

The Wharton School, University of Pennsylvania

## **LGST 222**

# **Law of the Internet and Electronic Commerce**

Fall 2009

### **Overview**

This course examines legal and policy issues surrounding the Internet and online businesses. The material ranges from the basic foundations of cyberlaw developed during the rise of e-commerce in the 1990s, to current question around social networks, virtual worlds, and network neutrality. Topics include: how legally-enforceable contracts are made on the Net, jurisdiction over online transactions, intellectual property rules around digital assets such as music and video, privacy, control over Internet domain names, liability of intermediaries such as Internet service providers and search engines, and online privacy protections.

The course will be taught in a seminar format. Class sessions will alternate between coverage of the relevant legal rules (including reading cases) and discussion of case studies such as Google, eBay, Linden Lab (Second Life), and Facebook.

### **Professor**

Kevin Werbach

### **Contact Information**

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Office hours Monday 12-2

### **Materials**

All course materials will be in a photocopied bulkpack, available at Wharton Reprographics in the basement of Steinberg-Dietrich Hall.

### **Webcafe**

I will also distribute materials on the course Webcafé site. If you are not a Wharton student, you will need to sign up for an account at <<http://accounts.wharton.upenn.edu/>>.

### **Grading**

The class will be graded based on a midterm exam (20%), a final exam (30%), a paper (30%) and class participation (20%).

## Syllabus

*Note: The items below represent the order of material in the bulkpack and the general outline of class sessions. Some topics may require more or less than one class session.*

- 1) Introduction**  
*Basics of the Internet and the legal system.*
- 2) The Need for Legal Rules**  
*Is there such a thing as Internet law? Why do we need it? What does it look like?*
- 3) Case Study #1**  
*The Communications Decency Act*
- 4) Jurisdiction**  
*The Net meets the physical world. Bringing claims in court against online services.*
- 5) Cross-border enforcement**  
*Can one country apply its law to Internet-based providers located elsewhere?*
- 6) Case Study #2**  
*Second Life (Linden Lab)*
- 7) Contractual Choice of Rules**  
*Can private arrangements solve the legal complexity of online business?*
- 8) Electronic Contracting and Clickwraps**  
*Basics of contract formation for software and online transactions.*
- 9) Case Study #3**  
*eBay*
- 10) Intermediary Liability**  
*Can companies be held liable for the actions of their users?*
- 11) Trademarks, Cybersquatting, and Internet Governance**  
*How domain names define who controls the Internet.*
- 12) Case Study #4**  
*Google (the search engine)*

## MIDTERM EXAM

- 13) Software Licensing and Open Source**  
*Who controls the code?*
- 14) Digital Copyright**  
*The legal battle royale of the 21st century.*
- 15) Case Study #5**  
*Napster and friends*

- 16) Web 2.0**  
*Open data and user empowerment.*
- 17) Data Protection and Privacy**  
*Rules and cultural expectations about personal information.*
- 18) Case Study #6**  
*Facebook*
- 19) Internet Regulation**  
*FCC, FTC, DOJ, and other three-letter agencies.*
- 20) Case Study #7**  
*Net Neutrality*
- 21) Guest Lecture 1**
- 22) Guest Lecture 2**
- 23) Case Study #8**  
*Google (beyond search)*
- 24) Wrap Up and Review**