



## **SYLLABUS**

### **DIGITAL MEDIA LAW**

**Instructor: Prof. Bryce Newell, J.D., Ph.D.**

**Language of Instruction: English**

**UO Credits: 4**

**Contact Hours\*: 40**

**Total Hours of Student Engagement (THSE) in all course activities\*: 120**

### **THE HAGUE (DEN HAAG), THE NETHERLANDS**

#### **COURSE DESCRIPTION**

This survey course on comparative internet law is designed to teach students about a variety of internet-related laws and policies they will likely confront in their personal lives and professional careers. The internet has had a dramatic impact on communication, business, commercial transactions, and the control of information. This course provides an overview of the legal and regulatory frameworks governing communication and commercial activities conducted via the internet and online platforms in the United States and European Union. We cover topics such as free speech online, privacy and surveillance, electronic contracts, domain names, copyright, trademark, computer crime, and network neutrality.

#### **COURSE OBJECTIVES**

The course will:

- Provide students with a solid foundation and understanding of how the legal systems of the United States and European Union apply to internet-related communication and commercial transactions.
- Increase students' familiarity with political, social, and cultural issues related to free speech, content moderation, and the regulation of speech online both domestically and internationally.
- Expose students to issues of internet law related to free speech, privacy and surveillance, electronic contracts, domain names, copyright, trademarks, and computer crime.
- Challenge students to understand, compare, and critique law and how the law applies to media and creative production, media consumption, public communication, and commercial transactions on the internet.

**Student Outcomes.** Students who successfully complete this course will:

- Be able to explain the various ways that internet-related laws and regulations have developed historically.
- Define and refine research questions, and synthesize, integrate, and evaluate relevant and reliable sources of evidence.
- Develop a clear understanding of and appreciation for the connections between computing technology, speech and expression, and (criminal) law, and the impact that these have on society.
- Acquire the ability to read, understand and analyze judicial opinions.

- Be able to critically compare internet laws and regulations in the United States and European Union.
- Be able to define and describe the key concepts related to the regulation of the internet and e-commerce.
- Be able to assess and evaluate emerging ethical, legal, and policy issues related to internet regulation.

**NOTE that this syllabus, schedule, and set of readings is subject to change prior to the program start date.**

## **INSTRUCTIONAL METHODOLOGY**

This course will include a combination of instructional methods to achieve its aims, including in-person lectures, guest lectures (both in-person and virtual), in class discussion and debate, student presentations, and field trips to important sites with guided tours and visits to interactive visitor centers that will help unpack and explain EU legal systems. In total, students will have opportunities to engage with and learn from tour guides and staff at field sites, guest lecturers, and the primary instructor in a variety of contexts.

## **METHOD OF EVALUATION (GRADING)**

Evaluation of student work will be assessed in multiple ways. This will include substantive pieces of student work that demonstrate comprehensive development:

- Final Exam
- Individual Research Paper

Evaluation will also include forms of on-going assessment that measures student progress throughout the term:

- Quizzes
- Reading Annotation/Responses
- Class Participation
- Current Issues Presentation

## **COURSE OUTLINE**

The following outline is set, but individual readings are tentative and subject to change:

### **WEEK 1**

- Day 1: Introduction to the Course, the Law, and Legal Systems
- Day 2: The Internet: What is it? + Jurisdictional Problems
- Day 3: The Internet: History, Utopia, Law
- Day 4: The Law that “Made” the Internet: Section 230

### **WEEK 2**

- Day 5: The Internet: Dystopia, Part I: Harmful Speech and Harassment Online
- Day 6: The Internet: Dystopia, Part II: Harmful Speech and Harassment Online
- Day 7: Computer Crime (I)
- Day 8: Computer Crime (II)

### **WEEK 3**

- Day 9: Privacy Online (I)
- Day 10: Privacy Online (II)
- Day 11: EU Legal Institutions (in Brussels, Belgium)
- Day 12: EU Legal Institutions (in Brussels, Belgium)

### **WEEK 4**

- Day 13: Online Contracts
- Day 14: Platform Power and Platforms’ Rights
- Day 15: Content Moderation and Censorship

- Day 16: Trademarks and Domain Names
- WEEK 5

- Day 17: Digital Copyright Basics
- Day 18: Copyright (licenses, secondary liability)
- Day 19: Copyright (fair use, digital rights management)
- Day 20: Copyright (section 512, notice and takedown)

## COURSE READINGS

Readings are tentative and subject to change. Students will read and we will discuss the following required readings:

- Class Textbook (students will read much of this book over the course of the class):
  - James Grimmelmann. 2020. *Internet Law: Cases and Problems* (Semaphore Press, 10th edition). ISBN: 978-1-943689-10-1. This required text is available for download at [www.semaphorepress.com](http://www.semaphorepress.com).
- Students will read selections from the following books (available online via Canvas or UO Libraries):
  - Anderson, N. (2014). *The Internet Police: How Crime Went Online, and the Cops Followed*. W.W. Norton. (Chapter 1; pp. 1-29)
  - Blum, A. (2012). *Tubes: A Journey to the Center of the Internet*. Ecco. (Prologue and Chapter 1; pp. 1-34)
  - Kosseff, J. (2019). *The Twenty-Six Words That Created the Internet*. Cornell University Press. (Chapters 4 and 10; pp. 79-102, 209-227)
  - Veliz, C. (2020). *Privacy is Power*. Bantam Press. (Chapter 1; pp. 7-26)
- Students will also read the following:
  - Kerr, O. (2007). How to Read a Legal Opinion. *Green Bag*, 11(1), 51-63. <http://www.volokh.com/files/howtoreadv2.pdf>
  - Barlow, J.P. (1996). A Declaration of the Independence of Cyberspace. <https://www.eff.org/cyberspace-independence>
  - Communications Decency Act § 230 (CDA § 230). <https://www.law.cornell.edu/uscode/text/47/230>

As breaking news and legal developments occur, students may be assigned news articles, judicial opinions, or legal summaries that address those developments.

Students will also watch a variety of video-based materials, including:

- Andrew Blum, “What is the Internet, really?”: [https://www.youtube.com/watch?v=XE\\_FPEFpHt4](https://www.youtube.com/watch?v=XE_FPEFpHt4)
- What is the Internet? <https://www.youtube.com/watch?v=Dxcc6ycZ73M>
- How Undersea Internet Cables Carry The Internet Across The Ocean | Earth Lab: <https://www.youtube.com/watch?v=Pfr0XCTMhXE>
- Thin underwater cables hold the internet. See a map of them all: <https://www.youtube.com/watch?v=Ve810FHZ1CQ>
- Barlow’s “Declaration of the Independence of Cyberspace”: <https://vimeo.com/111576518>

## BIBLIOGRAPHY

All lecture material and course design has been completed independently by the instructor, Bryce Newell.

**Accessible Education** - (see <https://aec.uoregon.edu/best-practices-faculty> for more information)

The University of Oregon is working to create inclusive learning environments. Please notify me if there are aspects of the instruction or design of this course that result in disability-related barriers to your participation. You are also encouraged to contact the Accessible Education Center in 360 Oregon Hall at 541-346-1155 or uoaec@uoregon.edu.

**Academic Misconduct - (See <https://dos.uoregon.edu/academic-misconduct> for more information)**

The University Student Conduct Code (available at [conduct.uoregon.edu](https://conduct.uoregon.edu)) defines academic misconduct. Students are prohibited from committing or attempting to commit any act that constitutes academic misconduct. By way of example, students should not give or receive (or attempt to give or receive) unauthorized help on assignments or examinations without express permission from the instructor. Students should properly acknowledge and document all sources of information (e.g. quotations, paraphrases, ideas) and use only the sources and resources authorized by the instructor. If there is any question about whether an act constitutes academic misconduct, it is the students' obligation to clarify the question with the instructor before committing or attempting to commit the act. Additional information about a common form of academic misconduct, plagiarism, is available at [researchguides.uoregon.edu/citing-plagiarism](https://researchguides.uoregon.edu/citing-plagiarism).

**Reporting Obligations:**

I am a student-directed employee. For information about my reporting obligations as an employee, please see [Employee Reporting Obligations](#) on the Office of Investigations and Civil Rights Compliance (OICRC) website. Students experiencing any form of prohibited discrimination or harassment, including sex or gender-based violence, may seek information and resources at [safe.uoregon.edu](https://safe.uoregon.edu), [respect.uoregon.edu](https://respect.uoregon.edu), or [investigations.uoregon.edu](https://investigations.uoregon.edu) or contact the non-confidential Title IX office/Office of Civil Rights Compliance (541-346-3123), or Dean of Students offices (541-346-3216), or call the 24-7 hotline 541-346-SAFE for help. I am also a mandatory reporter of child abuse. Please find more information at [Mandatory Reporting of Child Abuse and Neglect](#).”