

E58.2282, Information Law and Policy
NYU Department of Media, Culture and Communication
Fall, 2009 (version 1.4 10/23/09)

Class Mtgs:	Tuesdays, 4:55 – 7:05 p.m.	
	48 Cooper Square, Rm. 116	
Instructors:	Ken Farrall	Bill Herman
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Office Hours:	By appointment	Tuesday 4-5

Course Description:

This graduate-level class examines major policy and legal issues arising from the production, use, exchange, access, storage, processing, linking and communication of information.

In the course of policy debate and formulation, logical tensions arise between different interests and stakeholders: tensions between free speech and intellectual property, between national security and information privacy, between public and private goods. These tensions shift with the continuing evolution and innovation in uses of information and communication technologies. At the same time, technological advancement and the increasingly global nature of both market and non-market information practices can render once formidable policies weak and ineffective, and increase the likelihood that new laws can have unintended consequences.

Focusing on US policy within a global context, the course is divided into three primary sections: copyright, information privacy, and media ownership.

Participation:

Be prepared to interrogate your own beliefs about the media system, and be prepared to deal with the beliefs of others—your peers, your instructor, and assigned authors. You should complete the assigned reading prior to the scheduled date and come to class excited to participate in an interactive class discussion. Attendance is required.

Readings:

The following books are required reading and are available for purchase in the NYU Bookstore and at other bookstores:

Information Privacy Law (Hardcover)

by Daniel J. Solove, Paul M. Schwartz

Publisher: Wolters Kluwer Law & Business; 3 edition (November 7, 2008)

ISBN-10: 0735576416

ISBN-13: 978-0735576414

Ispy: Surveillance and Power in the Interactive Era (Paperback)

by Mark Andrejevic

Publisher: University Press of Kansas (September 10, 2009)

ISBN-10: 0700616861

ISBN-13: 978-0700616862

Media, Markets, and Democracy (Communication, Society and Politics) (Paperback)

by C. Edwin Baker

Publisher: Cambridge University Press (November 5, 2001)

ISBN-10: 0521009774

ISBN-13: 978-0521009775

Copyright's Paradox (Hardcover)

by Neil Weinstock Netanel

Publisher: Oxford University Press, USA (April 14, 2008)

ISBN-10: 0195137620

ISBN-13: 978-0195137620

You are also expected to read material that will be posted on the Blackboard site, including materials posted during the semester and announced on the site and in class.

Examinations, Assignments, and Evaluation:

Your final grade in the course will be determined as follows:

- 10% Class participation
- 40% Take-home final exam
- 10% In-class presentation of research findings
- 40% Research paper

Course Schedule:

<u>Date</u>	<u>Instructor</u>	<u>Scheduled Activities</u>
9/8	Farrall/ Herman	Course Introduction Braman, S. (1989). Defining Information. <i>Telecommunications Policy</i> 13:3. pp. 233-242. Robins, K. and F. Webster (1999). The Long History of the Information Revolution. In <i>Times of the Technoculture</i> . pp. 89-110. Zittrain, J. L. (2006). The Generative Internet. <i>Harvard Law Review</i> 119(7): pp. 1974-2040. Benkler. <i>Wealth of Networks</i> , Ch. 2 (BB)
9/15	Herman	Copyright: Basics Alfred C. Yen & Joseph P. Liu, <i>Copyright Law: Essential Cases and Materials</i> , Intro (BB) Lessig, <i>Free Culture</i> , pp. 116-147 (BB) Netanel, Chs. 1-4, pp. 1-80 <i>Harper & Row v. The Nation</i> decision (BB)
9/22	Herman	Copyright and the First Amendment Netanel, Chs. 5-9, pp. 81-218 C. Edwin Baker, First Amendment Limits on Copyright, <i>55 Vand. L. Rev.</i> 891 (BB) <i>Eldred v. Ashcroft</i> decision (BB)
9/29	Herman/ Farrall	Copyright and Technology Mary LaFrance, <i>Copyright in a Nutshell</i> , pp. 277-287, 348-362 Lawrence Lessig, <i>Free Culture</i> , pp. 1-13, 108-173 (BB) <i>Sony v. Universal Studios</i> decision (Blackboard) <i>MGM v. Grokster</i> decision (Blackboard) Peter S. Menell & David Nimmer, Legal Realism in Action: Indirect Copyright Liability's Continuing Tort Framework and Sony's De Facto Demise, <i>55 UCLA L. Rev.</i> 1 (BB)
10/6	Herman	Copyright and Digital Rights Management (DRM) Herman Dissertation, Ch. 5 (BB) LaFrance, pp. 362-380 (BB) Yen & Liu, pp. 510-515 (BB) David Nimmer, A Riff on Fair Use in the Digital Millennium Copyright Act, <i>148 U. Pa. L. Rev.</i> 673 (BB) <i>Universal v. Reimerdes</i> decision (BB) <i>Chamberlain v. Skylink</i> decision (BB)

10/13	Farrall	Conceptualizing Surveillance and Privacy Andrejevic (full book), Haggerty & Ericson, pp. 605-622, Lyon, pp. 107-125, Nissenbaum, pp. 119-157.
10/20	Farrall	Legal Foundations (1) Solove & Schwartz, ch.1 and ch. 3, pp 1-75, 233-397.
10/27	Farrall	Legal Foundations (2) Gellman (1997), p. 193-218; Gorham-Oscilowski & Jaeger (2008), pp. 625-644; Kerr (2006), pp. 532-585; Zittrain (2006), pp. 83-94, Jordan (2006), p. 1-42; Solove & Schwartz, ch. 5, 525-596.
11/3	Farrall	Cybersecurity, Identity & Record Systems (1) Solove & Schwartz, ch. 6, pp. 597-713; Treverton (2008), pp. 1 – 107; Heyman (2008), pp. 149 –174.
11/10	Farrall	Cybersecurity, Identity & Record Systems (2) Solove & Schwartz, ch. 7, p. 842-880; ch. 8, pp. 881-897, Jonas & Harper (2006), pp. 1-11.
11/17	Herman	Media Ownership I Baker, pp. 1-192
11/24	Herman	Media Ownership II Baker, pp. 193-308 Extra readings TBA
*12/1	Farrall/Herman	Student research presentations 1 *Final exam questions distributed at end of class
**12/4		**Final exam due by email by 5 pm
12/8	Farrall/Herman	Student research presentations 2
12/22		<u>Final research papers due via email by 5 pm</u>