A Public Interest Primer* (available at  
<http://www.cdt.org/copyright/031216broadcastflag.pdf>)

*ARDG proceedings* (available at <http://www.cptwg.org>)

### **Classes 24-25: ISPs I**

Mon, Mar. 15, Wed. Mar 17, Thurs., Mar. 18

*Zeran v. America Online, Inc.* (casebook 799-805)

*Blumenthal v. Drudge* (casebook 805-809)

*Schneider v. Amazon.com, Inc.* (supplement)

*Gentry v. eBay, Inc.* (supplement)

*Batzel v. Smith* (supplement; two decisions)

### **Classes 26-28: ISPs II**

Mon., Mar. 22, Wed., Mar. 24

*Global Telemedia v. Doe* (supplement)

*Dendrite International, Inc. v. Doe* (supplement)

*Godfrey v. Demon Internet Ltd.* (supplement)

### **Classes 29-31: Controlling content on the internet**

Thurs., Mar. 25, Mon., Mar. 29, Wed., Mar. 31, Thur., Apr. 1

*Reno v. ACLU* (casebook 809-825)

*Asbcraft v. ACLU* (casebook 826-841)

*American Library Association, Inc. v. United States* (casebook 842-858)

*United States v. American Library Association* (scrawford.net)

*Pennsylvania Internet Child Pornography statute* (supplement)

*CDT v. Pappert* (supplement)

### **Classes 32-35: Privacy**

Wed., Apr. 14, Thur., Apr. 15, Mon., Apr. 19, Wed., Apr. 21

*In re Pharmatruk* (casebook 859-869)

*Smyth v. The Pillsbury Company* (casebook 869-872)

*Konop v. Hawaiian Airlines, Inc.* (casebook 872-881)

*In re Subpoena Duces Tecum to America Online* (casebook 881-884)  
*Doe v. 2The Mart.com* (casebook 884-890)  
*McVeigh v. Cohen* (casebook 890-893)  
*RIAA v. Verizon* (supplement)  
*RFID Basics* (ppt presentation, scrawford.net)  
*Final Report of the GNSO Council's Whois Task Force: Accuracy and Bulk Access*  
(scrawford.net)

**Classes 36-37: Spam**

Thurs. Apr. 22, Mon. Apr. 26

*CompuServe Inc v. Cyber Promotions, Inc.* (casebook 921-929)  
*Ferguson v. Friendfinders, Inc.* (casebook 929-940)  
*CAN-SPAM Act* (supplement)

**Classes 38-41: Standards/Internet Governance**

Wed., Apr. 28, Thurs., Apr. 29, Mon., May 3, Wed. May 5

*Johnson/Post, And How Shall the Net be Governed* (casebook 1019-1033)  
*Johnson/Crawford, What's Wrong with ICANN and How to Fix It* (scrawford.net)  
*SECSAC report re SiteFinder* (scrawford.net)  
*Policy Impact Assessments: Considering the Public Interest in Internet Standards Development* (scrawford.net)  
*Johnson/Crawford/Palfrey, The Accountable Net* (scrawford.net)  
other readings to be announced

**Class 42: Review**

Thurs., May 6