

**EASTERN MICHIGAN UNIVERSITY
LEGL 413- CYBERSPACE LAW
WINTER 2007**

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COURSE DESCRIPTION:

This class provides an in-depth examination of the law dealing with computers and the Internet, including such issues as intellectual property, electronic commerce, defamation and information privacy, freedom of expression, and cybercrime. Included are detailed analyses of significant legal cases studies and applicable state and federal laws. A prior law course is recommended (such as LEGL 211 or LAW 293), but not required.

COURSE OBJECTIVES:

Upon successful completion of this course, students should be able to:

1. Articulate the current legal issues in cyberspace and their relevance to the Internet;
2. Analyze and interpret how relevant case and statutory law has been applied to legal problems on the Internet; also, to identify and articulate problems in the discipline not adequately covered by the legal system;
3. Formulate how relevant proposed legislation can be applied to solve legal problems on the Internet;
4. Outline and recommend methods for avoiding legal liability in cyberspace; and
5. Create a scholarly research project in the field of cyberspace law that identifies, evaluates and offers solutions to a legal problem within the field.

CONTACTING YOUR PROFESSOR:

During the work week students can contact Dr. Kustron during her office hours at 734-487-1161; however, email is the preferred method of contact. You can normally expect a 24-hour response to email sent to your professor during the workweek; for email sent during the weekend, student mail will be answered at the latest by Monday morning. Professor Kustron also has an AIM ID of kkustron. She will be available on AIM during her online office hours.

TEXTBOOK(S):

We have two required books for this course. We will be using *CyberLaw* (text and cases) authored by Ferrera, Lichtenstein, Reder, Bird & Schiano. The ISBN is: **0324164882**. Please note we will be using the **second edition** of this text. Please feel free to order your book online through Amazon.com or from the EMU bookstore at McKenney Union. Please note that our publisher has provided supplemental case materials for students reading at <http://www.swlearning.com/blaw/ferrera/ferrera2e/ferrera2e.html>. In addition, copies of the Unit PowerPoint files are available for downloading at <http://www.swlearning.com/blaw/ferrera/ferrera2e/ferrera2e.html>.

The second book is called *Codev2* by Lawrence Lessig. You can download Codev2 at <http://codev2.cc/download+remix/> as a PDF file, so you can read it online.

STUDENT EVALUATION:

Students will be evaluated as follows:

UNIT QUIZZES (UNITS 1-7)	210 (30 POINTS * 7 UNITS)
DISCUSSION PARTICIPATION	156 (12 POINTS * 13 WEEKS)
ASSIGNMENTS	105 (15 POINTS * 7 ASSIGNMENTS)
BOOK REVIEW	100
TOTAL POINTS POSSIBLE:	570

GRADING SCALE:

At the end of the semester, student points will be changed to a percentage grade. The grading scale for final percentage grades will be as follows:

100-93	A	76-74	C
92-90	A-	73-70	C-
89-97	B+	69-67	D+
86-84	B	66-64	D
83-80	B-	63-60	D-
79-77	C+	59-below	E

TENTATIVE SCHEDULE:

The course consists of 7 units. Most are 2 unit chapters that can be completed over a two-week period. The exception is unit 1, which has supplemental materials to read. Each course unit will coincide with the materials in the *Ferrera* text. At the end of each unit, students will be graded on their participation in online discussions. Students will also be required to take a quiz for each unit.

The beginning and ending dates for each unit are as follows:

Unit 1: Technology and Cyberlaw (Chapter 1) and Jurisdiction (Chapter 2)

1.1 Cyberlaw and Jurisdiction

1.1.1 Criminal Prosecution

1.1.2 Ethics

1.1.3 Court system

1.1.4 Jurisdiction

- Begins January 8 to January 21, 2007
- Assignment 1 due by January 21st
- Quiz 1 must be taken by January 21st (Court system and Chapter 1)

Unit 2: Trademark (Chapter 3) and Copyrights (Chapter 4)

2.1 Trademark and Copyrights

2.1.1 Trademark identification

2.1.2 Copyright Protection and Licensing

- Begins January 22 to February 4, 2007
- Quiz 2 must be taken by February 4th (Chapters 2-3)
- Assignment 2 must due by February 4th

Unit 3: Business Methods, Patents and Trade Secrets (Chapter 5) Online Contracting (Chapter 6)

3.1 Business Methods, Patents and Trade Secrets, Online Contracting

3.1.1 Business Methods

3.1.2 Patents

3.1.3 Trade Secrets

3.1.4 Online Contracting

- Begins February 5 to February 18, 2007
- Quiz 3 must be taken by February 18th (Chapters 4 and 5)
- Assignment 3 due by February 18th

Unit 4: Sales Tax in E-Commerce (Chapter 7) and Online Securities Offerings and Transactions (Chapter 8)

4.1 Sales Tax in E-Commerce and Online Securities Offerings and Transactions

4.1.1 Fraud, Waste, and Abuse

4.1.2 Begins February 19 to March 11, 2007 (Spring break is February 26 to March 4, 2006)

4.1.3 Quiz 4 must be taken by March 11th (Chapters 6 and 7)

4.1.4 Assignment 4 due by March 11th

Unit 5 topics: Privacy (Chapter 9) and Obscenity (Chapter 10)

5.1 Privacy and Obscenity

5.1.1 Privacy Requirements

5.1.2 Obscenity

- Begins March 12 to March 25, 2007
- Quiz 5 must be taken by March 25th (Chapters 8 and 9)
- Assignment 5 due by March 25th

Unit 6: Defamation (Chapter 11) and Evolving Legal Issues in Cyberlaw

6.1 Defamation and Evolving Legal Issues in Cyberlaw

6.1.1 Due Diligence

6.1.2 Evidence Collection and Preservation

6.1.3 Legal and Liability Issues

- Begins March 26 to April 8, 2007
- Assignment 6 must be submitted by April 8th
- Quiz 6 must be taken by April 8th (Chapters 10 and 11)

Unit 7: Internet and Information Security (Chapter 12) and Internet and Computer Crime (Chapter 13)

7.1 Internet and Information Security – Internet and Computer Crime

7.1.1 Laws Related To Information Assurance and Security

7.1.1.2 Electronic Records Management and Federal Records Act

7.1.1.3 Federal Managers Financial Integrity Act of 1982

7.1.1.4 Federal Property and Administration Service Act

7.1.1.5 USA Patriot Act, GPEA, and Paperwork Reduction Acts

7.1.1.6 Legal issues which can affect Information Assurance (IA)

7.1.1.7 National Archives and Records Act

7.1.1.8 Computer Fraud and Abuse Act, P.L. 99- 474, 18 U.S. Code 1030

7.1.1.9 Freedom of Information Act and Electronic Freedom of Information Act

7.1.1.10 Public Law 107-347, E-Government Act Of 2002, Title III, Federal Information Security Management Act (FISMA), 17 Dec 02

7.1.1.11 Legal responsibilities of senior systems managers.

7.1.1.12 Implications of the Privacy Act

7.1.1.13 Public Law 107-347 regarding certification and accreditation

7.1.2 Legal Issues in Computer Crime

- Begins April 9 to April 21, 2007
- Book review due April 15, 2007
- Assignment 7 must be submitted by April 21st
- Quiz 7 due April 21, 2007 (Chapters 12 and 13)

Your final exam must be taken by Wednesday, April 25, 2007 by 11:59 p.m. EST. **NO assignments will be accepted after Wednesday, April 25, 2007 at 11:59 p.m. EST.**

OTHER (IN ALPHABETICAL ORDER):

ASSIGNMENTS:

All student work should be completed with a professional look (neat, clearly written, and without grammatical or spelling errors). If your work draws from material that is not your own, you must provide proper references, citations, and a listing of references to maintain academic honesty and integrity.

To be accepted, all assignments (unless otherwise directed) are to be submitted electronically and placed in your class "dropbox." Paper assignments will not normally be accepted.

It is the student's responsibility to make certain assignments are placed in the correct dropbox. If an assignment is placed in the wrong dropbox, the student must repost to the correct folder. The late penalty will apply in this situation.

ASSISTANCE WITH COURSE WORK:

The EMU Holman Learning Center has available free peer tutoring and other supplemental instruction available for undergraduate students. If you would like to know more about the Learning Center, visit their web site at <http://tlc.emich.edu/index.html>.

The Writing Center is another free resource for all Eastern Michigan University students. The Writing Center tutors will work with you on papers for your classes. Our assistance includes everything from brainstorming to revision, and all of the steps in between. The Writing Center is on the second floor of Pray-Harold.

ATTENDANCE:

Attendance will not be taken directly. Your frequent participation and submitted assignments will be our attendance tracking. I would encourage you to log in to our course at least three days each week to participate, check announcements, keep your work current and complete your assignments. You just need to participate and reserve enough time to do the assigned work and interact with your fellow students. The strength and value of this online class rests largely with you. The more you participate and bring information to share, the better the class experience will be for all of us.

CLASSROOM DECORUM:

At all times, during discussions and other class activities, please observe reasonable and common etiquette standards with your colleagues. Failure to act reasonably and appropriately will have negative consequences. Please, help promote openness, understanding and diversity in perspectives and views by encouraging each other to participate. We all come to this class with differing levels of knowledge and a wide variety of background experiences to share. Please help me to create an environment where everyone has something to add, share and learn. Some of the topics we will cover in class may not initially be congruent with your current understanding of how the "world" works. Please remember that this is a law class, and our studies would be aimed at the principles of the legal system and its application to women, our lives, and society.

COMPUTER USAGE:

You will need computer access to complete your course assignments. Assignments should be completed in MS Word. Assignments can be completed on campus using the EMU student computing labs.

Assignments must be completed in Times New Roman 12 point font. Margins should be 1" all around.

COPIES OF YOUR PAPERS:

Please keep a hard or electronic copy of all work that you submit in this course. If you are a paralegal major, you will need to include copies of your coursework from this class in your employment portfolio for LEGL 416.

EMU ACCEPTABLE COMPUTER USE POLICY:

Students are expected to comply with the EMU Acceptable Computer Use Policy. The full text of this policy is available at http://www.emich.edu/web_standards_guide/acceptable_use_policy.html. Students violating the policy will be disciplined according to university policy.

EXTRA CREDIT:

The curriculum for this course is carefully designed to fit into the number of course weeks and the assignment schedule in relatively full. In order to uphold academic rigor and integrity, students must be graded on the degree to which they fulfill the requirements of the assignments listed in the syllabus. This means that there are not any extra credit requirements allowed for this course.

FACILITATOR AND TEACHER:

In the online environment, the instructor becomes a facilitator to assist the students in their "self-directed education" as students have chosen a higher level of freedom to study, learn when they want and where they want. Please understand to a large degree, that online classes and interactions (via eCollege, web sites, email, etc.) are designed for a wonderful and special style of teaching. **Each of you, the students, will contribute as much or more to your own learning and that of your colleagues as I do as your teacher and facilitator.** Although my personal background includes a very wide range of legal experiences and knowledge, I realize that we all can learn more each day, and I expect that we will learn together in this class. I personally believe that the Internet with its free exchange of ideas from person to person will create a new future with more sharing of information. Let's share information, have some fun and learn.

INCOMPLETE GRADES:

An "I" (incomplete) grade is NEVER applied to poor work, failure to complete work, or non-attendance by the student. If a student feels that an "I" grade is appropriate for their situation, the student must inform the instructor of the reason for the requested incomplete, and the instructor may, at her discretion, agree to the request and submit the "I" grade. Requests for "I" grades must be made in writing to the instructor. Verbal requests will not be considered.

A maximum of one (1) year is allowed for completion of course work. The instructor will NOT support any requests for an extension of the one-year completion requirement.

"I" grades are issued ONLY pursuant to University policy. **Please** read the rules regarding incomplete grades prior to requesting one from the Instructor. "I" grades will only be issued if University policy is strictly applied and your personal situation meets the University guidelines.

The following are acceptable reasons for requesting an "I" grade:

- Example: I will be a liver donor for my mother the week of finals.

- Example: My husband is in a coma from a car accident that happened yesterday.

The following are unacceptable reasons for requesting an "I" grade:

- Example: I had a bad semester and I just cannot concentrate to get things done.
- Example: I am having a difficult time with my job and it is conflicting with class.
- Example: I could not purchase my book, so I could not complete all my assignments.

The University also has available a "Withdrawal" grade for students. This deadline is typically 2-3 weeks prior to the end of the semester. For students who are unable to complete the class and who do not meet the "I" grade requirements, this might be a more suitable grade option.

INDIVIDUAL WORK PRODUCT:

All students will be graded on an individual basis. Certain projects in the course lend themselves toward group work and in certain instances, a group setting may enhance the learning experience; however, students **MUST** complete all papers and research problems **individually** (unless specifically detailed in an assignment).

INTERNATIONAL STUDENTS:

F and J visa students; you have 10 days to report any:

- Changes in your name, residential address, academic status (full or part-time enrollment), program of study or completion date, student level (undergraduate to graduate), or funding source (employment or graduate assistant position).
- Intent to transfer to another university.
- Probation or disciplinary action due to a criminal conviction.

In accordance with new federal regulations, these must be reported to the EMU Office of International Students (OIS), 229 King Hall within 10 days of occurrence; failure to do so may result in arrest and deportation. You may not drop or withdraw from a course without OIS approval. If you have questions or concerns, contact the OIS at 487-3116 not your instructor.

LATE ASSIGNMENTS:

Late assignments receive a 10% deduction for each day they are late. Assignments are late if they are not posted by 11:59 p.m. EST of the day they are due. Assignments that are more than 4 days late will not be accepted unless we have negotiated and mutually agreed upon an alternative submission date **in advance**. Unless an Incomplete grade has been granted, student assignments submitted after the last day of class will not be accepted.

Responses to threaded discussions will not be accepted late.

Please note: Computer or Internet problems are not an excuse for late papers. If using your own equipment, test your computer and printer before each deadline. If using the school's resources,

be sure to leave plenty of time to save and download your assignment; the lab can get very busy at times.

PRIVACY:

All postings to any thread or chatroom in this class are considered confidential and for consideration and discussion only by members of this class. Specifically, please do not forward materials or messages from this course by email or distribute hard copies.

RESUBMISSION OF ASSIGNMENTS:

Once an assignment is submitted, additional submissions will not be accepted. Assignments will only be regarded in the event of instructor error.

It is the student's responsibility to make certain that files for assignments submitted electronically are virus free, can be opened, and that the correct material is contained in the file.

SPECIAL ACCOMODATIONS:

Any student who feels that he or she may need an accommodation for any sort of disability should contact the instructor during her office hours to discuss your issues.

STUDENT ETHICS:

Students in this course are to observe the highest standards of trust, integrity, and honesty in this classroom. The EMU Student Code of Conduct will be the guiding force to determine if any of these standards have been breached.

In particular, plagiarism is taken very seriously in this class.

Plagiarism is the use of another person's words or ideas without crediting that person. Plagiarism and cheating will not be tolerated and may lead to failure in class and dismissal from the University. In this class, **intent is not a consideration** with issues involving academic integrity.

University regulations state that "(S)tudents are not to engage in any form of academic dishonesty including, but not limited to, plagiarism, alteration of records, substitution of another's work representing it as the student's own and knowingly assisting another student in engaging in any such activity."

Any type of academic dishonesty or breach of integrity by a student in this class will be grounds for an automatic failing grade (E) for the class, and a referral to EMU Student Judicial Services.

If you are uncertain whether or not the use of certain material is considered plagiarism, please ask your instructor. In addition, please visit http://wps.ablongman.com/long_longman_uopapl_2/0,,1838379-,00.html for an on line tutorial as to what is considered plagiarism.

STUDENT TESTING:

Students will be responsible for the materials assigned in the text plus any supplemental material referenced in course lectures or discussions.

Examinations must be taken during the time and date scheduled and they normally cannot be made up. If you have an extreme illness or other verifiable emergency (family death) that conflict with the exam time, the instructor **must be notified in advance of test time of your absence to make alternative testing arrangements.**

TURNITIN.COM:

In this course, I may submit your assignments or you may be asked to submit assignments to Turnitin.com for textual similarity review.

Turnitin.com is a web-based service that compares submitted student text against a database of millions of previously published documents, including those on the public Internet, a proprietary collection of published articles, as well as every student paper ever submitted to Turnitin.com, including previously submitted EMU papers. When similarities between student text and an existing document are found, Turnitin highlights those similarities in an annotated document, displaying both the student text and the original source(s). Detection of similarities does NOT mean plagiarism has occurred as the overlapping text might be properly referenced and cited.

WIKIPEDIA:

If you are not familiar with Wikipedia, it is a web site that describes itself as “a free-content encyclopedia, written collaboratively by people from all around the world. The site is a wiki, which means that *anyone* can edit entries simply by clicking on the *edit this page* link.”

Many students rely on the **Wikipedia** web site as having good, reliable information. Did you know that contributors to articles are volunteer writers who are often **ANONYMOUS**? In other words, **ANYONE** can write and place an article on **Wikipedia**. **In addition, the oversight of all the information is also done by volunteers.**

The website states: “Because Wikipedia is an ongoing work to which anybody can contribute, it differs from a paper-based reference source in some important ways. In particular, mature articles tend to be more comprehensive and balanced, while other (often fledgling) articles may still contain significant misinformation, unencyclopaedic content or vandalism. Users need to be aware of this in order to obtain valid information and avoid misinformation which has been recently added and not yet removed.” Furthermore, the Wikipedia web site acknowledges they “**cannot guarantee the validity of the information found here.**” (emphasis added)

Please do not rely on information for this class from Wikipedia. In the past year, there have been some serious challenges to the information printed in this source. You may be asking yourself if *Wikipedia is a good resource for college research*. No, it is not an appropriate source for your research for this class. Once you understand how Wikipedia content is developed, checked and controlled, you will see that there are some serious limitations to using it for academic and

scholarly research. See a full discussion of these issues here:
[http://en.wikipedia.org/wiki/Wikipedia:Researching with Wikipedia](http://en.wikipedia.org/wiki/Wikipedia:Researching_with_Wikipedia)

You might also wonder **if you can use Wikipedia as a resource for work in this class**. No, you may not. You can certainly start at Wikipedia to get a sense of the meaning of a term, but you must use reliable, edited resources for your writing in this course. If you choose to use Wikipedia, your assignment will not be accepted.

If you would like to check out the Wikipedia web site, the URL is <http://www.wikipedia.org>.

WORDS OF ADVICE:

In an online class, it is especially important to keep-up and study on a regular and timely basis. Regardless of any class deadlines that may be established, there will be a good quantity of materials to learn, more than can be successfully mastered at the last minute. Law can be similar to learning a new language; it takes time and use. Law is information based and tends to load students with concepts, ideas, facts, and other types of information. This is not the type of class that all “night cramming” will help.

Students should consult the University catalog for policies not addressed in this document.

The syllabus is subject to change; notification of changes will be made in class.

It is the student’s responsibility to keep abreast of any class announcements and changes.