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

Course Outline

I
An Introduction to eCommerce: 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 eCommerce: 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
2. Choice of Law Problems in eContracts .................................................... Thursday, Oct. 12

IV
Minding the Digital Store: Property Law for eCommerce

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 & Congresss ............... 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 eCommerce

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

VI
What is the “Law of Electronic Commerce”?
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