

Brief Contents

Detailed Contents	vi
List of Sidebars	ix
Preface	x
Acknowledgments	xii
1. Introduction to the Legal System	1
2. Freedom of Expression	21
3. Telecommunications Regulation	47
4. Internet Regulation	75
5. Conflict of Laws	103
6. Information Gathering	127
7. Intellectual Property: Copyright	161
8. Intellectual Property: Patents, Trademarks, and Trade Secrets	199
9. Defamation	227
10. Invasion of Privacy	257
11. Sex and Violence	303
12. Commercial Speech and Antitrust Law	333
Appendix: How to Find the Law	367
Glossary	371
Table of Cases	378
Index	387

Detailed Contents

Detailed Contents	vi
List of Sidebars	ix
Preface	x
Acknowledgments	xii
1. Introduction to the Legal System	1
<i>The Meaning of Law</i>	1
<i>Sources of Law in the United States</i>	1
<i>The Structure of Court Systems</i>	10
<i>Types of Law</i>	14
<i>Questions for Discussion</i>	20
2. Freedom of Expression	21
<i>The First Amendment</i>	21
<i>The First Amendment's Purpose</i>	22
<i>Expanding the Meaning of the First Amendment</i>	30
<i>Limitations on Protection</i>	32
<i>No Compelled Speech</i>	43
<i>Questions for Discussion</i>	45
3. Telecommunications Regulation	47
<i>A Bird's Eye View</i>	47
<i>Establishing a Regulatory Framework</i>	48
<i>Broadcast Regulation</i>	51
<i>Media Ownership Rules</i>	54
<i>Multi-Channel Video Program Distributors</i>	66
<i>Phone Companies</i>	73
<i>Questions for Discussion</i>	74
4. Internet Regulation	75
<i>ICANN, the Internet's Manager</i>	75
<i>Network Neutrality</i>	80
<i>Voice over Internet Protocol</i>	87
<i>eAccessibility</i>	88
<i>Cybercrime</i>	89
<i>Internet Gambling</i>	96
<i>Virtual Law</i>	98
<i>Questions for Discussion</i>	102



5. Conflict of Laws	103
<i>Jurisdiction, Choice of Law, and Enforcement of Judgments</i>	104
<i>Private International Law</i>	112
<i>Choice of Forum/Choice of Law Agreements</i>	122
<i>Treaties on Jurisdiction and Choice of Law</i>	123
<i>Alternative Dispute Resolution</i>	124
<i>Questions for Discussion</i>	126
6. Information Gathering	127
<i>Access to Information</i>	127
<i>State Freedom of Information Laws</i>	138
<i>Access to Public Officials</i>	138
<i>Access to Legislative Information</i>	139
<i>Access to Judicial Information</i>	139
<i>Protection of Information</i>	141
<i>Questions for Discussion</i>	160
7. Intellectual Property: Copyright	161
<i>Source and Purpose of Intellectual Property Protection</i>	161
<i>What Can Be Copyrighted?</i>	162
<i>What Cannot Be Copyrighted?</i>	164
<i>Who Qualifies for Copyright Protection?</i>	168
<i>What Are a Copyright Holder's Exclusive Rights?</i>	169
<i>Registering and Protecting Works</i>	172
<i>What is Copyright Infringement?</i>	175
<i>Digital Millennium Copyright Act</i>	179
<i>Remedies for Copyright Infringement</i>	183
<i>Balancing the Rights of Copyright Owners and Users</i>	184
<i>The Creative Commons</i>	196
<i>Questions for Discussion</i>	198
8. Intellectual Property: Patents, Trademarks, and Trade Secrets	199
<i>Patents</i>	199
<i>Trademarks</i>	204
<i>Cybersquatting</i>	216
<i>Trade Secrets</i>	221
<i>Questions for Discussion</i>	225
9. Defamation	227
<i>What is Defamation?</i>	228
<i>Types of Defamation</i>	229
<i>Who Can Be Defamed?</i>	229
<i>Elements of Libel</i>	231
<i>Defenses to Libel</i>	236
<i>Mitigation of Damages</i>	240
<i>How Has Defamation Changed?</i>	241
<i>The Single Publication Rule</i>	244
<i>Statutes of Limitation</i>	244



<i>Criminal Libel</i>	245
<i>Nontraditional Media and Non-Media Defendants</i>	246
<i>Immunity for Interactive Computer Services</i>	250
<i>Photo Illustrations/Digitally Altering Images</i>	252
<i>Libel in Fiction</i>	252
<i>Satire and Parody</i>	253
<i>Intentional Infliction of Emotional Distress</i>	254
<i>Questions for Discussion</i>	256
10. Invasion of Privacy	257
<i>Whose Privacy is Protected?</i>	257
<i>Constitutional Protections for Privacy</i>	258
<i>Privacy Protection Under Common Law</i>	259
<i>Defenses to Invasion of Privacy</i>	272
<i>Privacy Protection From Federal Statutes</i>	274
<i>State Privacy Statutes</i>	283
<i>Workplace Privacy</i>	288
<i>Marketplace Privacy</i>	290
<i>Privacy and Social Networking</i>	293
<i>Anonymity Online</i>	296
<i>Government Surveillance</i>	297
<i>Questions for Discussion</i>	301
11. Sex and Violence	303
<i>Obscenity and Indecency</i>	304
<i>Regulation of Indecency and Material Harmful to Minors</i>	311
<i>Violence</i>	316
<i>Incitement to Violence</i>	321
<i>Threats</i>	324
<i>Hate Speech</i>	330
<i>Questions for Discussion</i>	331
12. Commercial Speech and Antitrust Law	333
<i>What is Commercial Speech?</i>	334
<i>Advertising and First Amendment Protection</i>	334
<i>Regulation of Unfair and Deceptive Advertising</i>	337
<i>FTC Actions Against False Advertising</i>	340
<i>FTC Advertising Guidelines</i>	342
<i>Advertising and Foreseeable Harm</i>	344
<i>False Advertising and the Lanham Act</i>	345
<i>False Advertising and State Law</i>	349
<i>Advertising “Sin” Products and Services</i>	350
<i>Advertising to Children</i>	353
<i>Marketing Intrusions</i>	354
<i>Public Relations</i>	357
<i>Antitrust Law</i>	358
<i>Questions for Discussion</i>	366
Appendix: How to Find the Law	367
Glossary	371
Table of Cases	378
Index	387