

# Contents

Preface .....	xxv
About the Authors .....	xxxiii

---

## PART 1 Business Formation, Business Models and Business Cycles

---

### CHAPTER 1

Introduction to <i>CyberLaw: Text and Cases</i> .....	3
---	---

Introduction 3

Overview of the Internet and World Wide Web 4

    History of the Internet 4

        Conception of the Internet 4

        ARPA, NPL, and RAND: Founders of the Internet 5

        Cyclades and NPL 6

        The Legacy 10

    History of the World Wide Web 10

    Convergence: How the Systems Work Together Along with Other Technologies 13

    Business Adoption of Internet as an Enterprise Platform; Business Creation Due to  
        the Internet Platform 15

The Interaction of Technology, Business, and Law in Our  
Networked Environment 16

Text Survey 18

    Description of the Focus of the Text 18

    Summary of a Representative Case, *Eolas v. Microsoft* 18

        Postscript: Some Notes and Quotes from TBL's Letter 20

    Description of the Chapter Content 20

Summary 20

Key Terms 21

Manager's Checklist 21

Ethical Considerations 21

Questions and Case Problems 21

Additional Resources 22

### CHAPTER 2

Innovations and Inventions: The Ideas and Implementations of Technology

Core to Developing Business Models as a Means to Create Value ..... 23

Introduction 23

The Environment of Innovations and Inventions 24

    Why Invent, Innovate? 26

    Defining Inventions, Innovations 27

        Innovation 27

        Invention 28

The General Process	28
Background	28
<b>Onex Communications Corp. v. Commissioner of Revenue</b>	30
Stages of Innovation and Invention	33
Categories of Innovation and Invention	33
Effect of Innovation and Invention	34
Incentives to Innovate and Invent: Market, Nonmarket Catalysts	34
Market Catalysts	35
Nonmarket Catalysts	35
Impediments to these Incentives	36
Title to the Innovations and Inventions: Identity, Ownership, and Legacy	37
Friends Forming Start-ups	38
<b>Montgomery v. Etreppid Technologies, LLC</b>	39
Students Forming Start-ups	40
<b>The Facebook, Inc. v. ConnectU</b>	43
Workers Working on Projects During Work and/or Nonwork Time	46
<b>Iconix, Inc. v. Tokuda</b>	46
Founders	50
<b>Implementations of Innovations and Inventions in Business Models</b>	51
Defining a Business Model	51
How the Internet Changed the Possibilities for Business Models	53
Business Models Facilitated by the Internet and Web	57
Free	57
Freemium	57
Subscription	57
Codevelopment and Open Innovation	57
Donations	58
Pay-What-You-Want	58
Examples of Business Models in Flux	58
<b>Summary</b>	59
<b>Key Terms</b>	59
<b>Manager's Checklist</b>	59
<b>Ethical Considerations</b>	59
<b>Questions and Case Problems</b>	60
<b>Additional Resources</b>	60
 <b>CHAPTER 3</b>	
<b>Business Governance and Management: Formation, Financing and Exit Strategies</b>	61
<b>Introduction</b>	61
<b>Formation</b>	62
Developing a Business Plan	63
Forms of Business Organization	66
Sole Proprietorships	66
General Partnerships	67
Limited Partnerships and Limited Liability Partnerships	67
Joint Ventures	67
Limited Liability Companies	67
S Corporations	67
Nonprofit Corporations	67
Corporations	67

Directors and Officers	69
Board of Directors	69
<b>Reading International Inc. v. Oaktree Capital Management</b>	71
Corporate Officers	72
Corporate Fiduciary Duties of Directors and Officers	76
<b>Thomas Weisel Partners, LLC v. BNP Paribas and Praveen Chakravarty</b>	78
Shareholders	80
Classes of Shareholder Stock	80
Shareholder Rights	81
<b>Tellabs, Inc. v. Makor Issues and Rights, Ltd.</b>	82
Funding, Change in Control, Exit and Dissolution	82
Funding Sources—Supporting Funding for Today's Entrepreneurs	84
Angel Investors	86
Venture Capital Investors	86
Funding Rounds	88
Changes in Ownership, Exits—the Start-Up as a Target for Acquisition, Asset Purchase or Merger—or Candidate for an IPO	89
Valuation	90
<b>Bergeron v. Ridgewood Securities Corp.</b>	92
Final Exit Strategy for Changes in Control	94
Stages of Business Decline, or "How the Mighty Fall"	97
Summary	97
Key Terms	97
Manager's Checklist	98
Questions and Case Problems	98
Additional Resources	98

---

**PART 2 Intellectual Property: Business Assets in the  
Information Age**

---

<b>CHAPTER 4</b>	
Trademarks	101
Introduction	101
Intellectual Property (IP)	102
Intellectual Property Symbols	102
Comparing Intellectual Property to Ordinary Property	102
What Is a Trademark?	103
Types of Marks	104
The Distinctiveness Continuum	104
Generic	104
Descriptive	104
Suggestive	105
Arbitrary or Fanciful	105
Trade Dress and Websites	105
Product Design and Product Packaging	106
<b>SG Services Inc. v. God's Girls Inc.</b>	107
Federal Law and Registration with the USPTO	106
Domain Names as Trademarks	109
Unregistered Trademarks	109

State Law	110
Keeping a Trademark	110
<b>Why Protect Trademarks?</b>	110
Trademark Infringement Standard: Likelihood of Confusion	111
Trademark Dilution	111
Dilution by Blurring	112
Dilution by Tarnishment	112
Trademark Infringement Versus Trademark Dilution	112
<b>Online Trademark Infringement</b>	113
Linking and Deep Linking	113
Framing and In-line Linking	114
Metatags	114
Initial Interest Confusion	115
Sponsored Advertising	115
Organic Results	115
Keying	116
The “Use In Commerce” Requirement	116
Liability for Keying: <i>Boston Duck Tours v. Super Duck Tours</i>	116
Managing Sponsored Advertising	116
Secondary Trademark Liability on the Internet	117
Secondary Liability and Web 2.0 Businesses	118
<b>Tiffany, Inc. v. EBay, Inc.</b>	118
Secondary Liability on the Internet: A Difficult Case to Make	121
<b>Domain Names</b>	121
The Structure of a Domain Name	121
Registering a Domain Name	122
Domain Names and Opportunistic Behavior	122
Trademark CyberSquatting: <i>Panavision v. Toeppen</i>	122
Nontrademark CyberSquatting	122
TypoSquatting	123
The Economics of CyberSquatting	123
The AntiCyberSquatting Consumer Protection Act (ACPA)	123
What Constitutes “Bad Faith”	124
Using Domain Names for Critical Commentary: Gripe Sites	124
Uniform Dispute Resolution Policy (UDRP)	125
<b>Research In Motion Ltd. v. Georges Elias</b>	126
Cybersquatting Today	128
<b>Summary</b>	129
<b>Key Terms</b>	129
<b>Manager’s Checklist</b>	129
<b>Questions and Case Problems</b>	130
<b>Additional Resources</b>	131
<b>CHAPTER 5</b>	
<b>Copyright</b>	133
<b>Introduction</b>	133
<b>Obtaining a Copyright</b>	134
The Broad Scope of Copyright	134
Requirements for Copyright	134
Originality	135
Fixation	135

Registration	135
Notice	136
Why Copyright?	136
The United States Approach: Promoting Welfare	136
Justifying Copyright and the Internet	137
<b>Exclusive Rights</b>	137
Reproduction Right and the Internet	138
Suits Against Napster and Other File-Sharing Services	138
Suits Against Individuals	139
Derivative Works Right and the Internet	139
Distribution Right and the Internet	139
Internet File Sharing: Inadvertent Distribution?	140
Public Performance/Display Rights and the Internet	140
Definition of "Public"	140
Telephone Ringtones: <i>Cellco Partnership v. ASCAP</i>	141
<b>Limitations to the Exclusive Rights</b>	142
Duration	142
<i>Eldred v. Ashcroft</i>	143
Public Domain	146
Public Domain and the Internet	146
Determining Public Domain Status	147
Fair Use	147
Fair Use: A Flexible Standard	147
<i>A.V. v. Iparadigms</i>	148
First Sale Doctrine	151
Proposed Digital First Sale Doctrine	152
Software Licensing and the First Sale Doctrine	152
Other Limitations to the Exclusive Rights	152
<b>Infringement and Defenses</b>	152
<b>Remedies</b>	153
Damages	153
Statutory Damages	153
Statutory Damages: <i>Capitol Records v. Thomas-Rasset</i>	153
Statutory Damages: Unconstitutionally Excessive?	154
Domain Name Registration and Willfulness	154
Injunctions	154
Criminal Liability	154
<b>Special Aspects of Online Copyright</b>	155
Websites	155
Linking and Deep Linking	155
In-line Linking and Framing	155
Creative Commons	155
Music: Two Works, Two Copyrights	156
The Composition Copyright	156
The Sound Recording Copyright	156
Different Rights Associated with Each Music Copyright	156
Webcasting and Record Company Revenues	157
Digital Performance Right in Sound Recordings Act of 1995	158
<b>Secondary Copyright Liability</b>	158
Types of Secondary Copyright Liability	158
Secondary Liability and Transaction Costs	158
Website Design and Secondary Liability	159
Website Design: Who Owns the Copyright?	160

<b>The Digital Millennium Copyright Act (DMCA)</b>	160
A Changing Technological Environment	160
Congressional Response: The DMCA	161
Anticircumvention Provisions	161
Antitrafficking Provisions	161
The Section 512 Safe Harbors	162
Activities Protected Under the DMCA Safe Harbors	162
Qualifying for the Safe Harbors	163
<i>Corbis Corp. v. Amazon.com, Inc.</i>	164
Summary	166
Key Terms	167
Manager's Checklist	167
Questions and Case Problems	167
Additional Resources	168
 <b>CHAPTER 6</b>	
<b>Patents</b>	169
<b>Introduction</b>	169
<b>What Is a Patent?</b>	170
Exclusive Rights: Independent Invention Is Not an Excuse	170
Patents Confer "Negative Rights"	171
Licensing and Cross-Licensing	171
<b>Obtaining a Patent</b>	172
Patent Prosecution	172
Appeal from an Examiner's Adverse Decision	172
Patent Searching	172
<b>Patent Duration</b>	173
A Shorter Duration for Internet Patents?	173
Patent Duration, 1790 to the Present	173
Patent Fees	174
Maintenance Fees and Patent Duration	174
<b>Other Limitations to the Exclusive Rights</b>	174
The Limited Territorial Reach of Patents	175
Patents versus Copyrights	176
The Anatomy of a Patent	176
<b>What Can Be Patented? Requirements for Patentability</b>	176
The Broad Scope of Patents: Section 101 Subject Matter	177
Limits to Patentable Subject Matter	178
Utility	179
Novelty	180
Prior Art	180
First-to-Invent versus First-to-File	181
Nonobviousness	182
Secondary Considerations	182
<i>Amazon.com v. Barnesandnoble.com</i>	183
After <i>Amazon v. Barnes And Noble</i>	185
Enablement	185
<b>Types of Patents</b>	186
Design Patents and the Internet	187
Overlapping Rights: Design Patents, Copyrights, and Trademarks	187
From Design Patents to Trademarks	188
Software Patents	188
Patent Protection or Copyright Protection?	188

Business Method Patents	189
Business Method Patents and Section 101 Subject Matter	189
Business Method Patents: <i>State Street v. Signature</i>	189
The Rise of Business Method Patents	190
<i>In Re Bilski</i>	190
Enforcing Patent Rights	193
The High Cost of Patent Litigation	194
Cease-and-Desist Letters to Supreme Court Review	194
Infringement	194
Literal Infringement and the Doctrine of Equivalents	195
Defenses	195
Not Infringed	196
Invalid as Anticipated	196
Invalid as Obvious	196
Unenforceable Even if Valid	196
Special Exemption for Prior Users of Business Methods	197
<i>Hyperphrase Technologies, LLC v. Google, Inc.</i>	198
Remedies	199
Damages and Attorney Fees	199
<i>z4 Technologies v. Microsoft Corp.</i>	200
Injunctions	200
<i>eBay v. MercExchange</i>	200
<i>After eBay v. MercExchange</i>	200
Trolls, Landmines, and Other Metaphors	201
Why Patents?	201
Patent Theory and Business Method Patents	201
Patent Landmines	201
Patent Thickets	202
Patent Hold-ups	202
Patent Trolls	202
University Patenting: The Bayh-Dole Act of 1980	203
Responses to Patent Proliferation	203
Industry Responses	203
Consumer Advocate Responses: Patent Busting	204
Judicial Responses	204
Conclusion	204
Summary	204
Key Terms	205
Manager's Checklist	205
Questions and Case Problems	205
Additional Resources	206
<b>CHAPTER 7</b>	
<b>Trade Secrets</b>	207
Introduction	207
The Information Age	207
An Information Explosion	207
Patents and Copyrights Cannot Protect All Data	208
What Is a Trade Secret?	208
Trade Secrets: Governing Law	208
State Law: The Uniform Trade Secrets Act	208
Federal Law: Economic Espionage Act of 1996	209

Trade Secrets Defined	209
Valuable Because Not Generally Known	209
Reasonable Measures to Maintain Secrecy	211
Covenants Not to Compete in California	212
Justifying Trade Secret Law	213
Innovation and Efficiency	213
Business Ethics	214
“Obtaining” and Maintaining a Trade Secret	214
Trade Secret as Alternative to Patent and Copyright	214
Costs of Trade Secrets	214
Duration of Trade Secrets	214
Unsuccessful Patenting Places Secret Information at Risk	215
Third Party Patents May Limit Trade Secret Duration	215
Independent Invention and Trade Secrets	215
Trade Secrets and Software	215
A Dynamic Business Environment Places Trade Secrets at Risk	216
Employee Mobility	216
Inadvertent Disclosure	217
Third Party Espionage	217
The Internet	217
Trade Secret Litigation	218
Asserting Trade Secret Rights in Court	218
Information Qualifies as a Trade Secret	218
Reasonable Measures to Maintain Secrecy	219
Information was Misappropriated	220
<i>JustMed, Inc. v. Byce</i>	221
Suits Based Upon Inevitable Disclosure	222
<i>IBM Corp. v. Papermaster</i>	223
After IBM Corp. v. Papermaster	224
Breach of Contract	224
Defending a Trade Secret Suit	225
Information Is Not Secret	225
Defendant Did Not Misappropriate Information	226
A First Amendment Right to Post on the Internet?	226
<i>DVD Copy Control Ass’n v. Bunner</i>	226
After <i>DVD Copy Control Ass’n v. Bunner</i>	228
Remedies	229
Damages and Attorney Fees Under the UTSA	229
Injunctions Under the UTSA	229
Conclusion	229
Summary	230
Key Terms	230
Manager’s Checklist	230
Questions and Case Problems	230
Additional Resources	231

---

## PART 3 Transactional Law: Creating Wealth and Managing Risk

---

### CHAPTER 8

**Dispute Resolution: Jurisdiction, Litigation, and ADR** ..... 235

**Introduction** 235

**Jurisdiction** 236

    Introduction 236

    Traditional Concepts of Jurisdiction 238

    Personal Jurisdiction and the Internet 239

*Calder v. Jones* 240

*Tamburo v. Dworkin* 241

*Yahoo!, Inc. v. La Ligue Contre Le Racisme Et l'Antisemitisme* 241

*Oldfield v. Pueblo de Bahia Lora* 245

*In re Pirate Bay* 247

    Limits to Litigation 249

**Possible Solutions: Managing the Litigation Risk** 250

    Forum Selection and Choice of Law Clauses 250

    Filtering and Sniffing Software, Geolocation, Global Positioning Systems, and

    Real-Time Monitoring 251

    The Role of Alternative Dispute Resolution 253

**Summary** 259

**Key Terms** 259

**Manager's Checklist** 259

**Questions and Case Problems** 260

**Additional Resources** 261

### CHAPTER 9

**Contracts for the Internet and Tech Sectors** ..... 263

**Introduction** 263

**General Contract Law Principles** 264

    Purpose of Contracts 264

    Negotiations, Formation, and Elements of Contracts 264

    Performance and Conditions in Contracts 265

    Discharge, Termination, Breach, and Remedies 266

*Rockland Trust Co. v. Computer Assoc.* 267

**Contracts Relevant to the Assets of Tech Companies—Negotiated Agreements**

**between Businesses to Commercially Exploit Value** 269

    Terms of Licensing Agreements between Companies 269

    Technology Transfer and Licensing Agreements 270

*University of Pittsburgh v. Townsend* 273

*C.B.C. Distribution and Marketing, Inc. v. Major League Baseball*

*Advanced Media, L.P.* 275

    Licensing Agreements in All Directions between Companies: In-Licensing,  
    Out-Licensing, and Cross-Licensing 276

    Joint Venture, Partnership, and Contract Manufacturing Agreements 277

    Joint Venture Agreements 278

*William Cunningham, and Cunningham Electrical Corp. v. POSnet Services, LLC* 280

    Partnership Agreements 282

    Contract Manufacturing Agreements 282

    General Business and Barter Agreements for Tech Companies 283

    Barter Contracts 283

    Government Oversight of Tech Agreements 283

<b>Proprietary Contracts for Software and Site Use—Mass-Market,</b>	
<b>Nonnegotiated Agreements</b>	285
Proprietary Software and Site License Agreements	286
Software Development Kits (SDKs)	286
Site License Agreements	287
<b><i>Feldman v. Inc.</i></b>	288
<b><i>Davidson &amp; Assoc, Inc. &amp; Blizzard Enter. v. Internet Gateway, Bnetd</i></b>	290
Free and Open Source Software (FOSS) Agreements	292
Permissive Licenses	292
CopyLeft Licenses	292
<b><i>Jacobsen v. Katzer and Kamind Assoc.</i></b>	294
Policy Issues Related to Software Licensing	295
<b>Summary</b>	296
<b>Key Terms</b>	297
<b>Manager's Checklist</b>	297
<b>Questions and Case Problems</b>	297
<b>Additional Resources</b>	298
 <b>CHAPTER 10</b>	
<b>The Employment Relationship in the Internet and Tech Sectors</b>	299
<b>Introduction</b>	299
<b>The Work Environment</b>	300
The Preemployment Term	300
Employer Search for Qualified Candidates	300
Employer Verification of Employment Eligibility	302
Employer Classification of Employee Status	303
<b><i>State v. Kirby</i></b>	306
The Term of Employment	310
The Postemployment Term	312
<b><i>Intel v. Hamidi</i></b>	312
<b>Employment Agreements</b>	314
Invention Assignment Agreements (IAAs)	315
<b><i>Mattel, Inc. v. MGA Entertainment, Inc.</i></b>	315
Nondisclosure Agreements (NDAs)	317
Noncompete Agreements (NCAs)	318
<b><i>Google v. Microsoft</i></b>	320
Forfeiture Agreements	321
<b><i>Viad Corp. v. Houghton</i></b>	321
Nonsolicitation Agreements (NSAs)	323
Stock Option Agreements	323
<b><i>United States v. Reyes</i></b>	325
Employee Separation Agreements	327
Executive Employment Agreements	327
<b>Summary</b>	328
<b>Key Terms</b>	328
<b>Manager's Checklist</b>	328
<b>Questions and Case Problems</b>	329
<b>Additional Resources</b>	330

---

## PART 4 Regulatory, Compliance and Liability Issues

---

### CHAPTER 11

Government Regulation .....	333
-----------------------------	-----

Introduction	333
--------------	-----

The Need for Regulation	334
-------------------------	-----

Ways to Regulate Behavior	335
---------------------------	-----

Law	335
-----	-----

Markets	335
---------	-----

Funding Sources	335
-----------------	-----

Technology	335
------------	-----

Regulation of Markets	336
-----------------------	-----

Overview of U.S. Antitrust Law	336
--------------------------------	-----

Tying	337
-------	-----

<i>In re Apple &amp; AT&amp;T Antitrust Litigation</i>	338
--	-----

Net Neutrality	340
----------------	-----

<i>Comcast Corp. v. Federal Communications Commission</i>	341
---	-----

Wireless Spectrum Management	343
------------------------------	-----

Regulation of Fiscal Policy	344
-----------------------------	-----

<i>Quill Corp. v. North Dakota</i>	345
------------------------------------	-----

<i>Borders Online, LLC. v. State Bd. of Equalization</i>	347
--	-----

<i>Geoffrey, Inc. v. Commissioner</i>	350
---------------------------------------	-----

Recent Developments	352
---------------------	-----

Regulation of Content	352
-----------------------	-----

User-Generated Content	352
------------------------	-----

Website Liability and the Communications Decency Act	354
--	-----

<i>Doe v. MySpace, Inc.</i>	355
-----------------------------	-----

<i>Barnes v. Yahoo!, Inc.</i>	358
-------------------------------	-----

Summary	359
---------	-----

Key Terms	360
-----------	-----

Manager's Checklist	360
---------------------	-----

Questions and Case Problems	360
-----------------------------	-----

Additional Resources	362
----------------------	-----

### CHAPTER 12

Privacy .....	363
---------------	-----

Introduction	363
--------------	-----

Sources of the Right to Privacy	365
---------------------------------	-----

U.S. Constitution	365
-------------------	-----

State Constitutions	366
---------------------	-----

Common Law Torts for the Invasion of Privacy	366
--	-----

Intrusion Upon Seclusion	366
--------------------------	-----

<i>Steinbach v. Village of Forest Park</i>	367
--	-----

Public Disclosure of Private Facts Causing Injury to Reputation	368
---	-----

Publicly Placing Another in False Light	368
---	-----

Misappropriation of a Person's Name or Likeness Causing Injury to Reputation	368
--	-----

Federal Privacy Laws	369
----------------------	-----

Privacy Protection Act	369
------------------------	-----

Privacy Act of 1974	369
---------------------	-----

Cable Communications Policy Act	369
Video Privacy Protection Act	370
Telephone Consumer Protection Act	370
Electronic Communications Privacy Act	370
Fair Credit Reporting Act and FACTA	372
Gramm-Leach-Bliley Act	372
Health Insurance Portability and Accountability Act	374
Children's Online Privacy Protection Act	376
Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003	377

**State Privacy Laws** 377

**Data Security** 379

Overview	379
Data Breach Notification Laws	379
Laws Mandating Specific Security Requirements	380
Enforcing Privacy and Data Security Rights	381

**Select Privacy Issues** 384

Behavioral Advertising	384
Privacy at Work	387

***Stengart v. Loving Care Agency*** 387

Privacy in Satellite and Aerial Photograph Images	392
---	-----

***Boring v. Google, Inc.*** 392

**Summary** 397

**Key Terms** 398

**Manager's Checklist** 398

**Questions and Case Problems** 398

**Additional Resources** 400

**CHAPTER 13**

**Security and Computer Crime** ..... 401

**Introduction** 402

**Understanding Computer Crime** 402

Crimes Facilitated by Computers	402
Fraud and Identity Theft	403
Privacy Violations/Invasions	406
Cyberstalking, Cyberharassment, and Cyberbullying	407
Cyberterrorism	408
Counterfeits	409
Intellectual Property Crimes	410

***Capitol Records Inc. v. Thomas-Rasset*** 411

Wrongful Registration of a Domain Name	413
--	-----

Hacking	414
---------	-----

Crimes Against Computers and Computer Systems	417
---	-----

Spam	417
------	-----

***Jaynes v. Commonwealth of Virginia*** 417

Malware	420
Viruses, Worms, and Trojan horses	420
Phishing	420
Cyberterrorism	420
Denial-of-Service Attacks	421

**The Impact of Cybercrime on Law Enforcement** 421

Technical Challenges to Combating Cybercrime	421
--	-----

Legal Challenges Presented by Cybercrimes	422
---	-----

<b>United States v. Wecht</b>	422
Law Enforcement's Operational Challenges	425
<b>Cybercrime and Ecommerce</b>	428
<i>Federal Trade Commission v. Neovi, Inc.</i>	428
<i>eBay, Inc. v. Digital Point Solutions, Inc.</i>	430
<b>U.S. Efforts to Reduce and Eliminate Cybercrime</b>	432
The US SAFE WEB Act	432
Prosecutions Under the US SAFE WEB Act	433
<b>International Aspects of Computer and Online Crime</b>	433
The Internet and Transnational Criminal Activity	433
International Treaties and Convention	434
Council of Europe Convention on Cybercrime	434
European Commission	434
Other Cooperative Efforts	435
The Future of International Cooperation	435
<b>Summary</b>	436
<b>Key Terms</b>	436
<b>Manager's Checklist</b>	436
<b>Questions and Case Problems</b>	437
<b>Additional Resources</b>	438

<b>CHAPTER 14</b>	
<b>International CyberLaw</b>	439
<b>Introduction</b>	439
<b>Who Governs the Online World?</b>	440
The Problem of Jurisdiction	440
Enforcement of Online Jurisdiction	440
Principles of National Enforcement	440
Internet Jurisdiction in the European Union	441
American and European Principles Collide	442
<i>Yahoo!, Inc. v. La Ligue Contre Le Racisme Et l'Antisemitisme</i>	442
Self-Regulation: The Future of Dispute Resolution?	444
<b>International Regulation of Trademark Law</b>	444
Key International Trademark Treaties	444
Trade-Related Aspects of Intellectual Property Rights	444
The International Convention for the Protection of Industrial Property	
(Paris Convention)	445
Trademark Law Treaty	445
Madrid Protocol	445
Resolving Trademark Domain Name Disputes through a Uniform	
Dispute Resolution Policy	446
Global Disputes Over Domain Names	446
United Kingdom	446
Russia	447
South America	447
Asia	447
The Problem of Enforcement	448
<b>Protection of Creative Works through Copyright Law</b>	448
Important International Copyright Initiatives	448
The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)	448
The Berne Convention	449

European Union Copyright Directive	449	
WIPO Copyright Treaty	449	
Global Obligations of Internet Service Providers	449	
<b>Business Method Patents and Trade Secrets</b>	451	
Extraterritorial Enforcement of Business Method Patents	452	
Global Protection of Trade Secrets	452	
Trade Related Aspects of Intellectual Property Rights	452	
The Vulnerability of Trade Secrets to Online Distribution	453	
<i>Hays Specialist Recruitment (Holdings) Ltd. v. Ions</i>	454	
The Online Employment Relationship	455	
<i>X v. European Central Bank</i>	456	
Codes of Conduct and Information Hotlines	458	
<b>International Aspects of Electronic Contracting</b>	459	
U.N. Convention on Contracts for the International Sale of Goods	459	
UNCITRAL Model Law on Ecommerce	459	
European Union Electronic Commerce Directive	460	
U.N. Convention on the Use of Electronic Communications in International Contracts	460	
<b>Global Securities Regulation</b>	461	
Regulation of the International Movement of Capital	461	
International Cooperation and Securities Law Enforcement	461	
<b>Global Issues of Privacy in Cyberspace</b>	462	
European Union Directive on Privacy Protection	462	
The United States/European Union Safe Harbor Agreement	463	
Subsequent Interpretations	463	
E.U. Directive on Privacy and Electronic Communications	465	
Canada's Personal Information Protection and Electronic Documents Act	465	
<b>Data Security and Information Crime</b>	466	
Council of Europe Convention on Cybercrime	466	
Organization for Economic Cooperation and Development (OECD) Guidelines	467	
The Future of International Cooperation	468	
<b>Summary</b>	468	
<b>Key Terms</b>	468	
<b>Manager's Checklist</b>	469	
<b>Questions and Case Problems</b>	469	
<b>Additional Resources</b>	470	
<b>Appendix 1</b>	U.S. Patent Office '906 Letter	471
<b>Appendix 2</b>	<i>Ceglia v. Zuckerberg</i> Complaint	475
<b>Appendix 3</b>	<i>Chang v. Winklevoss</i> (Excerpt of Complaint)	481
<b>Appendix 4</b>	Greenspan's Letter to Zuckerberg	485
<b>Appendix 5</b>	Form S-1 for Google Inc.	487
<b>Appendix 6</b>	Financial Accounting Standards Board: Statement of Financial Accounting Standards No. 123 (Revised 2004), Share-Based payment (Excerpted)	499
<b>Appendix 7</b>	Form 6-K for Research in Motion Limited	503
<b>Appendix 8</b>	Classifying Employees	509
<b>Appendix 9</b>	Instructions for Completing Form 1-9 (Employment Eligibility Verification Form)	517
<b>Appendix 10</b>	Works Made for Hire Under the 1976 Copyright Act	523

<b>Appendix 11</b>	Fair Labor Standards Act: Internship Guidelines	527
<b>Appendix 12</b>	<i>Kai-Fu Lee v. Microsoft Corporation</i>	531
<b>Appendix 13</b>	Microsoft Temporary Restraining Order	535
	Glossary	539
	Table of Cases	555
	Index	559