

# INTERNET LAW

- **Controlling the Assault of Non-Solicited Pornography and Marketing (CAN-SPAM) Act:** Permits the sending of unsolicited commercial email, but prohibits certain types of spamming activities, including the use of a false return address and the use of false, misleading or deceptive information when sending email.
- **The U.S. Safe Web Act:** Allows the FTC to cooperate and share information with foreign agencies in investigating and prosecuting those involved in spamming, spyware, and various Internet frauds and deceptions.
- **The Internet Corporation for Assigned Names and Numbers (ICANN):** A nonprofit corporation that oversees the distribution of domain names and operates an online arbitration system.

# CYBER MARKS

- **Cybersquatting:** Registering someone else's name or trademark as a *domain name* (in an Internet address), then offering to sell the registered domain name to that person.
- The **Anticybersquatting Consumer Protection Act** (ACPA) makes it illegal for a person to “register, traffic in, or use” a domain name (1) if the name is identical or confusingly similar to another's trademark and (2) if the person registering, trafficking in, or using the domain name does so with the **bad faith intent** to profit from its similarity to the other's trademark.
- **Typosquatting:** A fairly new tactic by means of which a cybersquatter registers a strategic misspelling of a popular brand.
- **Meta Tags:** Words inserted in a web site's “key words” field in order to increase the likelihood that an Internet search engine, such as AltaVista™, Yahoo!™, or Lycos™, will include that Web site in a key word search.

# COPYRIGHTS IN DIGITAL INFORMATION

- **Downloads:** Loading a file or program into RAM constitutes making a “copy” for purposes of copyright law.
- **Revision/Republication:** In order to publish an electronic copy of a work previously published elsewhere, the would-be publisher must obtain permission from the person holding the copyright to the prior publication.
- **No Electronic Theft Act:** Expands copyright infringement liability to persons (1) who exchange unauthorized copies of copyrighted works without the intent to profit thereby; and (2) who make unauthorized electronic copies of books, magazines, movies, or music for personal use.
- **Digital Millenium Copyright Act:** Creates civil and criminal penalties – subject to “fair use” – for circumventing encryption software or other antipiracy protection, and prohibits the manufacture, import, sale, and distribution of devices or services designed to circumvent such protection.
  - The DMCA also makes Internet service providers (ISPs) not liable for copyright infringement by their users, unless the ISP becomes aware of the infringement and fails to take corrective action.

# FILE SHARING AND COPYRIGHT PROTECTION

- **Peer-to-Peer (P2P) Networking:** Internet-based file sharing that involves numerous networked personal computers, rather than a Web server, enabling users to access files stored by other users of the same *distributed network*.
- **Cloud Computing:** A subscription-based or pay-per-use service that can deliver a single application through a Web browser to multiple users or pool resources to provide data storage or virtual servers that customers can access on demand.
- **DVDs and File Sharing:** The motion-picture industry has lost significant revenues in recent years due to the proliferation of DVD “pirating” and technological advances in the software that facilitates unauthorized copying.

# SOCIAL MEDIA

- **Legal Issues:** The emerge of Facebook and other social media sites has created a number of legal and ethical issues for businesses.
- **Social Media Policies:** Employees who use social media in a way that violates their employer's stated policies may be disciplined or fired from their jobs.
- **The Electronic Communications Privacy Act (ECPA):** Amended federal wiretapping law to cover electronic forms of communication.
- **Exclusions:** Electronic communications through devices that an employer provides for its employees to use "in the ordinary course of its business". Companies are not prohibited from intercepting business communications made on devices they provide.
- **Stored Communications Act (SCA):** Prohibits intentional and unauthorized access to *stored* electronic communications and sets forth criminal and civil sanctions for violators.

## ONLINE DEFAMATION

- **Cyber Torts:** Torts arising from online conduct, typically online defamation. The proliferation of the internet has made online defamation increasingly problematic.
- **Identifying:** A major barrier to online defamation cases is the anonymity of the internet. An Internet service provider (ISP) can disclose personal information about its customers only when ordered to do so by a court.
- **Liability:** The Communications Decency Act (CDA) provides that ISPs are treated differently from publishers in print and other media and are not liable for publishing defamatory statements that come from a third party.

# PRIVACY

- **Privacy:** To maintain a suit for invasion of privacy, a person must have a reasonable expectation of privacy in the particular situation. People have such an expectation with sensitive info such as a bank account, and that online companies will follow their own privacy policies.
- **Privacy Policies:** The FTC investigates consumer complaints of privacy violations, and has forced many companies, including Google, Facebook, Twitter, and Myspace to enter a consent decree that gives the FTC broad power to review their privacy and data practices.
- **The Consumer Privacy Bill of Rights:** The Obama administration has proposed a consumer privacy bill of rights, the goal of which is to ensure that private information is safe online.