



eCommerce & Cybercrimes Fall 2023

Professors Kurt Olson & Mick Coyne

**1 Research Paper (Midterm) - 1 Written Final
Online Forum Postings/Contributions & Weekly Submissions**

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 the Internet

WEEK 1

TOPIC: *How Did We Become So Reliant on the Internet Anyway?*

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

READING: 4 Current Events Articles w/ Responses in TWEN (required)

WEEK 2

TOPIC: *The Role of The Internet in Our Lives (And The Law)*

AUDIO: eCommerce Podcast – Week 2 The “Facebook” Problem

READING: 4 Current Events Articles w/ Responses in TWEN (required)

WEEK 3

TOPIC: *Social Media Misinformation*

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

READING: 4 Current Events Articles w/ Responses in TWEN (required)

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. Register.com, Inc. v. Verio, Inc., 356 F.3d 393 (2d Cir. 2004)
3. [The Uniform Domain Name Dispute Resolution Policy](#)
4. Horphag Research Ltd. v. Pellegrini, 337 F.3d 1036 (9th Cir. 2003)
5. 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. [Electronic Communications Privacy Act \(WIKI\)](#)
4. [Data Privacy Concerns Make the Post-Roe Era Uncharted Territory \(NPR.org\)](#)

WEEK 9

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

AUDIO: eCommerce Podcast – Week 9 Mailbag Podcast

ASSIGNMENT: Course Research Paper (Midterm) due Monday at 6:00PM

READING:

1. Intel Corp. v. Hamidi, 71 P.3d 296 (Cal. 2003)
2. Stored Communications Act (Cornell LII)
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*

AUDIO: eCommerce Podcast – Week 10 Current Events in Cybercrime

READING: 4 Current Events Articles w/ Responses in TWEN (required)

WEEK 11

TOPIC: *Unauthorized Access*

AUDIO: eCommerce Podcast – Week 11 Exploring Limits on Access; Acts that Exceed Authorization

READING:

1. Gordon v. Virtumundo, Inc., 575 F.3d 1040 (9th Cir. 2009)
2. Jaymes v. Commonwealth of Virginia, 666 S.E.2d 303 (Va. 2008)
3. 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) [it’s really long!]

WEEK 13

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

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

READING:

1. United States v. Drew, 259 F.R.D. 449, 466 (C.D. Cal. 2009)
2. United States v. Auernheimer, 748 F.3d 525, 529 (3d Cir. 2014)

WEEK 14

TOPIC: *Hacking and Security; DDOS, Spear 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 TWEN under Course Materials
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 Phishing, Smishing, and Vishing](#)

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)