

# Syllabus for EBUS 630 (Social, Legal, Ethical and Regulatory Issues)

## Course Description

This course focuses on the protection of intellectual property on electronic networks through trademarks, copyrights and patents. Privacy and liability issues will be examined in areas that include the handling of e-mail, the electronic dissemination of data and the regulatory requirements for the safeguarding of confidentiality of information. Society's responsibility to provide universal availability of web-based technologies is considered, and an ethical framework for the development and implementation of EC applications is developed.

## Course Goals/Objectives

Once students complete this course they should be able to:

- Describe and analyze the importance of ethical considerations in the design and implementation of e-commerce systems.
- Identify and evaluate appropriate means of protecting intellectual property placed on e-commerce systems utilizing current trademark, copyright, and patent laws.
- Review the issues of free speech, obscenity and defamation in an online environment.
- Explain and analyze the privacy and liability issues to be considered in designing and implementing e-commerce systems.
- Apply an understanding of the need to balance the openness of e-commerce systems with the need for security and privacy protection.
- Identify and utilize procedures for maintaining the confidentiality of information transmitted by e-commerce systems.
- Investigate and interpret the legal liability of e-commerce managers for violating intellectual property laws and e-commerce regulations.

## Course Materials

### 1. Cyberlaw Text and Cases (2<sup>nd</sup> Edition)

*Author(s):* Gerald R. Ferrera, Stephen D. Lichtenstein, Margo E. K. Reder, Robert Bird, William T. Schiano

*Publisher:* South-Western College/West (2003)

*ISBN:* 0324164882 {available at [Amazon.com](http://Amazon.com)}

### 2. Publication Manual of the American Psychological Association

*Publisher:* American Psychological Association (APA)

*ISBN:* 1557987912 {available at [Amazon.com](http://Amazon.com)}

## Online Readings

Additional readings in e-commerce law, ethics, and regulations provided by the professor via URL links to other web pages below:

1. EPIC Online Guide to Privacy Resources  
[http://www.epic.org/privacy/privacy\\_resources\\_faq.html](http://www.epic.org/privacy/privacy_resources_faq.html)
2. Legislation and Regulation Issues Archive  
<http://www.eff.org/pub/Legislation/>
3. Patent and Trademark office  
<http://www.uspto.gov/>
4. Center for Democracy and Technology  
<http://www.cdt.org/>
5. Copyright Information  
<http://bmi.com/licensing/>
6. U.S. Court Information  
<http://www.uscourts.gov/>
7. West Business Law: Court Procedure Cases  
[http://www.westbuslaw.com/topic\\_court.html](http://www.westbuslaw.com/topic_court.html)
8. The Law Letter - National Legal Research Group  
<http://www.nlr.com/lawlet/lawlet.htm>
9. CSO: Legislation to Watch  
<http://www.csoonline.com/politics/>
10. The law Library - LawFlorida.net  
<http://www.lawmiami.net/lbry/thelibry.htm>
11. Findlaw Search Engine  
<http://www.findlaw.com/>

## APA Style Guide Reference Sources

- [http://www/ldl.net/-bill/apat\\_index.htm](http://www/ldl.net/-bill/apat_index.htm)  
[http://webster.commnet.edu/apa/apa\\_index.htm](http://webster.commnet.edu/apa/apa_index.htm)  
<http://www.newark.ohio-state.edu/~osuwrite/apa.htm>

## Project Descriptions

On selected *Modules* students are expected to submit **substantive** individual assignment(s) or Application Papers that address all of the issues and questions asked. Please submit a professional analysis that meets the length requirement indicated, responds to the questions

and issues raised, demonstrates a thoughtful synthesis of the assigned readings, and makes detailed references to the concepts and issues covered in the textbook(s) materials.

Make sure you **read** each *Module* assignment carefully and thoroughly and answer **all** parts completely. Indicate which parts of the question(s) you are addressing by clearly labeling or numbering your analysis and separating your answers. Please properly reference in **APA format** all the information and quotes (whether quoted verbatim or paraphrased) you include to support your analysis. *Plagiarism* will not be tolerated.

### **Assignment #1 – Due Module #3**

As a Web site operator, what steps would it be important to take in order to avoid being subject to the jurisdiction of the courts in every state in which your site is accessed?

Please type your substantive answers (750-850 words) and post in the Assignments area (labeled *Module 3*). Write substantively but concisely and professionally. Clearly label and address the issues raised and support your reasoning with specific examples. Make sure you incorporate relevant information and cases from this week's readings into your analysis. Work turned in must be your own, written in your own words. You must follow the proper APA style for all in-text citations as outlined in the UMUC guidelines provided.

### **Assignment #2 – Due Module #5**

Paula Professor has developed her own extensive notes, which she uses in her Legal Environment classes to teach. These notes are in both Microsoft Word and on Power Point slides. She decides, for the ease and convenience of her students, to make them available to her students. She purchases fifty disks and makes fifty copies of her notes, which she sells, to students for \$8.00 each. The disk label states, "Paula Professor's Legal Environment Class Notes, Fall - 2005". A group of twenty students chip in \$.40 each and buy one copy. They then reproduce the disk making copies for each contributor.

Paula feels cheated and betrayed and orders the twenty students to erase the disks or surrender the copies to her in exchange for blank disks. They refuse and Paula asks you what her rights are. What would you tell her? Do the students have a valid argument that might legitimize their actions?

Please post your substantive answers (at least 950-1,100 words) in the Assignments area (labeled *Module 5*). Make sure you incorporate relevant information and issues from the textbook readings to support your analysis and conclusions. Work turned in must be your own, written in your own words. You must follow the proper APA style for all in-text citations as outlined in the UMUC guidelines provided. Responses will be judged on the ability to critically analyze and clearly discuss the issues raised by the assignment, the correctness of your answers, the proper organization and formatting of your discussion, and the thoroughness and logic of the analysis.

### **Assignment #3 – Due Module #11**

One of the most controversial issues about UCITA is whether licensing terms limiting or prohibiting copies of the licensed information are enforceable. The federal copyright laws provide for a defense to copyright infringement based on Fair Use, which includes excerpts copied for assigned class readings under certain circumstances.

The college subscribes to a data bank of business related articles. Students are free to access the data bank and print articles or parts of articles that they need for class or for research. The data bank license prohibits copying of the licensed information. Sam Student downloads and prints an article about e-commerce in the college computer lab. Please analyze and address both (a) and (b) questions below:

- (a) Has the college violated the terms of the license?
- (b) Has Sam violated the terms of the license?

Please post your substantive answers (950-1,100 words) in the Assignments area (labeled *Module 11*). Make sure you incorporate relevant information and issues from the textbook readings to support your analysis and conclusions. Work turned in must be your own, written in your own words. You must follow the proper APA style for all in-text citations as outlined in the UMUC guidelines provided. Responses will be judged on the ability to critically analyze and clearly discuss the issues raised by the assignment, the correctness of your answers, the proper organization and formatting of your discussion, and the thoroughness and logic of the analysis.

### **3. Mid-term Research/Term Paper {25%} (Module 8)**

Each student will have to complete and submit a graduate-level term paper. This is an individual assignment that each student must complete on his/her own. Its purpose is to give the student an opportunity to bring the information and concepts of the course to bear on a topic, issue, or project with which he or she is concerned. Term papers must demonstrate graduate-level work, including writing ability and professional appearance and organization. The test of a good paper is, "Are its conclusions compelling as judged by their significance and supporting arguments?"

#### **A. Type of Paper**

The paper should examine one of three possible topical area presented below (*section C*). Students may also choose a related topic area, but can only do so with the **professor's** expressed and written prior **approval**. Purely technical papers are unacceptable. The paper should address current social, legal, ethical, and regulatory issues and policies. At a minimum the paper should include one case study (additional case studies are helpful) and two recent and relevant court cases. The paper must state a thesis and, based on the research, undertake to prove or disprove that thesis. The paper should review the recent literature (e.g., the last two years), distill the fundamental issues, discuss various solutions to the issues raised, identify trends, and formulate the student's own position. An adequate literature search should be based primarily on academic journals, secondarily on professional journals, and lastly on books, textbooks, and reputable online sources. You should use at least 7-8 different resources for your research, in addition to our course textbook.

#### **B. Length and Style**

The substantive analysis in the paper must be between 11-13 double-spaced pages in length (at least 3,800 to 4,200 words), which *excludes* the cover page, table of contents, references, graphics, tables, appendices and footnotes). The full paper should be between 15-20 double-spaced pages in length (approximately 4,200 to 4,800 words). Please do not exceed the 20 pages limit.

The paper in-text citations and bibliographical references must be typed in accordance with Appendix A of APA. The paper must also include an abstract/executive summary and have clear heading and subheadings (bolded and/or underlined) for all sections of the report.

### **C. Paper Topics**

Listed below are brief summaries of the three possible topics you may select for your Research/Term Paper. Students may also choose a related or different topic area for their Term Papers, but can only do so with the **professor's** expressed and written prior **approval**.

#### **1. Copyrights and ISPs**

The Digital Millennium Copyright Act essentially grants ISPs immunity from copyright infringement liability in most instances. Research, analyze, and discuss the relevant issues involved, whether you agree with this policy, and decide under what circumstances an ISP should be liable for copyright infringement.

#### **2. Taxation of E-commerce Transactions**

Research and discuss the issues and implications of requiring all e-commerce businesses to comply with multiple federal, state, county, local, and city tax laws. Analyze and discuss the necessary requirements for compliance in terms of resources, technology and manpower, impact on products and services pricing, and impact on business activity in general.

#### **3. Workplace Privacy Issues**

Research, analyzes, and discusses the following issue: "As an employee, when using company equipment on company time, what expectations of privacy should you have and how should you conduct yourself while on the job?" What are the issues that employers need to worry about and what are some approaches they could pursue to protect their businesses while not destroying employee morale.

#### **4. Final Exam {25%} (Module 14)**

The final examination will be open book and notes (format and length to be determined later in the course) and can cover any of the material from the course readings and content. The final examination will be posted during Module #14 and students will be given a fixed amount of time (usually 48 hours) to complete the exam. The final examination is an individual course assignment, not a group assignment.

Additional information about the Final Exam will be posted in the Announcement area approximately three (3) weeks before the scheduled date.

#### **Alternative Exam Times – Must Give Advance Notice**

For anyone not able to complete the examination during the assigned date and time, arrangements may be made to provide an alternative date/time slot. You **must** email me at least **2 weeks** ahead of the scheduled date to make arrangements for an **alternative** date/time which must be **earlier** than the official date/time).

## Course Schedule

This course schedule timeline, related readings, assignments, and projects may be **modified** at the instructor's discretion based on the overall technical abilities, performance, and progress of the class. Please always check the actual **Weekly Modules** posted inside the **Conferences** area of **WebTycho** for each week's Readings and Assignments, since they represent the **final** version of the reading and the assignments. Use the information provided below for **reference** only.

Module	Topic(s)	Assignment(s)
1	<p><b>Introduction, Technology and Cyberlaw</b></p> <ul style="list-style-type: none"> <li>▪ Introduction</li> <li>▪ How the Internet Works</li> <li>▪ Netiquette</li> <li>▪ Regulation of Cyberspace</li> <li>▪ Business Uses of Internet Technology</li> </ul>	<p><b>Read:</b></p> <p><b>CyberLaw</b> Chapter 1 - Technology and Cyberlaw</p> <p><b>Introductions</b></p> <p><b>Course Review</b></p>
2	<p><b>Electronic Speech and Obscenity</b></p> <ul style="list-style-type: none"> <li>▪ First Amendment — Freedom of Speech, Press and Expression</li> <li>▪ The Miller Test for Obscenity</li> <li>▪ Government Regulation of Cyberporn</li> <li>▪ Child Pornography</li> <li>▪ Employees and Work Place Access to Adult Web Sites</li> <li>▪ International Regulation of Obscenity in Cyberspace</li> </ul>	<p><b>Read:</b></p> <p><b>CyberLaw</b> Chapter 10 - Obscenity</p>
3	<p><b>Jurisdiction in E-commerce Transactions</b></p> <ul style="list-style-type: none"> <li>▪ Introduction</li> <li>▪ Judicial History of Personal Jurisdiction</li> <li>▪ Personal Jurisdiction in Cyberspace</li> </ul>	<p><b>Read:</b></p> <p><b>CyberLaw</b> Chapter 2 - Jurisdiction</p> <p><b>Graded Assignment #1 Due</b></p>

	<ul style="list-style-type: none"> <li>▪ International Jurisdiction in Cyberspace</li> </ul>	
4	<p><b>Intellectual Property: Trademarks</b></p> <ul style="list-style-type: none"> <li>▪ Introduction to Trademark Law</li> <li>▪ Trademarks as Distinctive Identifiers of the Product or Service</li> <li>▪ Trademarks in Cyberspace: Infringement and Dilution</li> <li>▪ Internet Technology and Trademark Infringement</li> <li>▪ International Regulation and Enforcement of Trademark Law</li> </ul>	<p><b>Read:</b>  <a href="#">CyberLaw</a>  Chapter 3 - Trademarks</p>
5	<p><b>Intellectual Property: Copyrights</b></p> <ul style="list-style-type: none"> <li>▪ Introduction to Copyright Law</li> <li>▪ Copyright Act of 1976</li> <li>▪ Statutory Rights of a Copyright Owner</li> <li>▪ Theories of Liability for Copyright Infringement</li> <li>▪ Limitations on Copyright Owner's Exclusive Rights</li> <li>▪ Remedies for Copyright Infringement</li> <li>▪ International Regulation and Enforcement of Copyright Law</li> </ul>	<p><b>Read:</b>  <a href="#">CyberLaw</a>  Chapter 4 - Copyrights</p> <p><a href="#">Graded Assignment #2 Due</a></p>
6	<p><b>Intellectual Property: Business Methods Patents and Trade Secrets</b></p> <ul style="list-style-type: none"> <li>▪ Legal Framework of Patents</li> <li>▪ Patent Law as It Relates to Business Practices</li> <li>▪ The Patentability of Software and Business Methods Patents</li> <li>▪ Enforcing Patent Rights: Plaintiff's Case</li> <li>▪ The Future of Business Methods Patents</li> </ul>	<p><b>Read:</b>  <a href="#">CyberLaw</a>  Chapter 5 - Business Methods Patents and Trade Secrets</p>

	<ul style="list-style-type: none"> <li>▪ International Recognition and Enforcement of Business Methods Patents</li> <li>▪ Trade Secrets: An Alternative Strategy to Patenting</li> <li>▪ International Recognition and Enforcement of Trade Secret Laws</li> </ul>	
7	<p><b>Privacy and Data Collection</b></p> <ul style="list-style-type: none"> <li>▪ What Is the Right to Privacy?</li> <li>▪ Common Law Torts for Invasion of Privacy</li> <li>▪ Major Federal Laws that Regulate Privacy in Cyberspace</li> <li>▪ Bulk E-Mail Solicitations (“Spamming”)</li> <li>▪ Privacy in the Workplace</li> <li>▪ Global Issues of Privacy in Cyberspace</li> </ul>	<p><b>Read:</b></p> <p><b>CyberLaw</b> Chapter 9 - Privacy</p>
8	<p><b>Consumer Protection and Internet and Information Security</b></p> <ul style="list-style-type: none"> <li>▪ The Challenges of Internet and Information Security</li> <li>▪ The Goals of Internet and Information Security</li> <li>▪ Methods and Legal Challenges for Ensuring Enterprise and Communications Security</li> <li>▪ International Aspects of Internet and Information Security</li> </ul>	<p><b>Read:</b></p> <p><b>CyberLaw</b> Chapter 12 - Internet and Information Security</p> <p><b>Mid-term Research/Term Papers Due</b></p>
9	<p><b>Internet and Computer Crime, Cybercrime</b></p> <ul style="list-style-type: none"> <li>▪ The Nature of Computer Crime</li> <li>▪ The Role of Computers in Crime: Crimes and Perpetrators</li> <li>▪ Forensics: Gathering and Preserving Evidence</li> </ul>	<p><b>Read:</b></p> <p><b>CyberLaw</b> Chapter 13 - Internet and Computer Crime</p>

	<ul style="list-style-type: none"> <li>▪ International Aspects of Cybercrime</li> </ul>	
10	<p><b>Taxation and Sales Tax in E-Commerce</b></p> <ul style="list-style-type: none"> <li>▪ Taxation in Cyberspace</li> <li>▪ State Tax Jurisdiction under the United States Constitution</li> <li>▪ Physical Presence “Nexus” Test for E-Commerce Tax Purposes</li> <li>▪ Internet Tax Freedom Act of 1998</li> <li>▪ International Internet Taxation</li> </ul>	<p><b>Read:</b></p> <p><b>CyberLaw</b> Chapter 7 - Sales Tax in E-Commerce</p>
11	<p><b>Online Contracts</b></p> <ul style="list-style-type: none"> <li>▪ Introduction to Online Contracting</li> <li>▪ Fundamental Principles and Requirements of Contract Law</li> <li>▪ Warranties, Disclaimers, and Terms of Use</li> <li>▪ The Developing Uniform E-Commerce Law: UCITA and UETA</li> <li>▪ Electronic Signatures</li> <li>▪ Click-Wrap and Shrink-Wrap Agreements</li> <li>▪ E-Commerce and Insurance</li> <li>▪ International Aspects of Electronic Contracting</li> </ul>	<p><b>Read:</b></p> <p><b>CyberLaw</b> Chapter 6 - Online Contracting</p> <p><b>Graded Assignment #3 Due</b></p>
12	<p><b>Online Securities Offerings and Transactions</b></p> <ul style="list-style-type: none"> <li>▪ Raising Capital: Online Securities Offerings</li> <li>▪ Online Transactions in Securities</li> <li>▪ International Aspects of Online Securities Offerings</li> </ul>	<p><b>Read:</b></p> <p><b>CyberLaw</b> Chapter 8 - Online Securities Offerings and Transactions</p>
13	<p><b>Online Communication and Defamation</b></p> <ul style="list-style-type: none"> <li>▪ The Common Law Tort of</li> </ul>	<p><b>Read:</b></p> <p><b>CyberLaw</b></p>

	<p>Defamation - Slander and Libel</p> <ul style="list-style-type: none"> <li>▪ Liability of Service Providers for Defamation</li> <li>▪ International Regulation of Online Defamation</li> </ul>	<p>Chapter 11 - Defamation</p>
14	<p><b>Final Exam and Topic Threads Summaries</b></p> <ul style="list-style-type: none"> <li>▪ Final Exam</li> <li>▪ Topic Threads Summaries</li> <li>▪ Final Thoughts</li> </ul>	<p>Final Exam, Topic Threads Summaries, Wrap-up, &amp; Final Thoughts</p> <p><b>Final Examination</b></p>