

Syllabus
Cyber Law Seminar:
Law and Policy Issues Concerning Digital Technology, the Internet, and the Digital Divide
Associate Professor Mtima
Spring Semester 2005

Date Distributed: January 20, 2005

Course Number: 636

Section: 01

Semester Hours: 3

Office Hours: Tuesdays, Thursdays and Fridays, 12-12:30; 3:30-5, and by appointment

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Class Meets in Room: G113

Class Meets at: 11:00-12:15, Tuesdays and Thursdays

Final Papers Due Date: Last day of class at 5:00 p.m.

Details on Computing Class Participation Points: Class participation will count for up to 10 points of your grade, with the remaining points to be determined from your performance on the final paper and class presentation. **Chronic un-preparedness will reduce your final grade by as much as 5 points.**

The Law School Attendance Policy will be strictly enforced. Regular and punctual class attendance is required. A student's absences must not exceed 25% of the regularly scheduled class meetings. Late arrival to, and/or early departure from class will constitute an absence for purposes of recording attendance. **You are responsible for all information announced in this syllabus and/or in class; e-mail and similar requests that such announcements be repeated will not be acknowledged or otherwise responded to.**

On Cheating: Please read the Academic Code of Conduct, which is published in the AH-Book, and the Student Reference Manual and Directory of Classes.

Incompletes: The University policy regarding Incompletes will control in this matter.

ADA Procedures: Howard University is committed to providing an educational environment that is accessible to all students. In accordance with this policy, students in need of accommodations due to a disability should contact the Assistant Dean for Student Affairs and Records, Denise L. Spriggs ((202) 806-8006), for verification and determination of reasonable accommodations as soon as possible after admission to the Law School, or at the beginning of each semester.

IF YOU ARE A GRADUATING STUDENT YOU MUST PLACE A AG@ ON YOUR PAPER. IF YOU FAIL TO DO THIS YOUR PAPER WILL NOT BE GRADED IN SUFFICIENT TIME TO ALLOW YOU TO GRADUATE.

COURSE OBJECTIVES:

This seminar course examines the body of jurisprudence, including the relevant state and federal statutes, which govern the legal rights and relationships arising in connection with the development, use, and dissemination of computer software, digital information, and similar kinds of intellectual property, in private, consumer and commercial transactions. The course begins with an examination of the development of computers and computer programming, as well as a discussion of other “new” forms of intellectual property such as indigenous art and culture, and the position of such expression in the traditional intellectual property framework. The seminar then charts the discovery and commercial exploration of cyberspace, and analyzes on the one hand, the effects of network economics and traditional intellectual property legal canons on the proliferation of these technological options, and on the other, some of the social reverberations which flow from these developments, such as the ADigital Divide@.

The course emphasizes the social policy objectives of intellectual property protection, including but not limited to the judicial mechanisms and legal remedies available under trade secret, copyright, patent, and trademark law, intended to stimulate creative enterprise as well as the beneficial dissemination of new achievements. Students are encouraged to consider and/or propose in their paper topics unique questions regarding these objectives as they relate to new technologies, including any special implications for the African American community and similarly dis-empowered or disenfranchised groups, particularly with respect to their place in modern commercial society.

REQUIRED CASEBOOK AND SUPPLEMENTAL READING:

Paul Goldstein, *Copyright, Patent, Trademark and Related State Doctrines*, (Foundation Press Revised Fifth Ed.)

Supplemental Reading List (*see below*)

Reading Assignments:

Introduction

- Mtima, *Tasini and Its Progeny*, 14 Ford. Int. Prop. Media & Ent. L.J. 369 (2004) Part II
- Appel, *Copyright, Digitization of Images, and Art Museums*, 6 UCLA Ent. L. Rev. 150 (1999)
- Nyguyen,
- Lipson,
- Walton, *Technology Versus African-Americans*
- Farley,

Software

- Mtima, *Protecting and Licensing Software*, Introduction and Part I
- Goldstein Casebook Part IV
- Falling Through the Net: Defining the Digital Divide*, NITA, U.S. Dept. of Commerce
- Novak & Hoffman, *Bridging the Digital Divide: The Impact of Race on Computer Access and Internet Use*, 2000.ogsm.vanderbilt.edu
- Harris, *Bringing a Nation Online*, civilrights.org/publications/bringinganationonline
- Cooper, *Inequality in the Digital Society*, 20 CDZAJELJ 73 (2002)
- Henderson, *debacle.com*, Emerge May, 2000, p. 37
- Mtima, Part II; Mtima, *The Hunt for A Clear October*, 3/12/97 ANIPLR 20 (1997)
- Rose, *Patent Monopolyphobia*, 49 CWRLR 509 (1999)

The Internet

- Mtima, *Protecting Trademarks and Copyrights on the Internet*; selected cases
- Lee, *Cyberbanking: A New Frontier for Discrimination?* 26 Rutgers Comp. & Tech. L.J. 277
- Kennard, *Equality in the Information Age*, 51 Fed. Comm. L.J. 553 (1999)
- Leary, *Unfairness and the Internet*, www.ftc.gov/speeches/leary/unfairness.htm
- Rose, *Johnny Can Read, But Can He Surf?* 1 Minn. Intell. Prop. L. Rev. 79 (2000)
- First and Hart, *Access to Cyberspace*, 31 J.L. & Educ. 385 (2002)
- Celli and Dreifach, *Postcards from the Edge*, 20 CDZAJELJ 53 (2002)
- Smith, *Patent This!* ABA Journal March 2001, p. 49
- Jerry Kang, *Cyber-Race*, 113 Harv. L. Rev. 1131

The Digital Divide

- Ford-Livene, *New Approaches to Minority Media Ownership*, 51 Fed. Comm. L.J. 577 (1999)
- Baynes and Bush, *The Other Digital Divide*
- Worthy, *Racial Min. & the Quest to Narrow the Dig.Div.*, 26 Hastings Comm. & Ent. L. J. 1
- Spectar, *Bridging the Global Digital Divide*, 26 N.C.J. Int'l Law & Com. Reg. 57
- Pulley, *Blowin' Smoke?* Savoy Magazine, April, 2001 p. 60
- Digital Empowerment Act (*text of proposed Congressional Bill*) LEXSEE 106 S. 2229