Syllabus

Please note that the specifics of this Course Syllabus are subject to change. Instructors will notify students of any changes and students will be responsible for abiding them. Even if you print this syllabus, please check the online version often.

Description

New information technologies are creating a global economy heavily dependent upon networked information, hardware, software, and electronic commerce, which calls for adaptation of existing legal and business practices. In many cases, these new technologies pose problems with which existing laws or legislation are inadequate to cope, but the complexity of the environment makes new solutions elusive. This course examines the legal, regulatory, and political environment within which intellectual property rights and e-commerce in the information technology environment are evolving. These include examination of contracting issues, licensing of information and products, data protection, patents, cyberspace regulation, and implications for personal privacy. The course also focuses on where technology is making regulation difficult by challenging previous concepts upon which our legal and regulatory systems depend.

IST 432 serves as a required course for the Information Context: People, Organizations, and Society option and as an elective for the other options in the IST major. It is also a required course for the SRA major. Additionally, it can serve as an elective for related programs in other colleges.

Prerequisites

SRA 231 or IST 301

Objectives

By the end of the course, students should be able to:

- Compare and contrast the forms of business organizations and business models available in the Internet and technology sectors
- Summarize the legal process and explain how judges and lawyers use critical reasoning
- Compare, contrast, and evaluate the various types of intellectual property protections
- Apply contract and employment law principles to real-world issues in the Internet and technology sectors
- Describe applicable laws and governmental regulations relating to digital privacy, security, and computer crime

This course is organized into five units of varying length. Objectives for each unit are listed below:

- **Unit 1 (Lesson 1): Business Formation and Business Models**
  - Compare and contrast the forms of business organizations (sole proprietorships, partnerships, corporations, etc.)
  - Explain examples of market and nonmarket innovation catalysts
  - Critique the prevailing Internet business models (free, freemium, subscription, donations, pay what you want, etc.)
  - Summarize the importance of business plans for entrepreneurs
  - Compare the roles of corporate directors, officers, and investors
  - Summarize the processes for changes in corporation ownership and exit strategies

- **Unit 2 (Lessons 2 and 3): Legal Process and Critical Reasoning**
  - Explain sources of American law (primarily federal and state constitutions, statutes, regulations, and common law)
  - Illustrate the interaction of and relationship between various court systems (federal and state, trial and appellate)
  - Develop case briefs based on assigned judicial opinions
  - Describe the basic steps in litigation, from the development of a dispute through the pleading, trial, and appeal processes
  - Describe jurisdictional issues that arise when business is conducted electronically, rather than face-to-face
  - Compare and contrast forms of alternative dispute resolution, including negotiation, mediation, and arbitration

- **Unit 3 (Lessons 4-7): Intellectual Property**
  - Describe the policy rationales underlying trademarks
  - Discuss how trademark law relates to Internet domain name disputes
  - Determine where marks fall on the trademark distinctiveness spectrum
  - Explain the constitutional basis for copyright and patent law
Explain the constitutional basis for copyright and patent law
Debate the pros and cons of various scopes and exclusivity periods under copyright and patent law
Evaluate the effectiveness of various measures taken to protect trade secret status

Unit 4 (Lessons 8-10): Transactional Law
Explain general contract law principles, including the purpose of contracts, contract formation, contract performance, breach, and contract remedies
Classify examples of free and open source software agreements

Unit 5 (Lessons 11-12): Regulatory, Compliance, and Liability Issues
Discuss the relationship between laws and regulations
Identify several ways antitrust law have been applied to online activities
Explain the requirements for a state to obtain tax jurisdiction over an out-of-state business operating online
Describe various ways that governments have sought to regulate Internet content, including user-generated content
Describe constitutional sources of the right to privacy, and common law torts for the invasion of privacy
Explain the key federal laws that regulate privacy, including the GLBA, COPPA, HIPAA, and ECPA
Outline the key elements of a crime
Explain how the Internet has impacted the possibilities for and execution of criminal conduct
Discuss the laws under which cybercrimes may be prosecuted
Describe the importance of technology transfer and licensing agreements

Instructor
Marc Friedenberg, mfriedenberg@ist.psu.edu. My office hours are Mondays, 1-3p, in 101L IST.

Instructor information can be found by selecting People in the left menu and selecting the Teacher name.

Please visit your Canvas Inbox for all course-related email, including messages to your instructor(s) and fellow students. Every attempt will be made for the instructor (or a substitute) to respond to email questions within 24 hours.

Learning Assistant
Quinn Brisbon
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Office hours: Wednesdays, 2-3p, Reese's Cafe

Materials
Course materials will be provided as appropriate throughout the semester. There is no need to purchase a book.
We participate in Penn State's Student Newspaper Readership Program (http://newspapers.psu.edu/), through which you'll get complimentary access to the Digital New York Times and several other newspapers. You should read the Times every day to stay abreast of current developments relating to security and risk analysis; I'll also highlight links of interest.

If you're interested in learning more about cyberlaw, here are some links of interest:

- **Official IST 432 Library Course Guide** (http://guides.libraries.psu.edu/up/ist432)
- **A list of IST 432-related current events that I maintain** (https://pinboard.in/u:mfriedenberg/t:ist432)
- **WSJ Law Blog** (http://blogs.wsj.com/law/)
- **Columbia Science and Technology Law Review** (http://www.stir.org/)
- **Cornell University Legal Information Institute** (http://www.law.cornell.edu/)
- **Coursera – Law and the Entrepreneur** (https://www.coursera.org/course/law)
- **Coursera – Constitutional Law** (https://www.coursera.org/course/conlaw)
- **Codev2 by Lawrence Lessig** (http://codev2.cc/)
- **Findlaw’s Cyberspace Law News** (http://news.findlaw.com/legalnews/scitech/cyber/)
- **Casetext communities** (I recommend looking at the communities for antitrust, copyright law, patent law, trademark law, communications and telecom law, tech law, and privacy and security) (https://casetext.com/communities)
- **Bloomberg BNA Computer Technology Law Report** (http://news.bna.com/cctl/)(you may need to be on campus or connect through Penn State’s VPN to access this)
- **Bloomberg’s 2017 Outlook for IP, Privacy, Tech & Telecom** (http://images.about.bna.com/Web/BloombergBNA%7B16497bc2-df58-46a7-8421-4164766a3527%7D_2017_OutlookIPPrivacyTechTelecom.pdf) – this is loaded with good options for Emerging Trends topics
- **A good list of potential research/emerging trends topics** (http://www-personal.umich.edu/~jdlitman/classes/cyber/Topics2013.html)

**Assignments and Grading**

Unless otherwise noted, the submission requirement for assignments is on the due date. Submission details will be provided with the assignment. See the course policies for related information (including late submissions).

**Grade Assignments**

Students are guaranteed the following grade assignments if they meet the cutoff points listed in the table below.

**Course Grading Scale**

The following are minimum cutoffs for each grade, out of 1000 points available through the semester:

- 930 points = A
- 900 points = A-
- 870 points = B+
- 830 points = B
- 800 points = B-
- 770 points = C+
- 700 points = C
- 600 points = D
- less than 600 points = F

The above cutoffs are never raised; in rare circumstances, the instructor may elect to slightly lower some cutoffs at the end of the semester when assigning grades. Any adjustment would be made uniformly to all students.

Your grade will be based on the following assignments:
<table>
<thead>
<tr>
<th>Assignment Category</th>
<th>Number of Assignments</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Briefs</td>
<td>5 (35 points each)</td>
<td>175</td>
</tr>
<tr>
<td>Emerging Trends</td>
<td>5 milestones, worth 15, 50, 40, 125, and 35 points, respectively</td>
<td>265</td>
</tr>
<tr>
<td>Other</td>
<td>3 (10 points each)</td>
<td>30</td>
</tr>
<tr>
<td>Quizzes</td>
<td>11 (40 points each)</td>
<td>440</td>
</tr>
<tr>
<td>Response Essays</td>
<td>3 (30 points each)</td>
<td>90</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td></td>
<td><strong>1000</strong></td>
</tr>
</tbody>
</table>

*Since our policy is uniform consideration, we do not respond to individual requests for special consideration.*

**Course Policies and Expectations**

- Logging into Canvas - Students are expected to login regularly to check for course updates, announcements, emails, discussions, etc.
- Emailing through Canvas - Students are expected to use Canvas for all course email communication.

**Assignments**

All assignments (quizzes, projects, etc.) are considered individual unless (were offered) students elects partner/team options and clearly indicates at the time of submission. Note that we do not accept assignments sent to instructors via email or as an email attachments.

**Late Assignments**

Students are responsible for completing their own work and submitting them as directed on the assignment. All assignments must be completed on time to receive credit, unless prior permission has been given by the instructor. Where prior permission isn't given, 10% will be deducted per day. Since assignments are noted in the syllabus and are given well in advance, students are encouraged to complete assignments well before the due date.

**Technical Difficulties**

To minimize technical difficulties submitting assignments, students are required to submit early and verify submission success. Practice submission practice assignments and notify instructors if you need assistance. Extensions may be provided in rare instances of PSU Course Management System (e.g. Canvas) outages; outages may be verified at [http://alerts.its.psu.edu/index.php](http://alerts.its.psu.edu/index.php)

It is the University¹, IST College² and course policy to enforce academic integrity in this course. In addition, students should understand that the value of the PSU diploma is related to the quality of the learning. The value of a diploma from a school that does not actively maintain integrity would be low, hurting all students.

¹ "May no act of ours bring shame," from the Penn State Alma Mater by Fred Lewis Pattee; See also, [http://www.psu.edu/oue/integrity.html](http://www.psu.edu/oue/integrity.html)

² See [http://ist.psu.edu/current-students/academic-integrity](http://ist.psu.edu/current-students/academic-integrity)

The use of work by other students is specifically prohibited and subject to the University's Academic Integrity provisions (see "Academic
We specifically ask that you do not share files or answers. Note that projects are creative works that must be "materially unique" from other students. In addition to unique content, we also expect a unique presentation "look and feel" (i.e. the visual appearance comprised of a consistent color scheme, layout, typography, design treatments and graphic elements working in harmony).

http://turnitin.psu.edu: When directed, students in our course are required to register with, and submit files of written papers to, this web-based plagiarism detection and prevention system.

Severe Penalties: The first academic integrity violation will result in a point reduction equal to 1-1/2 times the maximum original point value of the assignment involved, increasing to 2 times on the second violation. A third violation will result in failing the course. Violations may be on the same or different assignments. Courses failed for academic violations may be noted on the student transcript. When in doubt meet with instructors prior to submission.

Quizzes and Make-up Quizzes

Each multiple choice/short answer quiz builds on previous course material, but is technically not comprehensive. You will be allowed to use both sides of a single-sheet (8.5” x 11”) of personally hand-written notes (i.e., no photocopies, printing, etc.) during the quiz, but not any other materials.

Make-Up Quizzes

Students typically have one-week to complete assignments, so make-up quizzes are NOT available. If an approved university excuse listed above interferes with a student submission, a comprehensive make-up quiz will be offered finals week as an alternative. In general, the earlier a student notifies the instructor the more options are available.

Emerging Trends

Groups of students will select an emerging trend or current event in the area of cyberlaw (see the links in the “Required Text” section of the syllabus for possible sources to help you identify these areas; you may also wish to consult the IST librarian). With your group, you’ll be creating a VoiceThread presentation and related materials on an emerging trend. After refining your presentation based on my feedback, other groups in the class will watch your presentation and prepare answers to discussion questions that you’ve posed.

Grade Distribution and Grades

1. In accordance with the University policy AD11 on Confidentiality Of Student Records grades or other student records will never be provided by telephone, email, or to third parties. If you have difficulty in accessing your grades, or if you feel a recorded grade may be in error, you should contact the instructor.

2. Student grades are posted in Grades, and students are responsible for monitoring grades.

3. Problem Resolution Time Limits: Written documentation of any problem related to score assignment must be sent via email to "All Faculty" from the Course Management System within one week from the date scores were first reported.

4. Caution: until the semester ends, Grades may “ignore” zero-grade assignments; this may result in students being presented an artificially high grade.

Resources

Find extensive information and links to many resources, including the Penn State library, web conferencing, course tools, writing help, and much more on the Resources page.

University Policies

Review current information regarding Penn State policies, including Academic Integrity, Disability Accommodations, Military
Review current information regarding Penn State policies, including Academic Integrity, Disability Accommodations, and many others on the University Policies page.

Schedule

The following schedule outlines the topics covered in this course, along with the associated time frames, readings, activities, and assignments. All due dates reflect Eastern Time (ET). Specifying the time zone ensures that all students have the same deadlines, regardless of where they live.