

**ELECTRONIC COMMERCE:  
LAW, TECHNOLOGY, AND BUSINESS (LAW 619).**

University of Pennsylvania Law School  
R. Polk Wagner, Fall 2000

**C O U R S E O U T L I N E**

**I**

*An Introduction to eCommer : Law, Technology, and Business*

- A. NEW BUSINESS MODELS, NEW ECONOMICS . . . OR NOT?
1. What exactly is new about the "new economy"?..... Wednesday, Aug. 30
  2. 'Net Business Models and the Legal System..... Wednesday, Aug. 30
- B. A TECHNOLOGY PRIMER FOR THE DIGITAL LAWYER
1. A Technological History of the Internet .....Thursday, Aug. 31
  2. Internet Networking Basics ..... Tuesday, Sept. 5
  3. The Domain Names System ..... Tuesday, Sept. 5
  4. Inside the Web: Pages, Sites, Servers, etc. ....Wednesday, Sept. 6

**II**

*The Scope of eCommer : Jurisdiction via the Internet*

- A. MINIMUM CONTACTS AND THE NETWORKED ECONOMY: PERSONAL JURISDICTION IN CYBERSPACE
1. Jurisdiction based on Web Sites .....Wednesday, Sept. 6, Thursday, Sept. 7
  2. Jurisdiction based on Online Transactions ..... Tuesday, Sept. 12
  3. Jurisdiction based on Online Communications .....Wednesday, Sept. 13
- B. KNOWING WHERE YOU'VE CLICKED: CHOICE OF FORUM ONLINE
1. Choice of Forum Clauses in eCommerce: the Yahoo! Example ..... Thursday, Sept. 14
  2. The Law of Forum Selection Goes Digital ..... Tuesday, Sept. 19
- C. FUTURE CONCERNS: A BRIEF LOOK AT CHOICE OF LAW ON THE 'NET
1. Challenges to Choice of Law Principles .....Wednesday, Sept. 20
  2. The International Dimension ..... Thursday, Sept. 21

**III**

*Doing Business on the 'Net: Electronic Contracting*

- A. FROM CLICKWRAP TO 'BOTS: THE FORMATION OF ECONTRACTS
1. The Evolutionary Law of Formation: Shrinkwraps and Beyond..... Tuesday, Sept. 26
  2. Building the Infrastructure: UCITA and UETA on Formation .....Wednesday, Sept. 27
  3. Repainting the Picture: Binding Commitment in eContract ..... Thursday, Sept. 28

- B. CONTRACTUAL BOUNDARIES: THE LIMITATIONS OF ECONTRACT TERMS
  - 1. Public Policy Limitations on Contract Terms..... Tuesday, Oct. 10
  - 2. Federal Preemption Issues .....Wednesday, Oct. 11
- C. MAKING A DIGITAL DEAL STICK: ISSUES OF ENFORCEMENT
  - 1. Authentication: the State of Digital Signature Legislation..... Thursday, Oct. 12
  - 2. Choice of Law Problems in eContracts..... Thursday, Oct. 12

**IV**

*Minding the Digital Store: Property Law for eCommerœ*

- A. TECHNOLOGY V. LAW, ACT I: COPYRIGHT IN CYBERSPACE
  - 1. Basics: A Primer on Copyright Law..... Tuesday, Oct. 17, Wednesday, Oct. 18
  - 2. "Fair Use" in a Digital Networked World: Napster/MP3s, etc..... Thursday, Oct. 19, Tuesday, Oct. 24
  - 3. The Digital Millennium Copyright Act.....Wednesday, Oct. 25
  - 4. The Challenge of The Future: Gnutella as a Case Study ..... Thursday, Oct. 26
- B. THE "REAL ESTATE" OF THE 'NET: TRADEMARKS IN CYBERSPACE
  - 1. Basics: A Quick Look at Trademark Law..... Tuesday, Oct. 31
  - 2. The (Continuing Saga) of Domain Names – First Wave: Trademark Analysis .....Wednesday, Nov. 1
  - 3. The (Continuing Saga) of Domain names – Second Wave: ICANN & Congress..... Nov. 2 & Nov. 7
  - 4. Metadata and Search Engines .....Wednesday, Nov. 8
- C. OWNING THE IDEA: PATENTS AND ECOMMERCE..... Thursday, Nov. 9
- D. THE LAW OF LINKING [& FRAMING]
  - 1. The Genesis of Linking Disputes; Copyright Theories ..... Tuesday, Nov. 14
  - 2. "Trespass to Web Sites"; the Nature of Linking..... Wednesday, Nov. 15

**V**

*Speedbumps on the Road to Riches: Consumers and eCommerœ*

- A. COOKIES, FORMS, DATABASES, AND YOU: CONSUMER PRIVACY ISSUES
  - 1. DoubleClick: A Case Study..... Thursday, Nov. 16
  - 2. Foundations of Privacy Regulation ..... Tuesday, Nov. 21
  - 3. Response, Phase I: Self-Regulation ..... Tuesday, Nov. 28
  - 4. Response, Phase II: Governmental Regulation ..... Wednesday, Nov. 29
  - 5. Response, Phase III: Technological Regulation..... Thursday, Nov. 30
- B. ANTITRUST & ECOMMERCE: PROTECTING CONSUMERS ONLINE
  - 1. The Dark Side of Bargain Hunting: Why Unlimited Competition May Not be Good for Consumers..... Dec. 5
  - 2. Special eCommerce-Antitrust Problems: B2B Exchanges and Standards..... Wednesday, Dec. 6

**VI**

*What is the "Law of Electronic Commerœ"?*

.....Thursday, Dec. 7