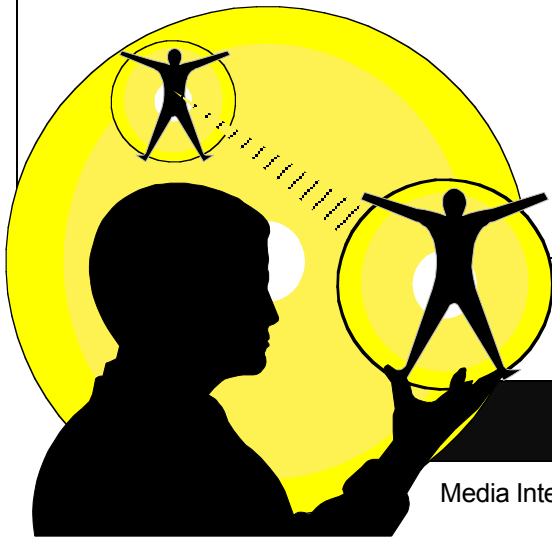


Dr. Rita Lauria
Spring 2013

Legal Issues & New Media

COMM 422



Media Interface & Network Design™ (M.I.N.D.) Labs



Legal Issues & New Media: Course Description and Objectives

A parallel universe of pure information exists simultaneously with that of mass. This "as if" realm is commonly known as cyberspace. It is a virtual reality. John Walker, who headed Autodesk, Inc., defined cyberspace as "a three-dimensional domain in which cybernetic feedback and control occur (See John Walker, "Through the Looking Glass," in The Art of Human-Computer Interface Design, ed. Brenda Laurel, Addison-Wesley Publishing Company, Inc., 1990, p. 444).

Randy Walser, another cyberspace developer, noted there are two cyberspaces: cyberspace the communications medium, and cyberspace the phenomenon.

Cyberspace the phenomenon is analogous to physical space. Just as physical space is filled with real stuff (so we normally suppose), cyberspace is filled with virtual stuff. Cyberspace, the medium, enables humans to gather in virtual spaces. It is a type of interactive simulation, called a *cybernetic simulation*, which gives every user a sense that he or she, personally, has a body in virtual space. (See Randy Walser, "Elements of a Cyberspace Playhouse," in Proceedings of National Computer Graphics Association '90 (1990), p. 405).

The course catalogue describes this course as examining the laws and regulatory policies shaping new media, especially the Internet, and the impact of regulation on the development and use of communication technology. We will also look at the foundations and development of the Internet and will examine the phenomenon of cyberspace itself as it is within the context of cyberspace that new media develop and are employed. First, we will take a brief look at the historical development of the Internet and advanced computing. This development allowed for new media communications. Then we will jump ahead, taking a look at some potential legal issues relevant to the future of new media, specifically looking at avatars and virtual environments. In addition, in this introductory curricula component for the legal environment of new media, we will examine the phenomenon of cyberspace, looking at it scale, its mapping, the value of networks, and the theories of governance, or shared principles, norms, rules, decision-making procedures, and programs that shape the evolution and use of the Internet. In the remainder of the course, we will cover specific legal issues, including intellectual property rights, freedom of expression on the Internet, privacy, security, cyber crime, and jurisdiction and zoning as it relates to the Internet. We will examine Ecommerce laws and regulations, learning about structuring and drafting web site terms and conditions, privacy polices, and other important legal considerations and best practices for new media development and use. By the end of the course students should have a good understanding of the basic principles underlying the regulation of new media as well as a deep appreciation for the potential of these new media to drive change in the legal environment.

The goal of this course is primarily to introduce you to a subset of problems lawyers address as these new media develop and cyberspace grows. Another goal is to introduce you to professionals working in areas where law and new media converge.



We may have guest lecturers who will share their expertise in Trademark Law, Cyber crime, and other topics. Finally, a goal of this class is to give you some practical tools you can use as you develop your own new media communications.

Students will examine legal principals affecting the use and growth of cyberspace with an emphasis on the Internet, including the following:

- **Jurisdiction**
- **Copyright**
- **Trademarks and domain names**
- **Patent law**
- **Spam and cyber crimes**
- **Privacy polices/protections**
- **Emerging liability issues in social networking**
- **First Amendment**
- **Contracts**

Instructor Information

Instructor: Dr. Rita Lauria

Bio

Rita Lauria, JD, PhD former Associate Professor of Communications Law and New Media at the University of North Carolina currently practices law in Los Angeles while continuing to extend an understanding of mind and media. Rita is Research Associate of the Media Interface and Network Design (M.I.N.D.) Labs (<http://www.mindlabs.org>), an international consortium of networked researchers who probe the development, design, and effects of advanced new media technologies. The lab's work involves a focus on technology in the context of human use and cognition, with the design goal of finding human-computer interaction techniques that amplify cognitive processes. These include perception, pattern recognition, creative thought, decision-making, and memory. Lab work proceeds through different areas of research: embodied computing, intelligent environments, networked minds, psychosocial effects, and ecommerce. Rita's early work with the M.I.N.D. Labs fell within the area of embodied computing, with a research program focused on **Virtuality**. She looked at **Presence in Virtual Environments** and worked towards building a conceptual framework for the understanding of **Virtuality**. Currently, she expands this interest to ecommerce, where she investigates the potential of new media to drive change in communications and intellectual property law.



Rita has worked and lived in several countries, living most recently with the indigenous people of Micronesia where she served as Advisor for Communications to the Secretary (Minister) of Transportation, Communication, and Infrastructure of the Federated States of Micronesia (FSM) (<http://www.visit-fsm.org/>). Her research and work incorporates this experience, looking at how changes in new media technology drive social, political, and legal change by driving changes in the nature of commerce, and therefore in social needs and expectations. Her early *Law and Regulation of International Space Communication* stands as a foundational reference work. This work looked specifically at the changes in international communications law among nations and the impact upon policy and regulatory regimes brought about by new communications media.

Office/ ASC 323
Office Hours: By appointment. I will be sharing office space with other instructors. Therefore, while students may generally find me in this shared space immediately prior to class, I advise emailing me to set a firm appointment. I will make every effort to accommodate students prior to class pm. Please feel free to email requesting a time to meet. I will make every effort to make myself available if the need arises.

Home Phone: To be given in class. For emergencies or any other matter of great importance, I am available at my home. Please respect the use of this number.

Email: lauria@usc.edu or rlauria@att.net

Format

We will meet once a week from 6:30– 9:20 pm. During this time we will discuss the assigned readings for the day, enjoy the presentations of any guest lecturers, or attend to other business as dictated by the natural flow of the class. My style is to complete coverage of all assigned material. However, I realize flexibility is necessary as unanticipated issues may come up. Therefore, while the pace of our class will be driven by the goal of completing each component topic as listed in the syllabus, I reserve the right to make changes when necessary to the class calendar.

Please note: If an emergency or other relevant life event occurs to interfere with a student's ability to keep up, please notify me as soon as possible. I will make every effort to accommodate each student should a time of great need arise.



Class Format

Presentations and discussion lead by Dr. Lauria, guest presenters, or student discussants.

Time

Time: Monday –6:30– 9:20 pm

Requirements:

Students should come prepared to discuss the readings assigned for the day and be familiar with the key principles, laws, regulations, theories, and concepts presented in those readings.

Attendance: Mandatory. *I will start each class on time. We also may have guest presenters to our class. Therefore, students must be on time and prepared to participate. We may also have unannounced quizzes. No make-ups will be allowed.*

Student Information Sheet: *All students must complete a student information sheet by the first day of class. This info sheet can be found on Blackboard under “Content.” Please download the sheet, fill it in, either scan and email it me prior to the start of class or bring it with you on the first day of class. The phone number and email address should be accurate and current.*

Academic Integrity: *Enrollment in this class means that you agree to abide by the expectations of the Annenberg School for Communication and the University of Southern California about academic integrity. Consult the University’s Academic Integrity code as set forth in the Scampus guide. The School of Communication follows the policy of reporting all violations of the code. Avoid cheating, plagiarism, and improper or illegal use of technology. Any questions you have please consult Dr. Lauria. Any such impropriety will result in a failing grade for the class and the student’s expulsion from the Communication major or minor.*

Equity Policy: *All persons regardless of age, race, religion, gender, physical disability, or sexual orientation shall have equal opportunity without harassment in this class. Any harassment should be reported immediately to either the classroom instructor or to the Department Head.*

ADA Compliance Statement



“Any student requesting academic accommodations based on a disability is required to register with Disability Services and Programs (DSP) each semester. A letter of verification for approved accommodations can be obtained from DSP. Please be sure the letter is delivered to me as early in the semester as possible. DSP is located in STU 301 and is open 8:30 a.m. – 5:00 p.m., Monday through Friday. The phone number for DSP is (213) 740-0776.”

Counsel: *please feel free to meet with me to discuss any problems you may encounter with the course or with your assignments, or simply just to talk. Make an appointment to set a time.*

Readings & Resources

Some readings are available online. In some cases there are printed readings, which I will either make available in class or will put in the Annenberg Resource Center – ASC 104.

Required text:

Title: ISSUES IN INTERNET LAW: SOCIETY, TECHNOLOGY, AND THE LAW, 2012 7th EDITION
Author: KEITH B. DARRELL ISBN: 978-1-935971-00-9

Fair Use of articles posted on Blackboard from ***Cyberlaw: Problems of Policy and Jurisprudence in the Information Age*** (Patricia L. Bellia, Paul Schiff Berman, Brett M. Frischmann, & David G. Post, David, 4th Ed. 2011) will be found on Blackboard, hereinafter “***Cyberlaw***.”

While I do not require you purchase the Bluebook, you will be required to use the BlueBook for citation style.

THE BLUEBOOK: A UNIFORM SYTEM OF CITATION Edition: 19th ed., 2010
ISBN: 9780615361161

Library Research Guides – Access many electronic research resources here: <http://libguides.usc.edu/communication>

How to brief a case – See: <http://www.lawnerds.com/guide/briefing.html>

Some Websites:



Cyberlaw – Cyberspace Law Bibliography <http://www.gseis.ucla.edu/iclp/bib/html>

The UCLA Online Institute for Cyberspace Law and Policy: <http://www.gseis.ucla.edu/iclp/hp.html>

Berkman Center for Internet & Society: <http://cyber.law.harvard.edu/>

Stanford Law School – The Center for Internet and Society: <http://cyberlaw.stanford.edu/>

Electronic Frontier Foundation: <http://www.eff.org/>

Creative Commons: <http://creativecommons.org/>

Social Science Research Network: www.ssrn.com (type in author's name or title to pull articles)

Los Angeles County Bar Association, Entertainment Law and Intellectual Property Section, Resource & Materials Page:
<http://www.lacba.org/showpage.cfm?pageid=11043>

Guest Presentations

During the semester we may have different specialists visit our class. These people have freely given of their time to meet with us and to share their expertise. I expect every student to be present on the days specifically scheduled to welcome our guests. Points will be deducted for unexcused absences on these days (See immediately below). If you have an emergency or know that you must be absent on one of the days scheduled for a guest lecturer, please notify me in advance.

Grading & Assignments

Students will be graded on their performance in the following areas, with 100 points maximum.

Participation/Attendance/Quizzes	10%
Topic/Project Proposal	15%
Paper/Project Proposal (Due Midterm)	30%
Research Paper/Project /Presentation	45%
Guest Presenters Dates TBD	



Note: Depending on the class constituency and size, I reserve the right to modify these assignments as necessary.

Final Presentations will take place and on the scheduled Final Exam Date & Time and if enrollment numbers necessitate, a portion of the last week of scheduled class may also be set aside for student presentations.

Final Exam schedule - http://www.usc.edu/academics/classes/term_20131/finals.html

Final exam scheduled on Thursday, May 8, 5:00-7:00 pm.

Research Project

Departmental requirements for 400-level classes and above require a research and writing component. Your work in COMM 422 will culminate in a final research paper or new media project, incorporating all applicable legal issues you learned about throughout the semester. You are to submit a brief topic or project proposal that describes what you intend to research and to write about or the project you intend to build. You must also submit a more detailed paper or project proposal (See Appendix below).

Written assignment and/or Project Production:

If you choose to write a research paper for your final project, the paper will be based on relevant case law, law review articles, and professional legal publications, whether trade or other refereed journals. You must use a legal methodology when writing about the topic of your choice, whether it be on privacy, copyright, cyber crime, First Amendment issues related to new media, or any other specific issue you find fascinating, disturbing, or just plain fun. You must use and follow the style of *The Bluebook: A Uniform System of Citation* to cite all references. This Bluebook is available in the law school library, or you may purchase a copy from the bookstore. Consult the most recent edition for proper citation form when citing references in your paper. While you are probably accustomed to using APA, MLA, or other style guides, learn and use *The Bluebook* method of citation for the required written work in this class.

If you choose to produce a new media project, substantial theoretical and methodological grounding must subtend the conception and design of the project. Such projects must incorporate sound legal principles and practices as covered in the readings and/or as discussed in class. Examples of such new media projects include student-developed websites, blogs, digital stories, Second Life worlds, ecommerce outlets, professional social networking sites, wikis, digital portfolios that showcase you or another, or other new media works. For instance, if you choose to build a website, you must consider all relevant legal issues we will discuss,



e.g., terms of service, privacy notices, DMCA compliance, use of intellectual property, choice of law and forum, data security, and any other legal condition that we cover in class or in the required reading.

The goal is to allow you the opportunity to create a new media project that not only applies the principles of law you have learned in class but that also allows you to build a tangible, creative piece that you can use to illustrate your abilities to potential employers or to others. (Depending upon the breath of concept and development of the project, students may work as a team of developers. All team projects must be proposed as such in early February in the brief Project Proposal and are subject to approval by instructor. This due date ensures early consultation with your instructor and is required).

Whether a paper or a project, you should pick a topic of interest to you and build around this. If you choose to write a research paper, prepare a 20-25 page, double-spaced, paper – due on the day of your presentation. Completion of new media projects will be due also on the day of their presentation.

Each student will be required to give a 10-15 minute presentation of her/his project or paper. These presentations may begin in the last week of class and conclude on May 3 - the final examination period. Every student will support their classmates by attending all the presentations whether they have presented their paper or project or not. A sign up sheet for presentation day will be available by mid-semester.

Classroom Presentation

The final exam period, and if necessary, a portion of the last day of classes, will be devoted to student presentations of their final projects or research papers. Presenters are expected to prepare a 10-15 minute presentation, informing the class of the legal topic chosen, the thesis argued, and why this particular topic/thesis/argument is of interest and importance. You will brief the class on your findings and conclusions. You may prepare a powerpoint show to accompany your presentation, but are not required to do so. However, proper design and use of visual aids are proven to be effective when conveying knowledge and may result in a higher grade accordingly. New media projects will be visually presented.