Overview
This course examines the complex and often novel legal issues surrounding the development and current state of the Internet, information privacy, and cybersecurity. Topics include federal- and state-level regulation and enforcement of Internet and privacy legal concepts, data breaches, online privacy protections, how to legally manage a borderless Internet, and the liability of intermediaries such as network operators, social media services, and search engines.

Instructor
Ezra Church, Esq.

Ezra Church is a practicing attorney and partner at Morgan, Lewis & Bockius LLP, the largest law firm in Philadelphia one of the ten largest in the world. Ezra counsels and defends Fortune 500 companies in privacy, cybersecurity, and other consumer protection matters. He helps clients manage data security and other crisis incidents and represents them in high-profile privacy and other class actions. His practice is at the forefront of issues such as biometrics, artificial intelligence, location tracking, ad tech, and blockchain. Ezra is a Certified Information Privacy Professional (CIPP), co-chair of the firm’s Class Action Working Group and global leader of the firm’s Privacy and Cybersecurity Litigation practice. Ezra is a graduate of Northwestern University and cum laude graduate of the University of Texas School of Law.

Materials
(1) James Grimmelman, Internet Law: Cases and Materials, 12th Ed. (Semaphore Press 2022)
   Available for download as a PDF at http://internetcasebook.com/. A printed version can also be obtained from Amazon.com at a higher price.
(2) Daniel J. Solove & Paul M. Schwartz, Consumer Privacy and Data Protections, 3rd Ed. (Aspen Casebook Series)

Learning Objectives
The goal of the course is to familiarize you with major legal and public policy debates involving the Internet, privacy, and cybersecurity. At the end of the semester, you should have an understanding of:

- The major substantive areas of law that govern the Internet and how they are addressed;
- How the development of the Internet poses novel policy and legal questions for businesses, legislatures and courts;
- An overview and key issues in privacy law, as it develops rapidly in the US and around the world;
- The importance and key issues in cybersecurity, including latest developments in data breaches and ransomware.

The course is based on U.S. law, although we will discuss international comparisons and controversies. You’re not in law school, so there is no expectation regarding previous coursework, legal training, or career objectives. However, we will read court cases and other legal documents to understand the current state of the law. I will spend time early in the course going over how to understand these materials.
**Teaching Philosophy**
This class will include active and collaboration learning. Let’s interact, discuss, and make the most of our time in the classroom. Additionally, the subject area of Internet law is an actively changing field: reading assignments may (will!) change to reflect current news.

**Requirements and Grading**
Your grade will be based on the following factors:

- **Mid-Term Exam (30%)**
The midterm will include short answer and essay questions covering the topics addressed to that point.

- **Final Paper (40%)**
The final paper is described below.

- **Class Participation (30%)**
Your participation score will reflect your overall contribution to the class during the semester.

Late assignments will receive a deduction of 10% for each day. (A new “day” begins 30 minutes after the official deadline.) If you believe you will not be able to submit an assignment on time, please speak with me before the assignment is due. I will consider requests for extension based on the specific circumstances involved.

**Class Format and Participation**

This is not a lecture course. Most class sessions will be discussion-based, although there will also be small-group activities. Much of the time, key points of law will be developed through interactive conversation about the cases or materials we cover. Class participation is your responsibility, it counts towards your grade and will help you retain the information, so: prepare. Read the required materials before class, take notes, raise your hand, ask questions, and offer comments that show engagement with the course concepts. Students may be cold-called in class, simply to engage as many of you as possible in the discussion.

The Grimmelmann and Solove & Schwartz texts include questions after most sections. If I want you to prepare answers to these, I will call it out in the syllabus. Additionally, both books reference legal cases that we will discuss. It is important to quickly outline or “brief” these cases in advance of class - here is the basic idea:

1. **Key Facts** — (case name, parties, background)
2. **Issue(s)** (what is in dispute)
3. **Holding** (the court’s conclusion)
4. **Rationale** (reasons for the holding)

**Attendance and Classroom Expectations**

I want to get to know you! Please arrive on time and display your name tent each day. Attendance is a key part of this course experience (for learning and for your grade).

You do not need to email me to explain unexcused absences (i.e., those not involving a medical issue, obligatory university/athletic trip, or family/personal emergency). If you think your absence should be excused, please email me an explanation and, where possible, documentation. You do not need to use the Penn Course Absence Reporting system. I understand that you will sometimes miss class for understandable reasons, like recruiting. There is no way to “make up” a class. However, if you contribute actively during the semester, missing one session is
unlikely to have a materially negative effect on your participation grade. Remember, this class only meets once per week.

**Policy on Devices in Class**

*Use of laptops, tablets, and smartphones is prohibited during class sessions, when not explicitly included in a learning activity.* When appropriate for group work, real-time polls, and other activities, I will tell you that devices are allowed. When not expressly authorized, please keep them turned off and away from your desk. Students with relevant approved accommodations or language-related needs should contact me to discuss exceptions.

**Paper Assignment**

There is one required paper in this class, your final assignment, due by the end of finals on Dec. 21. It will be a research paper, requiring you to discuss relevant materials from the class, and finding and incorporating outside sources, such as articles and white papers. You will be expected to develop an argument surrounding a thoughtful thesis. The prompt will be distributed during week nine of class.

- **Format and Length**
The paper should be between eight and ten pages, double-spaced, not counting a cover page or bibliography. You do not need to follow a specific format. However, any source you quote or rely on, whether from the course readings or outside materials, should have a reference. This may take the form of a footnote, or an in-line parenthetical (e.g. Pasquale, 2015) with a bibliography at the end. Every statement based on a source should reference that source.

- **Grading**
Your paper will be graded based on the following criteria:

  - **Quality of analysis:** The paper demonstrates thorough research and reflection. It makes a convincing argument and addresses potential objections.
  - **Course support:** The paper illustrates its points with concepts or examples covered in the course, and does so accurately.
  - **Research:** The paper cites outside research materials, and uses them effectively to buttress its arguments.
  - **Creativity:** The paper is original, interesting, and presented in an engaging manner.
  - **Organization and style:** The paper has a logical structure. It uses professional grammar, spelling, and punctuation.
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<tr>
<th>Date</th>
<th>Topic</th>
<th>Assignments</th>
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| Aug. 30  | **Introduction & Jurisdiction (Week 1)**  | Topics: Technical Primer, Cyberspace, Jurisdiction, Territoriality  
***Complete the Below Prior to Class***  
Assignment  
| Sept. 6  | **Speech on the Internet (Week 2)**        | Topics: First Amendment, Harmful Speech, Responsibility  
***Complete the Below Prior to Class***  
Assignment  
| Sept. 13 | **Speech on the Internet Continued (Week 3)** | Topics: Harmful Speech, Harassment, Defamation, & Invasion of Privacy  
***Complete the Below Prior to Class ***  
Assignment  
1. Grimmelman, pp. 146-51, 163-70 [Prepare Question sets after Defamation on 153, after sexually explicit speech on 159] |
| Sept. 20 | **Fourth & Fifth Amendments (Week 4)**     | Topics: Government Access, Surveillance, Searches & Seizures  
***Complete the Below Prior to Class ***  
Assignment  
3. WATCH: Citizenfour Documentary (2014) |
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<tr>
<td>Sept. 27</td>
<td><strong>Privacy—Introduction (Week 5)</strong>&lt;br&gt;Topics: What is Privacy?</td>
<td><em><strong>Complete the Below Prior to Class</strong></em>&lt;br&gt;Assignment&lt;br&gt;1. Solove &amp; Schwartz, pp. 41-67 [Prepare Questions pp. 56-57]</td>
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<td>Oct. 4</td>
<td><strong>EXAM #1 (Week 6)</strong></td>
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<td>Oct. 11</td>
<td><strong>Privacy—Government Regulation (Week 7)</strong>&lt;br&gt;Topics: Government Regulation of Privacy</td>
<td><em><strong>Complete the Below Prior to Class</strong></em>&lt;br&gt;Assignment&lt;br&gt;1. Solove &amp; Schwartz, pp. 142-188 [Prepare Questions pp. 146-152; 169-170]</td>
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[link]

4. Illinois General Assembly, Biometric Information Privacy Act”

5. AP News, “Judge Approves $650M Facebook Privacy Lawsuit Settlement”
   [https://apnews.com/article/technology-business-san-francisco-chicago-lawsuits-af6b42212e43be1b63b5c290eb5bdf85](https://apnews.com/article/technology-business-san-francisco-chicago-lawsuits-af6b42212e43be1b63b5c290eb5bdf85)

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### Nov. 1

**Trademark, Copyright & Patent...on the Internet (Week 10)**

Topics: Domain Names, Fair Use, Digital Rights

*This is a very complex week of readings - the class will be split into three parts, each assigned one aspect of the weeks’ assignments, and will present to each other.*

***Complete the Below Prior to Class***

**Assignment**


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### Nov. 8

**Anonymity (Week 11)**

Topics: Dark Net, Tor, Deep Fakes, Generative AI

***Complete the Below Prior to Class***

**Assignment**

1. Grimmelman, pp. 271-289
2. Wired, “Silkroad: The Untold Story”
   [https://www.wired.com/2015/05/silk-road-untold-story/](https://www.wired.com/2015/05/silk-road-untold-story/)
3. The Hill, “Lawmakers Voice Skepticism Over Facebook’s Deepfake Ban”
4. Wired, “Facebook’s Deepfake Ban is a Solution to a Distant Problem”
   [https://www.wired.com/story/facebook-deepfake-ban-disinformation/](https://www.wired.com/story/facebook-deepfake-ban-disinformation/)
5. Tor, “About: History”
   [https://www.torproject.org/about/history/](https://www.torproject.org/about/history/)

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### Nov. 15

**Wrongful Access...on the Internet (Week 12)**

Topics: Trespass to Chattels, Computer Misuse (CFAA), Hacking

***Complete the Below Prior to Class***

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<td>Nov. 22</td>
<td>Cybersecurity (Week 13)</td>
<td><em><strong>Complete the Below Prior to Class</strong></em></td>
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<td>Topics: Data Breaches, Data Security, Ransomware</td>
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<td>1. Solove &amp; Schwartz, pp. 343-361</td>
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<td>2. Wired, “Equifax’s Security Overhaul, a Year After Its Epic Breach”</td>
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<td>3. FinCEN Advisory, Ransomware and the use of the Financial System to Facilitate Ransom Payments, Nov. 8, 2021,</td>
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<td><a href="https://www.fincen.gov/sites/default/files/advisory/2021-11-08/FinCEN%20Ransomware%20Advisory_FINAL_508_.pdf">https://www.fincen.gov/sites/default/files/advisory/2021-11-08/FinCEN%20Ransomware%20Advisory_FINAL_508_.pdf</a></td>
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<td>December 11</td>
<td>Social Media (Week 14)</td>
<td><em><strong>Complete the Below Prior to Class</strong></em></td>
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<td>Topics: Regulating Social Media</td>
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<td>1. Grimmelman, pp. 618-23 [Prepare Questions for the Song Fi cases]</td>
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<td>2. NY Times, “Cambridge Analytica and Facebook: The Scandal and the Fallout So Far”</td>
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<td>3. Wired, “Should Big Tech Own Our Personal Data?”</td>
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<td><a href="https://www.wired.com/story/should-big-tech-own-our-personal-data/">https://www.wired.com/story/should-big-tech-own-our-personal-data/</a></td>
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<td>4. NY Times, “How Should We Limit Facebook’s Power?”</td>
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<td><a href="https://www.nytimes.com/2021/10/08/podcasts/facebook-regulation.html">https://www.nytimes.com/2021/10/08/podcasts/facebook-regulation.html</a></td>
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<td>5. FTC, “Facebook Settles FTC Charges That It Deceived Consumers By Failing to Keep Privacy Promises”</td>
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