Technology and Internet Law Reading Group

The study of technology law involves close examination of how many prominent areas of U.S. law interact. These areas range from intellectual property to First Amendment rights to Constitutional protections for privacy. The study of the interaction between the law and the Internet is made even more interesting by the fact that the pace of technological innovation constantly raises new challenges to existing doctrines and norms. Most importantly, through the lens of technology, we can examine how legal doctrines and social norms respond to fast change that affects large populations.

This intersection of the law and technology deserves study and deliberation. This reading group aims to bring together students from varied backgrounds to discuss these issues and develop their understandings. In so doing, we develop frameworks for how law might respond to future, unforeseen innovations in the 21st century.

Each reading group discussion will be held for 90 minutes each week over the course of twelve weeks. Under YLS guidelines, participants must attend at least eight discussion sessions (i.e. 700 minutes or more) to receive credit for this reading group. There may also be a thirteenth reading group session if participants would like to cover an additional topic or to meet. The syllabus includes required readings for every week, as well as supplementary items for many of the weeks. It is separated into four sections: Access to the Internet, Expression on the Internet, Privacy, FutureTech.

PART I: ACCESS TO THE INTERNET

Week 1
Introduction: Who runs the web?

Week 1 Folder

Main
1. Lawrence Lessing, Code 2.0: Chapter 1 and Chapter 16 (20 pages)
2. James Grimmelmann, Internet Law: Cases & Problems (ILCP), pages 8-51

Supplemental
1. Video: Lawrence Lessig, “Internet for Everyone”

Week 2
Net neutrality: Do network managers need managers?

Week 2 Folder

Main
1. Susan Crawford, “Why Net Neutrality Matters to You” (3 pages)
2. Sascha Meinrath and Victor Pickard, “Transcending Net Neutrality” (10 pages)
4. Video: Last Week Tonight with Jon Oliver, “Net Neutrality”

Supplemental

Week 3
Right to Access the Internet: Why is the Internet so slow and expensive, and what is the law’s role in fixing it?

Week 3 Folder
Main
3. Sam Gustin, “Is Broadband Internet Access a Public Utility?” in TIME (3 pages)

Supplemental
2. Jon Brodkin, “In Detroit and other cities, nearly 40 percent go without Internet” in Ars Technica (2 pages)

PART II: EXPRESSION ON THE Internet

Week 4
Speech on the Internet: How have social interactions changed with the advent of technology and the Internet?

Week 4 Folder
Main
3. First Amendment Center, “Internet & First Amendment overview” (4 pages)
4. Wikipedia, *Section 230 of the Communications Decency Act*
5. Emily Bazelon, “How to Stop the Bullies” in *The Atlantic* (11 pages)

Supplemental
1. Center for Democracy & Technology, “Intermediary Liability: Protecting Internet Platforms for Expression and Innovation” (15 pages)

**Week 5**

**Copyright and IP: Where did copyright go wrong?**

*Week 5 Folder*

**Main**
1. U.S. Constitution, Art 1, Sec 8, Clause 8
2. Wikipedia, *Copyright Clause*
4. Lawrence Lessig, *Remix*, Chapter 1

**Supplemental**
1. Louis Menand, “Crooner in Rights Spat” in The New Yorker (15 pages)
2. TechDirt, “Lawsuit Filed To Prove Happy Birthday Is In The Public Domain; Demands Warner Pay Back Millions Of License Fees”

**Week 6**

**Internet as a Tool for Activists and Dictators: Is technology a cage or a key?**

*Week 6 Folder*

**Main**
1. Ronald Deibert, John Palfrey, Rafal Rohozinski, and Jonathan Zittrain, “Access Controlled” (Read introduction; 9 pages)
3. Balkin, Old School New School Speech Regulation
4. WSJ Book Review, Consent of the Networked

**Choose one of these groups of readings:**

**Arab Spring**
2. Evgeny Morozov, “Smart Dictators Don’t Quash the Internet” in *Wall Street Journal* (5 pages)

**ISIS**
2. Reuters, “Iraq widens Internet blocks to disrupt ISIL insurgent communications” in Tech2
3. Dave Lee, “Downing Street presses ISPs over ‘jihad reporting’ button” in BBC News

China
1. “China's Internet: A giant cage” in The Economist (5 pages)
2. “Online censorship: HK backspace, backspace” in The Economist (2 pages)

Russia
2. “Russia enacts 'draconian' law for bloggers and online media” in BBC News

Week 7
Cyberwar and Hacking: Does technology threaten state security?
Week 7 Folder
Main
2. Charles J. Dunlap, “Perspectives for Cyber Strategists on Law for Cyberwar,” in Strategic Studies Quarterly (14 pages)
4. John Avlon and Sam Schlinkert, “This is how China Hacks America: Inside the Mandiant Report” in The Daily Beast
5. Brandon Valeriano and Ryan Maness, “The Fog of Cyberwar” in Foreign Affairs (4 pages)

Privacy
Week 8
Data Regulation: What is Big Data and how is it regulated?
Week 8 Folder
Main
1. SAS, “Big Data” (2 pages)
4. Tim Harford, “Big data: are we making a big mistake?” in Financial Times Magazine (5 pages)
5. Jonathan Zittrain, The Future of the Internet, Chapter 9: Privacy (35 pages)

Supplemental
2. Video: Kenneth Cukier, “Big Data is Better Data” in a TEDTalk

Week 9
Right to Be Forgotten: Who owns your data?
Week 9 Folder

Main
1. Natasha Singer, “A Data Broker Offers a Peek Behind the Curtain” in New York Times (4 pages)
5. Frank Pasquale, “The Right to be Forgotten: Not an Easy Question”

Supplemental
1. Charles Arthur, “Explaining the ‘right to be forgotten’ – the newest cultural shibboleth” in The Guardian (9 pages)
2. Google v. AEPD (22 pages)

Week 10
Data Usage, Privacy, and Surveillance: How are people using your data?
Week 10 Folder

Businesses
1. McKinsey, “Big data: The next frontier for innovation, competition, and productivity” (Read executive summary, 15 pages)

Campaigns

Government
THE FUTURE

Week 11
Cryptocurrency

Week 11 Folder

Main – KEEP TO BITCOIN/CRYPTOCURRENCY

2. Adrian Goldberg, “The dark web: Guns and drugs for sale on the internet's secret black market” in *BBC News*
3. FBI Report, “Bitcoin Virtual Currency: Unique Features Present Distinct Challenges for Deterring Illicit Activity” (14 pages)

Supplemental:

1. [Invisible or Deep Web: What it is, How to find it, and Its inherent ambiguity](https://library.berkeley.edu/collections/digital-breakthroughs/online/books/invisible-or-deep-web-what-it-is-how-to-find-it-and-its-inherent-ambiguity), *UC Berkeley Library*
2. Peter Biddle, Paul England, Marcus Peinado, and Bryan Willman, “The Darknet and the Future of Content Distribution” from Microsoft Corporation (15 pages)
3. Timothy B. Lee, “How 4 Microsoft engineers proved that the “darknet” would defeat DRM” in *Ars Technica* (3 pages)
4. Presentation: “Tor: The king of high-secure, low-latency anonymity” from *The Guardian*

Week 12
FutureTech: How will innovation challenge the law?

Week 12 Folder

Conceptual overview on disruptive innovation

1. Christensen on Disruptive Innovation
2. Jill Lepore, *New Yorker* response to Christensen

3D Printing

1. Lisa Harouni, “A Primer on 3D Printing” in a TEDTalk

Driverless Cars

1. “What is a Driverless Car?” in *WiseGeek* (1 page)

3. Mark Herrmann, “Why Driverless Cars Will Wreck Your Legal Practice” in Above the Law (2 pages)