



Internet Law (Law 793)
Professor Eric Goldman (he/him)
Fall 2024

1. Meeting Sessions. We will meet in Charney 207 every Tuesday and Thursday, 8:50am to 10:15am, from August 27, 2024 to November 26, 2024, except October 3 (Rosh Hashanah) and October 15 (Fall Break). Our in-person sessions will strictly adhere to any university-mandated COVID protocols, including mask mandates (I take extra COVID precautions because my wife is immunocompromised).

Note About Week 1 Scheduling (the week of August 19): For reasons that make sense administratively, this year for the first time the law school administration has restricted most upper-division courses from having real-time class sessions during Week 1. Instead, the administration encourages professors to do asynchronous work during that week. Reflecting on that suggestion, I decided that my pedagogical goals for the first week would not work asynchronously. I will welcome your feedback about whether you agree with my judgment call.

The net effect is that this course will not meet at all or cover any substantive material in Week 1. You have some steps to take before the first course session; see the Camino module.

Sadly, the administration's policy, and my countermove, have several downsides for you:

First, we will effectively cram 15 weeks of material into 14 weeks. The course is challenging enough when spread out over 15 weeks. The compression will make it a little harder.

Second, to make up for the missing Week 1 sessions, I have extended each session length from 75 minutes to 85 minutes. 85 minutes is a long time for students to concentrate and remain engaged, especially given our very early morning start time. I will do my best to change things up during the sessions and keep them interesting, but having you pay full attention for long and early class sessions is still a big ask on my part.

Third, the administrative deadline to drop the course without any financial consequence ends in Week 1. After I flagged this issue with the administration, they reduced the cost to drop a course in Week 2 by a lot. Still, the cost to drop this course in Week 2 will be about \$325 for JD students.

I'm sure you can spot the problem with the interaction between the law school's drop policy and my decision to start the substantive work in week 2. Before we've had a single session together, you will be financially committed to the course to the tune of hundreds of dollars. Though I am deeply invested in being the best possible teacher I can be, my pedagogical style isn't optimal for everyone. In particular, this course requires students to attend every session (subject to the free

passes) and complete point-scoring deliverables every week, and some students struggle with paying attention to the course so consistently throughout the entire semester.

Ordinarily, I would recommend that 2Ls consider skipping Internet Law in Fall 2024 and see if the administrative policies favorably evolve by Fall 2025. However, I have received no assurances that the policies will be different in the future, and the administration will not make scheduling decisions for Fall 2025 until Spring 2025. As a result, you will have to make this semester's decision with incomplete information (a good metaphor for all of Internet Law—consider this your first practice of that skill).

I have a partial workaround for those of you who are not yet 100% committed to taking Internet Law this Fall. I recommend that you drop the course now and attend the first session. If you like what you see then, you can add the course in Week 2. I can guarantee that you will have a seat if you add in Week 2 (if my permission is required, I will provide it). But if the first session isn't what you're looking for, you'll save money by having pre-dropped the course.

I know this workaround adds uncertainty to your life if you choose to pursue it. I'm sorry. However, it's the best I've come up with. I'm always happy to talk with you about your individual circumstances to make the best decision for you. I always welcome your suggestions about steps I can take to make the course the best possible learning experience for you.

2. Attendance. Your attendance is critical to your success in the course, plus your peers can't learn from you if you're not around. As a result, I expect 100% attendance. Students who achieve that will get a small prize. I will circulate a sign-in sheet each session; make sure you sign it. Because life is uncertain, you have 5 "free passes" to cover unexcused absences. You don't need to let me know when you're using a free pass. If you have more than 5 unexcused absences, you may be subject to a grade penalty or administrative withdrawal from this course.

Sessions will start promptly at 8:50. Plan your commute accordingly.

3. Book. You can download the book PDF for free in Camino. If you want a printed version, you can buy a [softcover version](#) (\$20 + shipping and tax) or [hardcover version](#) (\$28 + S&T).

4. Office Hours. I typically will be on campus on Tuesday and Thursday for most of the day, and I will likely be on campus other days. I'm always happy to schedule a meeting at your convenience. Email me some proposed meeting times. I generally prefer outdoor or virtual meetings.

5. Course Learning Objectives.

- Learn the basic nomenclature and concepts of Internet technology.
- Understand Internet exceptionalism and some arguments for and against it.
- Learn the basic nomenclature and doctrinal principles of Internet law.
- Practice brainstorming legal and non-legal options to business problems and evaluating the pros/cons of those options.

- Practice writing about Internet law topics in different formats.
- Develop practical ways to navigate the conceptual and practical dilemmas that arise when applying laws to rapidly developing technologies.

6. Schedule, Assignments, and Grading.

Week	Topics	Deadlines
1 (week of Aug. 19)	N/A (see note above)	
2 (Aug. 27 & 29)	Definition of the “Internet,” Internet Exceptionalism	Self-introduction due Sept. 1, 5pm Paper #1 due Sept. 1, 5pm
3 (Sept. 3 & 5)	Geography, Jurisdiction	
4 (Sept. 10 & 12)	Contracts (Formation)	
5 (Sept. 17 & 19)	Contracts (Amendment)	Paper #2 due Sept. 22, 5pm
6 (Sept. 24 & 26)	Trespass to Chattels	Course survey due Sept. 29, 5pm
7 (Oct. 1)	Copyright	
8 (Oct. 8 & 10)	Copyright	
9 (Oct. 17)	Copyright, Ticketmaster	Midterm available Oct. 17, noon Midterm due Oct. 20, 5pm
10 (Oct. 22 & 24)	Trademarks	Midterm feedback due Oct. 27, 5pm
11 (Oct. 29 & 31)	Trademarks, Content Regulation, Publication Torts	
12 (Nov. 5 & 7)	Section 230	Paper #3 due Nov. 10, 5pm
13 (Nov. 12 & 14)	Section 230	Paper #4 due Nov. 17, 5pm
14 (Nov. 19 & 21)	Privacy, Spam	Cumulative multiple choice exam due Nov. 24, 5pm
15 (Nov. 26)	Social Media	Complete the course evaluation
Finals Period		Paper #5 due Dec. 3, 5pm Last chance for Qs: Dec. 3, 11pm Final exam available Dec. 4, 10am Paper #6 due Dec. 19, 1pm Final exam due Dec. 19, 1pm

Graded Assignment/Description	Scoring
Weekly quizzes/exit tickets, due each Sunday at 5pm (except for Weeks 9 and 15)	1 point/week for timely completion
Introduce yourself in the Camino discussion group	1 point for timely completion
Paper #1: Why are you taking this course, and what outcomes do you hope to achieve? (500 words max)	0/1/2
Paper #2: Pick a website/app of your choice and evaluate if you think a court would uphold its TOS formation process, EXCLUDING any product/service from Google/YouTube, Amazon, Apple, Twitter, or Facebook/Instagram/WhatsApp. (no word limit; include screenshots; discuss formation and not the contract’s substantive terms)	0/1/2
Midterm and Midterm Peer Review	0/2/4

Paper #3: Read Sections 1-8 of the “Dancing with Bigfoot” case study. Analyze (1) Bigfoot on the Strip’s defamation case against Randy, and (2) if Bigfoot on the Strip also sued TripAdvisor for Randy’s review, TripAdvisor’s Section 230 defense against a defamation claim. (1,000 words max but most answers will be much shorter)	0/1/2
Paper #4: Complete all three rounds (9 posts total) of https://takedown.thecgo.org/ (warning: graphic content). Write a paper discussing your reactions to the exercise in total or to any specific post. (500 words max)	0/1/2
Paper #5: Review your Paper #1 and explain whether your course outcomes matched your objectives. Discuss what steps, if any, you or I could have taken to improve your outcomes. (500 words max)	0/1/2
Complete the open-book/open-notes multiple-choice exam at https://forms.gle/4JUkCwNBuTDqt5B17 . Use your scu.edu email address.	4 points for timely completion, otherwise 0
Paper #6: Explain ONE thing that surprised, frustrated, or angered you the MOST about Internet Law and why it made you feel that way. (750 words max)	0/1/2
Final Exam	0-40 (approx.)

Deadlines. **All late submissions automatically get a zero.** Camino’s/Google Forms’/Examsoft’s timestamps are irremovable. Never wait until the last minute to make a submission.

Paper Submissions. Upload all papers to the associated Camino assignment. Include your name and (where required) the word count. I’m OK with Word or PDF submissions.

Midterm. The exam will be a one-question essay with a word count cap. I will send one of your peer’s answers to you along with a grading rubric/sample answer, and you will evaluate your peer’s answer. Eventually, I will deliver your peer’s evaluation of your answer, along with my comments, to you. You will get the full points if you take both the exam and your peer review seriously and complete both pieces on a timely basis (subject to process violations).

Final Exam. The final exam will have 1 or 2 essay questions and a maximum word count. **YOU WILL FAIL THE COURSE IF YOUR FINAL EXAM IS LATE OR EXCEEDS THE WORD COUNT CAP.**

7. Contact. Email me at egoldman@gmail.com. Put “Internet Law” in your subject line to avoid unintentional deletion as spam.

Stay up-to-date with the latest Internet Law developments at my blog [<http://blog.ericgoldman.org>] and on Mastodon [<https://mastodon.lawprofs.org/@ericgoldman>] or Bluesky [<https://bsky.app/profile/ericgoldman.bsky.social>]. More course-related materials are available at [<http://www.ericgoldman.org/cyberlaw.html>].

Additional Disclosures

The following disclosures are derived from <https://www.scu.edu/provost/faculty-affairs/other-policies-procedures/teaching-expectations/>.

I emphasize that **the California legislature has designated me as a MANDATORY REPORTER of any incidents (that you mention to me or I see) of sexual harassment, including sexual battery, sexual violence, and sexual exploitation, as well as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature—whether the incident happened at SCU or elsewhere.**

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Academic Integrity

The Academic Integrity pledge, which applies to all students, states:

I am committed to being a person of integrity. I pledge, as a member of the Santa Clara University community, to abide by and uphold the standards of academic integrity contained in the [University Conduct Code](#).

I expect you to uphold the principles of this pledge for all work in this class and also comply with the law school's [Academic Integrity Policy](#). If you have questions about what is appropriate on any assignment, please let me know before you hand in work. You must obtain my written pre-approval before you submit any work prepared, in whole or in part, using generative AI chatbots/authoring tools like ChatGPT.

For more resources about ensuring academic integrity in your work, see <https://libguides.scu.edu/academic-integrity> and www.scu.edu/academic-integrity.

Discrimination, Harassment, and Sexual Misconduct (Title IX)

Santa Clara University is committed to providing all students with a safe learning environment free of all forms of discrimination, sexual harassment, and sexual violence.

As a faculty member, California law SB 493 requires me to report any information brought to my attention about incidents of sexual harassment or misconduct to the SCU Equal Opportunity and Title IX Office, (408) 551-3043. This includes, but is not limited to, disclosures in writing assignments, class discussions, and one-on-one conversations.

Should you need support, SCU has dedicated staff trained to assist you in navigating campus resources, accessing health and counseling services, providing academic and housing accommodations, helping with legal protective orders, and filing a formal complaint with the University or with law enforcement. Please see the [Student Resources page](#) for more information about reporting options and resources.

If you, or someone you know, has experienced sexual harassment or sexual violence and wish to speak to a confidential resource who is not required to report, please contact the [SCU Wellness](#)

Center, CAPS, or any individual (e.g., clergy and counselors) acting in a professional capacity for which confidentiality is mandated by law. I am happy to help connect you with any of these resources.

Accommodations for Pregnant and Parenting Students

Santa Clara University does not discriminate against any student on the basis of pregnancy or related medical conditions. Absences due to medical conditions relating to pregnancy and childbirth will be excused for as long as deemed medically necessary by a student's doctor, and students will be given the opportunity to make up missed work. Students needing accommodations can often arrange accommodations by working directly with their instructors, supervisors, or departments. Students needing accommodations can also seek assistance with accommodations from the Office of Accessible Education (OAE) or from the Office of Equal Opportunity and Title IX Office.

Office of Accessible Education

Our community is committed to creating a learning environment that meets the needs of our diverse student body. In partnership with the university Office of Accessible Education (OAE), we strive to support our law students in their participation in the classroom, student life, and its programs. If you anticipate barriers to your learning or participation in this class, we urge you to speak with OAE as soon as possible. OAE addresses these challenges by providing academic accommodations, support services, and auxiliary aids.

If you have a documented disability for which accommodations may be required in this class, please contact the Office of Accessible Education (<http://www.scu.edu/oea>, 408-554-4109) as soon as possible to discuss your needs and register for accommodations with the University.

Due to the law school's anonymous grading format, please do not disclose any accommodation to me directly. The Office of Accessible Education will contact me as needed. If you have already arranged accommodations through OAE, please schedule an appointment to discuss your accommodations with the Office of Assessment Director, Janelle Atangan, at lawaccommodations@scu.edu. To ensure fairness and consistency, the law school must receive verification from the Office of Accessible Education before providing accommodations.

In light of shifting health advisories related to COVID-19, exams may be administered online. Students with approved testing accommodations should contact Janelle (at least two weeks' notice recommended) prior to the exam date to notify Janelle of their intent to use their testing accommodations on the upcoming exam to ensure their accommodations are effectively implemented. OAE requires at least 21 business days to review application documentation.

For more information regarding this process, please contact the Office of Assessment at lawaccommodations@scu.edu or oea@scu.edu.

Safety Measures

To the extent required by the university, I expect everyone to adhere to current university mask mandates at all times; to make their best attempt to make themselves heard when asking questions or contributing to discussions; and refrain from eating or drinking in class. It is

expected that everyone will follow university guidelines about health and public safety measures outlined at <https://www.scu.edu/preparedscu/health-and-safety/>.

Classroom Decorum

It is important we maintain a respectful, professional learning community. That means being open to the ideas and viewpoints expressed by others, and engaging in conversations that challenge those viewpoints and ideas without comments that are demeaning or disrespectful. Class discussions can sometimes involve difficult topics; we should do everything possible to make everyone feel comfortable sharing their perspectives and life experiences, even when we disagree about ideas.

Use of Classroom Recordings

I have requested that all online class meetings be recorded and made available on Camino. The Student Conduct Code says: “Dissemination or sharing of any classroom recording without the permission of the instructor would be considered ‘misuse’ and, therefore, prohibited. Violations of these policies may result in disciplinary action by the University. At the instructor’s discretion, violations may also have an adverse effect on the student’s grade.”

Copyright Statement

Course materials are protected by U.S. copyright laws. I am the copyright holder of the materials I create, including notes, handouts, slides, and videos. You may make copies of course materials for your own use, and you may share the materials with other students enrolled in this course. You may not publicly distribute any course materials without my written permission.

Technology Support

For Camino support, contact caminosupport@scu.edu or call 408-551-3572. You can also use the help button within the Camino platform (on the left-hand navigation) for 24/7 support via chat or phone with our vendor.

For Zoom assistance, contact Media Services at mediaservices@scu.edu or 408-554-4520. You can also get support from the Zoom Help Center website, <https://support.zoom.us/hc/en-us>.

For SCU network and computing support, contact the SCU Technology Help Desk at techdesk@scu.edu or 408-554-5700. They can provide support for MySCU Portal, Duo, eCampus, hardware and software issues, and more.

Land Acknowledgment

We acknowledge that Santa Clara University sits on the unceded land of the Ohlone and the Muwekma Ohlone people, who trace their ancestry through the Missions Dolores, Santa Clara, and San Jose. We remember their connection to this region and give thanks for the opportunity to live, work, and learn on their traditional homeland.

Respect for Diversity

It is my intent that students from all diverse backgrounds and perspectives be well served by this course, that students’ learning needs be addressed both in and out of class, and that the diversity that students bring to this class be viewed as a resource, strength, and benefit. It is my intent to

present materials and activities that are respectful of diversity: gender, sexuality, disability, age, socioeconomic status, ethnicity, race, religion, and culture. Please let me know ways to improve the effectiveness of the course for you personally or for other students or student groups. In addition, if any of our class meetings conflict with your religious events, please let me know so that we can make arrangements for you.

Gender Inclusive Language

This course affirms people of all gender expressions and gender identities. If you go by a name different from what is on the class roster, please let me know. My pronouns are he/him. Using correct gender pronouns is important to me, so I encourage you to share your pronouns with me and correct me if I make a mistake. If you have any questions or concerns, please do not hesitate to contact me. For more on personal pronouns, see <https://pronouns.org/>.

Wellness Statement

I know you will do the best you can in this class (and all of your classes); however, it should never be at the expense of your own mental health, physical health, or well-being. Jesuit education is grounded in *cura personalis*, concern for the whole person—mind, body, and spirit. What does this mean for you? Be kind to others, and more importantly, be kind to yourself. Attend to your sleep (quantity and quality); drink lots of water; move; get outside; and pay attention to beauty that isn't coming to you on a screen. Eat good food; laugh; enjoy friends and family; look for opportunities to connect with others in new ways; pray, meditate, or otherwise attend to your spirit. And ask for help, even if you don't think you need it. Lots of folks, including me, are here to support you. It's never too late to reach out, and I am committed to helping you.

SCU has many resources and programs to support you. These resources may be especially helpful:

- Wellness Center: <https://www.scu.edu/wellness/>. The Wellness Center provides resources to aid and promote student well-being across the eight dimensions of wellness, including student peer groups for healthful living, violence prevention, and recovery.
- CAPS: <https://www.scu.edu/cowell/caps/>. Santa Clara students are provided confidential counseling sessions at no cost through Counseling and Psychological Services (CAPS). Students have access to clinically appropriate, short-term therapy; group therapy; and other resources for care. A 24/7 support line is also available: 408-554-5220.
- SCU Culture of Care: <https://www.scu.edu/osl/culture-of-care/>. If you are concerned for the mental or physical welfare of one of your peers, the Office of Student Life Culture of Care website provides resources for recognizing and helping someone in distress.
- Academic Concerns. If you are concerned with your progress in this class, please contact me so that we can find solutions together.