Class Mtgs: Tuesdays, 4:55 – 7:05 p.m.  
48 Cooper Square, Rm. 116

Instructors: Ken Farrall  Bill Herman

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Office: 418 Lafayette St., Rm 747  Cubicle 4

Office Hours: by appointment  Tuesdays, 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
ISBN-10: 0735576416

*Ispy: Surveillance and Power in the Interactive Era* (Paperback)
by Mark Andrejevic
Publisher: University Press of Kansas (September 10, 2009)
ISBN-10: 0700616861

*Media, Markets, and Democracy* (Communication, Society and Politics) (Paperback)
by C. Edwin Baker
Publisher: Cambridge University Press (November 5, 2001)
ISBN-10: 0521009774

*Copyright's Paradox* (Hardcover)
by Neil Weinstock Netanel
Publisher: Oxford University Press, USA (April 14, 2008)
ISBN-10: 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. To give you a general idea of what to expect, readings for the weeks from October 13 through November 10 will be drawn primarily from the accompanying document, “Privacy and Surveillance Readings.” This syllabus will be updated regularly and made available on blackboard to reflect specific reading assignments.

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
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| 9/8  | Farrall/   | **Course Introduction**  
|      |            | Benkler. *Wealth of Networks*, Ch. 2 (BB) |
| 9/15 | Herman     | **Copyright: Basics**  
|      |            | Lessig, *Free Culture*, pp. 116-147 (BB)  
|      |            | Netanel, Chs. 1-4, pp. 1-80  
|      |            | *Harper & Row v. The Nation* 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, 55 *Vand. L. Rev.* 891 (BB)  
|      |            | *Eldred v. Ashcroft* decision (BB) |
| 9/29 | Herman/    | **Copyright and Technology**  
|      | Farrall    | Mary LaFrance, *Copyright in a Nutshell*, pp. 277-287, 348-362  
|      |            | *Sony v. Universal Studios* decision (Blackboard)  
|      |            | *MGM v. Grokster* decision (Blackboard)  
|      |            | Peter S. Mennell & David Nimmer, Legal Realism in Action: Indirect Copyright Liability's Continuing Tort Framework and Sony's De Facto Demise, 55 UCLA L. Rev. 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)  
|      |            | *Universal v. Reimerdes* decision (BB)  
|      |            | *Chamberlain v. Skylink* decision (BB) |
10/13 Farrall  Conceptualizing Surveillance and Privacy

10/20 Farrall  Legal Foundations (1)
Solove & Schwartz, selections TBA.

10/27 Farrall  Legal Foundations (2)

11/3 Farrall  Cybersecurity, Identity & Record Systems (1)

11/10 Farrall  Cybersecurity, Identity & Record Systems (2)

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 via email by 5 pm (Friday)

12/8 Farrall/Herman  Student research presentations 2

12/22 Final research papers due via email by 5 pm