Fall 2019

IT 400-HM1: Law and Technology

Theodore L. Nicholson

Follow this and additional works at: https://digitalcommons.njit.edu/info-syllabi

Course Number: IT 400
Text: <u>Internet and Computer Law (American Casebook Series)</u>, 2nd edition 2006, ISBN 0314160434 by Maggs, Soma and Sprowl. (Note: Most of the course readings will either be provided or available on the web.)
Cyberlaw: The Law of the Internet and Information Technology, 1st edition 2013 by Craig, ISBN 0132560879
Instructor: Theodore L. Nicholson, J.D.
Office: 4414 GITC
Office Hours: Wednesday, 3:00-5:00 pm
Email: <u>theodore.l.nicholson@njit.edu</u>
Grading: Midterm 30%, Presentation 25%, Debate 20%, Weekly Assignments 25%

This course will provide an introduction to legal concepts, principles and terminology as applied to modern information technology. The historical background and foundations of the various principles of United States statutory and common law will be considered and will be used to explore how such principles may be applied to encompass and govern modern legal interactions. Through the assignments and classroom discussions, which will often involve the Socratic method rather than simply the presentation of information, students will be expected to spot potential legal issues and make logical arguments for and against the various legal propositions discussed.

Course outline with approximate weekly schedule:
Weeks 1 & 2: Introduction to Information Technology and the Law

- *Foundations of Modern Law*
    - The origins of modern law as an outgrowth of English, and later, American common law and statutory law

- *The United States Constitution*
    - Basic structure of the government
    - Federal v. State governments
    - The Bill of Rights, and other amendments

Week 3: Jurisdiction

- *Jurisdiction as a threshold issue*
    - Multi-jurisdictional issues
    - Long arm statutes
    - Purposeful availment

- *Jurisdiction in cyberspace*
    - Multi-jurisdictional issues
    - International treaties

Weeks 4, 5 & 6: E-commerce

- *Web site development legal issues*
    - Service provider liability
    - Domain name disputes
    - Web page linking and legal liability

- *Virtual contracts*
    - Traditional concepts of contract law
    - Contracts on the Internet

– Meeting of the minds
 – Consideration
 – Payment & third party agents

- *Unfair competition*
 – Antitrust
 – Unfair business practices
 – Piracy

Week 7: Torts

- *General Liability on the Internet*
 – Harm specific to virtual worlds

- *Libel and Slander*
 – Internet publications
 – Messaging systems

- *Emotional Distress*
 – Substitutes for physical pre-requisites

Week 8: Criminal Liability

- *Unauthorized Access and Hacking*
 – Software
 – Web sites
 – Sniffing

- *Prohibited Information*
 – Offensive content
 – Secret content

Week 9, 10 & 11: Intellectual Property

- *Patents*
 – Patent requirements
 – Rights afforded by a patent
 – Patentability of software
 – Patentability of computer generated programs
 – Patentability of internet systems.
 – Patent issues in cyberspace

- *Copyrights*
 – Copyright requirements
 – Rights afforded by a copyright
 – Fair use
 – Derivative works
 – Copyright issues in cyberspace

- *Trademarks*
 – Trademark requirements
 – Rights afforded by a trademark
 – Domain names
 – Trademark issues in cyberspace

- *Trade Secrets*
  - Trade secret requirements
  - Non-compete clauses
  - Inevitable discovery

Weeks 12, 13 & 14: Access to Information

- *Access to Information in Computerized Form*
  - By government agencies
  - By commercial entities
  - By individuals

- *Privacy*
  - Rights of an individual
  - Rights of an employee
  - Rights of other entities

- *Right to Accuracy of Information*
  - Credit reporting agencies
  - Commercial disputes
  - Criminal records
  - Health records

Academic Integrity and NJIT Honor Code: Please familiarize yourself with the NJIT Honor Code (http://integrity.njit.edu). Violations of the honor code will be dealt with seriously and reported immediately to the Dean of Students.