



eCommerce & Cybercrimes

Professors Kurt Olson & Mick Coyne

1 Paper - 1 Written Final

Online Postings/Contributions & Weekly Questions

This course examines how technology and the internet have changed the way that we buy things, interact with each other, couple, contract, and create. The class will debate what technological and legal mechanisms best balance business, free speech, law enforcement, national security and privacy interests; and whether cyber torts and cybercrime require novel legislative and/or investigative responses or whether traditional applications of contract, tort, criminal and constitutional law are appropriate in a quickly changing technological landscape. Course content located at www.mslaw.edu/ITL.

Weekly Assignments - 20%

Paper - 30%

Written Final - 50%

Weeks 1-3 – Introduction to eCommerce

WEEK 1

TOPIC: *How the Coronavirus Accelerated Our Reliance on eCommerce; The Rise of Ransomware*

AUDIO: eCommerce Podcast – Week 1 The History of The Internet

READING: 4 Articles w/Responses on TWEN

WEEK 2

TOPIC: *The Role of Facebook in eCommerce, Elections, and Everything Else*

AUDIO: eCommerce Podcast – Week 2 The Facebook Problem

READING: 4 Articles w/Responses on TWEN

WEEK 3

TOPIC: *Social Media Misinformation and Malfeasance*

AUDIO: eCommerce Podcast – Week 3 Why Does Misinformation Spread So Much Faster than the Truth?

READING: 4 Articles w/Responses on TWEN

Weeks 4-10 – Jurisdiction, Copyright, and Other Online Disputes

WEEK 4

TOPIC: *Who Has Jurisdiction in Internet Cases?*

AUDIO: eCommerce Podcast – Week 4 Jurisdiction at Jump Street

READING:

1. Zippo Mfg. Co. v. Zippo Dot Com, Inc., 952 F. Supp. 1119 (W.D. Pa. 1997)
2. Gator.com Corp. v. L.L. Bean, Inc., 398 F.3d 1125 (9th Cir. 2005)
3. Apple Inc. v. Superior Court, 56 Cal. 4th 128, 292 P.3d 883 (2013)
4. Apple Computer, Inc. v. Microsoft Corp., 35 F.3d 1435 (9th Cir. 1994)

WEEK 5

TOPIC: *Forced Arbitration, Other Disputes, and an Introduction to Protecting Commercial Identity*

AUDIO: eCommerce Podcast – Week 5 Introduction to Domains

READING:

1. Neogen Corp. v. Neo Gen Screening, Inc., 282 F.3d 883 (6th Cir. 2002)
2. Comb v. PayPal, Inc., 218 F.Supp. 2d 1165 (N.D. Cal 2002)
3. Register.com, Inc. v. Verio, Inc., 356 F.3d 393 (2d Cir. 2004)
4. [The Uniform Domain Name Dispute Resolution Policy](#)
5. Horphag Research Ltd. v. Pellegrini, 337 F.3d 1036 (9th Cir. 2003)
6. Brookfield Commc'ns, Inc. v. W. Coast Entm't Corp., 174 F.3d 1036 (9th Cir. 1999)

WEEK 6

TOPIC: *The Uniform Domain Name Dispute Resolution Policy & Cyber Squatting; Introduction to Trademark, Copyright & Metatags*

AUDIO: eCommerce Podcast – Week 5 Property Rights in Digital Content = Legal and Regulatory Headaches

READING:

1. Bruce Springsteen v. Jeff Burgar and Bruce Springsteen Club, WIPO Arbitration and Mediation Center Case No. D200-1532 (Jan. 2001)
2. Madonna v. Dan Parisi and “Madonna.com”, Case No. D2000-0847 (WIPO Oct. 12, 2000)
3. Hasbro, Inc. v. Clue Computing, Inc., 66 F. Supp. 2d 117 (D. Mass. 1999)

WEEK 7

TOPIC: *Copyright, Ex Post vs. Ex Ante Regulation*

AUDIO: eCommerce Podcast – Week 7 Copyright Disputes and Aereo

READING:

1. A&M Recording, Inc. v. Napster, Inc., 239 F.3d 1004 (9th Cir. 2001)
2. [Digital Millennium Copyright Act](#)
3. Lenz v. Universal Music Corp., 572 F. Supp. 2d 1150 (N.D. Cal. 2008)
4. [Monetizing Infringement: A New Legal Regime...](#) 101 Geo. L.J. 775 (Georgetown Law Journal)
5. Am. Broad. Companies, Inc. v. Aereo, Inc., 134 S. Ct. 2498, 189 L. Ed. 2d 476 (2014)

WEEK 8

TOPIC: *Privacy and Fair Information Practices in the Electronic Marketplace*

AUDIO: eCommerce Podcast - Week 8 Privacy

READING:

1. Krinsky v. Doe 6, 159 Cal. App. 4th 1154, 1163, 72 Cal. Rptr. 3d 231, 238 (2008)
2. O'Grady v. Superior Court, 139 Cal. App. 4th 1423, 1433, 44 Cal. Rptr. 3d 72, 78 (2006), as modified (June 23, 2006)
3. In re Pharmatrak, Inc. Privacy Litig., 292 F. Supp. 2d 263 (D. Mass. 2003)
4. [Electronic Communications Privacy Act \(WIKI\)](#)

WEEK 9

TOPIC: *The Stored Communications Act and Other Privacy Issues*

AUDIO: eCommerce Podcast - Week 9 Mailbag Podcast

READING:

1. Intel Corp. v. Hamidi, 71 P.3d 296 (Cal. 2003)
2. Stored Communications Act
3. Klumb v. Goan, 884 F. Supp. 2d 644, 663 (E.D. Tenn. 2012)

Weeks 10-15 – Cybercrimes

WEEK 10

TOPIC: *Current Events in Cybercrime*

VIDEO: Live Virtual Check-In - Meeting #/LINK TBA on TWEN

READING: 4 Articles w/ Responses on TWEN

WEEK 11

TOPIC: *Unauthorized Access*

AUDIO: eCommerce Podcast - Week 11 Exploring Limits on Access; Acts Exceeding Authorization

READING:

1. Gordon v. Virtumundo, Inc., 575 F.3d 1040 (9th Cir. 2009)
2. Jaynes v. Commonwealth of Virginia, 666 S.E.2d 303 (Va. 2008)
3. eBay, Inc. v. Bidder’s Edge, Inc., 100 F. Supp 2d 1058 (N.D. Cal. 2000)
4. LVRC Holdings LLC v. Brekka, 581 F.3d 1127 (9th Cir 2009)

WEEK 12

TOPIC: *Wiretap Act; Understanding “Interception”*

AUDIO: eCommerce Podcast - Week 12 U.S. v. Warshak

READING:

1. United States v. Warshak, 631 F.3d 266, 283 (6th Cir. 2010)

WEEK 13

TOPIC: *The Evolution in Application of the Computer Fraud and Abuse Act*

AUDIO: eCommerce Podcast - Week 13 Computer Fraud and Abuse Act Cases

READING:

1. Int'l Airport Centers, L.L.C. v. Citrin, 440 F.3d 418, 419 (7th Cir. 2006)
2. United States v. Drew, 259 F.R.D. 449, 466 (C.D. Cal. 2009)
3. United States v. Auernheimer, 748 F.3d 525, 529 (3d Cir. 2014)

WEEK 14

TOPIC: *Hacking and Security; DDOS, Phishing and Other Cyberattacks*

AUDIO: eCommerce Podcast – Week 14 Computer Fraud and Abuse Act Cases

READING:

1. United States v. Morris, 928 F.2d 504 (2d Cir. 1991)
2. In re TJX Companies Retail Sec. Breach Litig., 584 F. Supp. 2d 395 (D. Mass. 2008)
3. United States v. Netyksho – Posted on Google Classroom
4. In re Anthem, Inc. Data Breach Litig., No. 15-MD-02617-LHK, 2016 WL 589760, at *3 (N.D. Cal. Feb. 14, 2016)
5. Experi-Metal, Inc. v. Comerica Bank, No. 09-14890, 2011 WL 2433383, at *6 (E.D. Mich. June 13, 2011)
6. Raisley v. United States, No. 13-1134 (RBK), 2016 WL 1117944, at *2 (D.N.J. Mar. 22, 2016)
7. The FBI's Guide to Smishing and Vishing
8. 4 Ways to Protect Against the Very Real Threat of Ransomware – Kim Zetter, *WIRED*

WEEK 15

TOPIC: *The Dark Web and Beyond*

AUDIO: eCommerce Podcast - Week 15 Silk Road and Course Wrap Up

READING:

1. United States v. Ulbricht, 79 F. Supp. 3d 466 (S.D.N.Y 2015)