

**UNIVERSITY OF NEW HAMPSHIRE SCHOOL OF LAW**  
**PROFESSOR TIFFANY LI**

**INTERNET LAW**  
**FALL 2021 – SYLLABUS**

**Room 103**

**Mondays & Wednesdays 1:00-1:50 p.m.**

**Office: 305**

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**Office Hours: By Appointment**

**Overview**

Welcome to Internet Law! In my admittedly biased opinion, Internet Law is one of the most fun subjects you can take in law school—except that it is actually many subjects rolled into one. In this course, we will explore a wide variety of legal issues raised by and related to the internet. In addition to fundamental doctrine, we will focus on topics that are most relevant to internet lawyers and users, from online speech and copyright, to privacy and platform regulation.

Regardless of where you decide to take your career, many legal roles now require understanding of internet law concepts. The objective of this course is not to go over an exhaustive list of every single legal issue related to the internet. The nature of the internet is always in flux, and a static understanding of the law would not be useful. Rather, this course will help you build a strong legal and theoretical foundation in internet law, so that you are prepared to deal with any internet law issues that may arise in the future.

You do not need a technical background to succeed in this course. You do not need intellectual property experience either. What you do need is a spirit of intellectual curiosity and willingness to engage with new ideas, legal or otherwise.

**Materials**

The casebook for this course is James Grimmelmann's [\*Internet Law: Cases and Problems \(11<sup>th</sup> ed.\)\*](#). It's available in two versions: from Semaphore Press as a [downloadable PDF with a suggested price of \\$30](#), and as a [\\$67 paperback edition from Amazon](#).

In addition to the casebook, I will post links to other readings and assignments on Canvas. Course updates and class recordings will also be posted on Canvas, so please check the website regularly.

**Class Meetings**

We will meet Mondays and Wednesdays from 1:00 to 1:50 p.m. in Room 103. Because circumstances are quickly evolving due to the pandemic, we will have alternative options available if the need arises. I will do my best to communicate any necessary information on that front to you as soon as possible. Students should confirm that they are signed up to receive UNH Law alerts for school closures or delays due to weather or emergencies.

My goal this semester is to prioritize your learning and your mental and physical health and safety. Attendance will not be factored into your grade. I plan to record all lectures and post the recordings to Canvas shortly after each class. If you feel at all unwell, or if you are unsure if you may have been exposed to COVID, or if you feel unable to attend class at any time for any reason, including having caretaking responsibilities for young children or immunocompromised loved ones at home, I hope you will remain at home and watch the recorded class session. If you do choose to stay home for a class, please let me know. I am always happy to meet to discuss any other accommodations the university can provide.

On a few occasions, I may need to cancel class due to a conflict; when this happens, we'll make up those sessions at times announced in class and posted on Canvas. Any make-up sessions will also be recorded and posted on Canvas shortly after.

### **Office Hours and Contact**

I do not have set office hours for this course, but feel free to reach out if you want to go over something from class that's confusing or unclear, review the material we covered in class, talk about connections between our material and other classes or legal issues you've come across, discuss career plans or other courses to take, or anything else on your mind. No question is too small or insignificant.

The best way to reach me is by email, at [tiffany.li@law.unh.edu](mailto:tiffany.li@law.unh.edu). As a side note, while I do maintain an active social media presence, it is my general policy to not add or follow current students.

### **Laptops and Recordings**

You may use laptops and tablets for note-taking or looking up material relevant to the course. You do not need an accommodation or instructor permission to use a laptop or other assistive technology devices in this class.

All lectures will be recorded and posted to Canvas shortly after each class. Please do not redistribute these recordings without permission from instructor.

### **Accessibility and Assistance**

The office of the Assistant Dean for Students can assist you with ADA classroom accommodations, mental or physical health services, food or housing insecurity, and the student emergency fund, and work with you to address other personal, professional or

academic concerns. Please email Assistant Dean Lauren Berger at [lauren.berger@law.unh.edu](mailto:lauren.berger@law.unh.edu) for more information. Her office is located in room 352.

Moreover, if there is ever anything that is making it harder than it should be to perform well in this class or in law school, please contact Dean Berger—or me, if you feel comfortable doing so. Law school can be difficult even when we're not living through a global pandemic. Remember that there are some things more important than law school. Please reach out at any time if you need help, and we will do our best to find the right resources to support you. In general, the sooner you reach out, the sooner we can help you find the right resources or accommodations.

### **COVID Safety**

In order to maintain a safe and focused learning environment, we must work together to comply with public health best practices: wearing masks, maintaining physical distancing when possible, and monitoring our own health and potential COVID exposure. **Students are expected to wear masks at all times when inside the classroom.**

I'll admit that all of this sounds pretty boring after over a year of repetition. However, I still encourage you to reflect on what it means to be part of a community and part of a global society. The pandemic has highlighted the ways in which one person's actions or inactions can impact their family, their school, their community, and even their country and the world. We're all adults, and we can all respect each other's personal choices. However, following basic COVID safety practices gives you the power to help others, including those among us who are particularly vulnerable, including immunocompromised, elderly, and disabled individuals, as well as children too young to be vaccinated.

I recognize that this is a difficult time for many, and you may have unique circumstances that make this time especially difficult, for pandemic-related reasons or otherwise. It is possible that some of you may face unexpected hardships during the semester, including emergency travel, financial distress, family-related trauma, and more. Please reach out if so, so I can make sure you receive the accommodations and support you need.

### **Class Discussions**

Please come to class prepared to participate in discussion. This means reading and thoughtfully considering assigned materials before class.

In this class, we will work together to commit to civil, respectful, and supportive classroom dialogue. One of the best parts about a course like Internet Law is the opportunity to hear a diverse array of opinions on topics that are new and exciting. If we all agreed on everything, law school discussions would be boring! However, remember that attacking a person's argument is not the same as attacking a person. The latter is not acceptable in this class and is an intellectually inferior form of argumentation

anyway. I expect you to treat your fellow classmates with respect in all communications, inside or outside of class.

Some of the cases and examples we discuss in class may touch on uncomfortable topics, including sexual assault, self-harm, and hate crimes. The assigned casebook includes content warnings before distressing material, and I will do my best to flag any particularly difficult topics in advance of class discussion. In general, if there's anything that is making you uncomfortable, inside or outside of class, please talk with me about it, and I will do my best to help, so long as it's consistent with the goal of learning.

## **Names and Pronouns**

As part of our commitment to create a respectful forum for class discussion, please address your classmates with their preferred name or nickname, name pronunciation, and pronouns. If you would like to be called something different than what is shown on your UNH student profile, please let me know.

## **Evaluation**

Your grade in this course will be a product of the following:

- Discussion Posts 15%
- Two Opinion Essays 25%
- Final Exam 60%

I may also adjust final grade upward or downward by one step on the grading scale (for instance, from a B-plus to an A-minus or a B), for participation (including online discussion posts) that is especially helpful or insightful, or for any students who are repeatedly unprepared.

If you think you may be unable to meet a deadline, please inform me as soon as possible, especially if you think there may be school accommodations that would be of use to you.

## **Plagiarism and Academic Honesty**

Any breach of academic integrity will not be tolerated and may lead to severe academic consequences, including expulsion. Please refer to the Student Handbook for more information.

## **Discussion Posts**

With the exception of the first week of class, you will be expected to write one discussion post per week. These discussion posts will be due Sunday 11:59 p.m. ET and should reflect something interesting in one or more of the readings that are due for the coming week. (So, discussion posts due Sunday, August 29, should relate to readings for Monday, August 30, and/or Wednesday, September 1.)

Each post should be roughly 100-300 words. The word count is less important than the substance of the post. You will receive full credit for each's week's discussion post as long as you post a substantive comment by the deadline. A substantive comment is any comment that shows you did the reading and does more than just summarizing the reading. You may skip one week, with no advance notice required.

You can comment on anything related to or inspired from the readings. For example: What is something you found interesting or surprising from this coming week's reading? Do you agree or disagree with how a case was decided, or an argument in the reading? Did something in the reading remind you of a current event, another type of technology, or another area of law? Are there any interesting connections you can draw to other topics discussed in this class or other classes?

The purpose of the discussion posts is not to create a lot of busywork for you to write and me to read, but to encourage you to deeply engage with the reading and have a chance to hear from fellow classmates who may be less vocal in class. Please keep in mind that Canvas posts will be viewable by all class members, and I or your classmates may refer to comments during class sessions.

Below is a sample discussion post that would receive full credit:

*"I disagree with the concept of a unique cyberspace as defined by John Perry Barlow and others. Cyberspace may have been a nice thought back when the internet was first developed, but today, everything is cyber-related. We all have computers and cell phones. We all used connected technologies, like FitBits and Amazon Alexa and Bluetooth-connected toothbrushes. It doesn't make sense to me that we should try to consider entirely new areas of law just for the internet and cyberspace. There's no way to really create a divide between what is cyberspace and what is physical space. Legal rules should be the same for both.*

*However, I also disagree with the April Glaser article. She seems to argue that we need more government intervention in cyberspace. I disagree with this because so many government regulations are badly written. I also think it is important to support internet companies to create new innovations. Too much regulation will harm innovation. We don't need more laws for cyberspace. Can't we just use the laws we already have, but make them better?"*

## **Opinion Essay**

Write an opinion essay on any topic related to internet law. The first essay is due Friday, October 22, 11:59 p.m. ET. The second essay is due Monday, December 1, 11:59 p.m. ET. You are free to turn in essays early.

Your opinion essay should point out a problem and offer a recommended solution (or set of solutions). You can use this op-ed as an opportunity to critique an existing law or policy, to point out an area where new law or policy solutions are needed, or to advocate for increased attention, funding, support, or other resources for a particular issue. You

may also focus your op-ed on a legal debate, in the style of a law review note, and make an argument for a new interpretation of a law or analyze a circuit split.

Your op-ed must be 1000-1200 words and must discuss an issue related to internet law, where law is part of the problem, solution, or both. You will not be graded on style or adherence to traditional op-ed form. Instead, what I am looking for is a clear explanation and analysis of a problem, as well as strong, logical arguments for your preferred solution or set of solutions. A strong essay will show that you grasp the legal issues related to the topic you have chosen and are able to make a convincing argument about a matter related to internet law.

I am available to discuss op-ed topics, though I will not review outlines or rough drafts. More in-depth guidelines will be shared in advance. There is no requirement to submit your op-ed for publication. However, should that be of interest, I am happy to offer advice on the process after the close of the semester.

### **Final Exam**

The final exam will be a take-home, open-book exam. More information will be shared in advance, and I will host a review session if there is sufficient interest.