

E-Commerce Regulation

ICT 406, Section 001, Spring 2019

Instructor: Prof. Bryce C. Newell
Class time and location: Tu & Th, 9:30 am – 10:45 am, L.C. Little Fine Arts Library, Room 312
Office address: 350 Lucille Little Fine Arts Library
Email: brycnewell@uky.edu
Office phone: 859.218.3415
Office hours: Tuesday and Thursday from 11:00am-1:00pm
Virtual office hours: During Office Hours (or by appointment) via Zoom:
<https://uky.zoom.us/j/7332000666>
Preferred method of contact: Email.

Communication and appointments policy: Contact me via e-mail to schedule an appointment to meet or to talk about the class; I will try to respond as soon as possible, usually within 24-48 hours during weekdays, or on Monday for emails sent over weekends. I will generally not check or respond to my email on weekends or holidays, so please be patient if you email me during these time periods.

COURSE DESCRIPTION

Business and commercial transactions conducted via electronic means are subject to complex legislation and regulation that changes frequently. The relevant legislation and regulatory mechanisms govern commercial transactions as well as any electronic marketing, such as promotional emails or online newsletters. This course provides an overview of the regulatory framework governing e-commerce transactions, relevant standards and ethical considerations, protocols to ensure consumer protection, and emergent issues relating to compliance and enforcement.

PREREQUISITES

None.

STUDENT LEARNING OUTCOMES

Students completing the course will be able to:

- Define and describe the key concepts related to the regulation of the internet and e-commerce.
- Apply knowledge of e-commerce and internet regulation in hypothetical scenarios.
- Critically consider specific national and foreign laws that apply to the internet.
- Recognize and assess ethical principles that apply to e-commerce.
- Assess and evaluate emerging ethical, legal, and policy issues related to internet regulation.

COURSE OBJECTIVES

The objective of this course is to examine and identify:

- The key concepts related to the regulation of the internet and e-commerce.
- The technologies facilitating electronic business and commercial transactions.
- The legal and policy frameworks governing electronic business, platforms, and use of the internet.
- Ethical considerations and consumer protections.
- Current issues and concerns relating to e-commerce and internet regulation.

REQUIRED MATERIALS

Required text: **James Grimmelmann, *Internet Law: Cases and Problems*** (Semaphore Press, 8th edition). This required text is available for download only at www.semaphorepress.com. Semaphore Press uses a different publishing model than traditional publishers. I encourage you to read about Semaphore Press's publishing approach on its website. This book has a suggested price of \$30. I urge you to pay the suggested retail price in order to keep high-quality educational material available at reasonable prices. If you prefer, the publisher does offer a print version of this book through Amazon at a higher price. Search for the author and title on Amazon and you will find the current edition for print-on-demand.) NOTE: You do NOT need to purchase the physical book, the digital/PDF version is fine.

Additional readings

All other required readings (those not contained in the required book) will be posted to Canvas (or linked to online, if they are open-access materials). Assigned readings are noted in the [Course Schedule \(on Canvas\)](#).

Canvas

The Canvas course management system will be used to facilitate the class. The course's Canvas page is at <https://uk.instructure.com/courses/1935325>. Please visit <https://www.uky.edu/canvas/> to learn about this system and the login requirements.

Computer and Internet Access

You will need access to an appropriate computer with a broadband internet connection and a word processing program (e.g., Microsoft Word).

SUMMARY OF ASSIGNMENTS

<u>Assignment</u>	<u>Deadline</u>	<u>Points</u>
Normative Reflection (2 @ 10 each)	Anytime (on or before April 25)	20
Mid-Term Exam	March 8	30
Case Briefing (4 @ 5% each)	Varies; in class	20
Final (Take-Home) Exam	May 1	30
Totals		100

SUMMARY DESCRIPTION OF COURSE ASSIGNMENTS

Success in this course will require student attendance and participation—in class and outside of class. The following paragraphs summarize the graded assignments for the course. Please note that there are a variety of on-campus resources for students to seek assistance on oral or written assignments, including Presentation U! (<http://www.uky.edu/presentationU/>). Please make use of the resources that are available to you, as needed.

Written Assignments

All written assignments should be submitted in letter format with 12pt Times New Roman (or similar) text and single or 1.15-line spacing, and with standard (e.g., 1 inch) margins. All written assignments are due by 11:59pm on the dates indicated in this syllabus, unless otherwise noted. Written assignments must be submitted online via Canvas through the regular assignment submission portal. **It is the student's responsibility to ensure that all assignments are submitted successfully in Canvas**, so please check your submissions after submitting to ensure no errors have occurred.

It is expected students will both consult and appropriately cite the academic and primary source literature where needed. It is imperative that students employ a variety of scholarly and primary sources on which to build their arguments. As such, you should search bibliographies in the material we are reading, use library databases, and conduct library searches to identify material on their chosen topic. Please rely on a

commonly used style manual for your submissions (e.g. APA, MLA or Chicago). These are available in the Library or may be purchased through online book vendors. If you are uncertain about how to cite electronic sources, consult one of the many electronic guides to citing electronic sources available on the internet. Minimal reference content includes: author (if known), date (if given), title, URL, and date accessed.

Normative Reflection

You will be required to submit two short (800-1200 word) reflective papers over the course of the semester. These may be submitted at any time during the semester, with a final due date of April 25, 2019. For each paper, you should pick one paper (or paper excerpt) or legal opinion (judicial decision) from the assigned readings for the semester and

- 1) briefly identify and elaborate a primary argument in the chosen paper/opinion,
- 2) reflect on and describe the implications that the identified argument may have on society, and
- 3) craft your own counter-argument in response to the author's argument you described under number 1, above. The argument you make should demonstrate your position and should be your own (i.e., not taken directly from another source), but may be informed by the assigned readings, other academic sources, law (legal cases, statutes, other legal instruments), or current events.

You should explain the thesis of your counter-argument, provide some brief background and contextual information (a paragraph or so), and craft a formal argument (in the format shown below) with premises that lead, logically, to your stated conclusion. For example, a valid argument structure might look something like:

- Premise 1. Such and so is the case.
- Premise 2. This or that is true.
- Premise 3. If such and so is true and this or that is true, then X is true.
- Conclusion. So, it follows that X is true

You might begin your paper with an **introduction** that contains a **thesis statement** and an explanation of the technology and the context in which you are situating it for purposes of your argument, followed by the **formal development of your argument**. After presenting your formal argument, you should provide a brief discussion and analysis of your premises and conclusion, including any cases or evidence that support your argument, and define any terms you use that might be subject to multiple meanings or interpretations. You may incorporate outside research and analysis when appropriate for your chosen topic, but you are not required to do so.

Mid-Term Exam

The mid-term exam will be a 1.25 hour, partly-open-book, written examination held during our normal class time on March 7 (and in our normal class room). The exam will consist of some mix of multiple-choice and/or true-false questions and free-response questions in which students will be given a set of facts and corresponding questions that they must answer in written form. Students will be provided copies of any needed legal statutes or constitutional provisions (e.g., Section 230 of the Communications Decency Act and/or the text of the First, Fourth, and Fifth Amendments) when they enter the exam room, but they will be responsible for preparing and bringing notes related to legal cases and other content covered during the semester (i.e., from readings and lectures). Students may bring one letter sized piece of paper with notes into the exam (two-sided, hand written or typed, any size font is acceptable). The exam may cover any material presented in class or contained in the required readings up to the date of the exam. Students must use laptops to write the exam. The exam will be submitted online via Canvas. If you do not have access to a laptop for the exam, please inform the instructor as soon as possible, preferably at least two weeks prior to the exam, so a suitable loaner laptop can be

arranged. Referring to (reviewing, reading, etc.) additional sources during the exam, besides those outlined above, is not allowed. Students found cheating during the exam will receive 0 points for the exam.

Case Briefing

We will be reading and discussing many legal decisions over the course of the semester, and students will be responsible for briefing (reading and being prepared to discuss in class) the cases assigned during at least four (4) different class sessions (there will be approximately 3-4 students on call each day). Students will not be assigned to specific days—rather, students will be called upon in roughly alphabetical order throughout the semester. When on call, students should be prepared to present (and answer questions from the instructor about) the following details of the assigned cases for the day:

- 1) the relevant **facts** of the case (e.g., who allegedly did what, what the case is about),
- 2) the primary **legal issue or question** confronting the court,
- 3) the rule (or **holding**) announced by the court, and
- 4) the **reasoning used by the judges** to come to their conclusion.

PASSING: students are free to “pass” twice when called on during their assigned days; however, if a student passes (or is not present when called on), they will be re-assigned to another date later in the semester (generally the next class meeting). Passing (or not being in attendance when called on) more than twice will result in a grade reduction of 2 points (per extra pass) on the case briefing assignment (up to -4 points in total), regardless of whether a student adequately briefs cases in five other class sessions. If a student passes during the final week of class, there will not be any chance to make up the assignment. To receive full points, students must adequately brief cases in a least four (4) class sessions.

Final Exam

The final exam will be a take-home, open-book, written examination. The exam will open on April 25 immediately after class at 10:45 am and will be due by 11:59pm on May 1 (although you are free to turn it in earlier). The exam will be structured like the mid-term exam, and will consist of 1) a set of multiple-choice or true-false questions, and 2) a written portion in which students will be given one or more set of facts and corresponding questions that they must answer in written form. The exam is comprehensive and may cover any material presented in class or contained in the required readings. The exam must be typed (not handwritten). The exam will be submitted online via Canvas.

LATE SUBMISSIONS

If you submit a piece of coursework after the deadline but within 24 hours of the deadline, your mark will be reduced by 25 percent (i.e. you will receive 75 percent of what you would have received if the assignment was turned in on time). Assignments turned in more than 24 hours (but less than 48 hours) after the deadline will receive a 50 percent deduction. Assignments turned in 48 or more hours late will not be accepted and will not be graded (i.e. you will get zero points for that assignment). The only exceptions to these rules will be for excused absences, which will be handled according to University policies (see Senate Rule 5.2.4.2; more details are outlined below in the General Course Policies section of the syllabus) and for situations where the instructor deems an extension reasonable.

COURSE GRADING

Undergraduate Grading Scale

- [90% – 100%] = A (Exceptional Achievement)
- [80% – 89%] = B (High Achievement)
- [70% – 79%] = C (Average Achievement)
- [60% – 69%] = D (Below Average Achievement)
- [00% – 59%] = F (**Fail**)

Grading Rubric for Written Assignments

The following grading rubric will be employed to evaluate submitted written assignments:

Written communication (50%)

Organization (25% possible)

- Professional quality (25%): The essay can be easily followed. A combination of the following is apparent: Effective transitions are used; a professional format is used.
- Adequate (20%): The essay can be easily followed. A combination of the following is apparent: Basic transitions are used; a structured format is used.
- Needs Improvement (15%): Organization of the essay is difficult to follow, due to inadequate transitions and/or rambling format.
- Inadequate (10%): There appears to be no organization of the essay's contents.

Mechanics and grammar (25% possible)

- Professional quality (25%): The essay is clear and concise and contains no grammatical or mechanical errors.
- Adequate (20%): The essay contains minimal grammatical or mechanical errors.
- Needs improvement (15%): The essay contains numerous grammatical and mechanical errors.
- Inadequate (10%): Sentences and paragraphs are difficult to read and understand due to poor grammar or mechanics

Content (50%)

Correctness of facts (25% possible)

- Professional quality (25%): All facts are correct, and the technical explanation is both concise and complete.
- Adequate (20%): Technical details are generally correct.
- Needs improvement (15%): Some facts are wrong.
- Inadequate (10%): Most facts are wrong.

Completeness (25% possible)

- Professional quality (25%): Addressed all questions completely.
- Needs improvement (15%): Addressed the questions, but provided few details.
- Adequate (20%): Address the questions, but left out some details.
- Inadequate (10%): Did not address some of the questions.

Midterm Grade Policy

Mid-term grades will be posted in myUK by the deadline established in the Academic Calendar (<http://www.uky.edu/registrar/calendar>).

Final Exam Information

The final exam will be a take-home exam, submitted via Canvas. We will not meet for the exam during our scheduled final exam timeslot. Please see the summary of the final exam above for more details.

TENTATIVE COURSE SCHEDULE

We will follow the course schedule posted on Canvas, and you should consult that schedule regularly as some elements may change slightly throughout the semester due to a variety of factors, including new developments in internet law and policy that will no doubt arise during the semester. However, the following tentative schedule of topics (for assignment due dates, see the Summary of Assignments, above) shows the general progression we will follow:

1. Introduction and overview of the course
2. Jurisdiction
3. Free speech and the First Amendment
4. Privacy
5. Contracts
6. Computer misuse
7. Trademarks
8. Copyrights
9. Patents
10. Platform rights and immunities
11. Defective software

GENERAL COURSE POLICIES

Policies concerning academic integrity, excused absences and academic accommodations due to disability are available online at: <https://ci.uky.edu/sis/sites/default/files/policies.pdf>.

Attendance Policy

You are expected to attend every class session. Some assignments (e.g., Case Briefing) require attendance, and excessive unexcused absences may result in a lower grade. If a student misses 20% or more of the class (6 or more class sessions), the student will fail the course and will be expected to withdraw from the course (SR 5.2.4.1-2) (Senate Rules are available online at <http://www.uky.edu/universitysenate/>). This class is a community whose success depends on everyone's participation, and it is vital for you to attend class in order to be successful. If you are absent on a day when an assignment is due, you will be allowed to hand in or make up that work only if the absence is officially excused. You will be asked to provide official written documentation for excused absences the next time you are in class in order for your absence to be excused. If you know ahead of time that you will be absent from class with an excused absence, please discuss this with your instructor and turn in any assignments ahead of time. Excuses for university-sponsored activities must be made prior to such absences. For any emergency situation that arises, email your instructor as soon as you know about the situation when possible. No make-up work is available for in-class exercises unless approved in advance by your instructor. Students have one week to complete a missed assignment or quiz due to an excused absence upon their return without penalty.

Excused Absences (S.R. 5.2.4.2)

Students need to notify the professor of absences prior to class when possible. Senate Rules 5.2.4.2 defines the following as acceptable reasons for excused absences: (a) serious illness, (b) illness or death of family member, (c) University-related trips, (d) major religious holidays, (e) interviews for graduate/professional school or full-time employment post-graduation, and (f) other circumstances found to fit "reasonable cause for nonattendance" by the professor.

Students anticipating an absence for a major religious holiday are responsible for notifying the instructor in writing of anticipated absences due to their observance of such holidays no later than the last day in the semester to add a class. Two weeks prior to the absence is reasonable, but should not be given any later. Information regarding major religious holidays may be obtained through the Ombud (859-257-3737, http://www.uky.edu/Ombud/ForStudents_ExcusedAbsences.php).

In situations where a student's total EXCUSED absences exceed 1/5 (or 20%) of the class periods scheduled for the semester, students are strongly encouraged to withdraw (take a "W") from the class as per university policy. If a student has excused absences in excess of one-fifth of the class contact hours for that course, the student shall have the right to receive a 'W', or the Instructor of Record may award an 'I' for the course if the student declines to receive a 'W.'

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Per Senate Rule 5.2.4.2, students missing any graded work due to an excused absence are responsible: for informing the Instructor of Record about their excused absence within one week following the period of the excused absence (except where prior notification is required); and for making up the missed work. The professor must give the student an opportunity to make up the work and/or the exams missed due to an excused absence, and shall do so, if feasible, during the semester in which the absence occurred.

Verification of Absences

Students may be asked to verify their absences in order for them to be considered excused. Senate Rule 5.2.4.2 states that faculty have the right to request "appropriate verification" when students claim an excused absence because of illness, or death in the family. Appropriate notification of absences due to University-related trips is required prior to the absence when feasible and in no case more than one week after the absence.

Academic Integrity, Cheating, and Plagiarism

Per University policy, students shall not plagiarize, cheat, or falsify or misuse academic records. Students are expected to adhere to University policy on cheating and plagiarism in all courses. The minimum penalty for a first offense is a zero on the assignment on which the offense occurred. If the offense is considered severe or the student has other academic offenses on their record, more serious penalties, up to suspension from the University may be imposed.

Plagiarism and cheating are serious breaches of academic conduct. Each student is advised to become familiar with the various forms of academic dishonesty as explained in the Code of Student Rights and Responsibilities. Complete information can be found at the following website: <http://www.uky.edu/Ombud>. A plea of ignorance is not acceptable as a defense against the charge of academic dishonesty. It is important that you review this information as all ideas borrowed from others need to be properly credited.

Senate Rules 6.3.1 (see <http://www.uky.edu/Faculty/Senate/> for the current set of Senate Rules) states that all academic work, written or otherwise, submitted by students to their instructors or other academic supervisors, is expected to be the result of their own thought, research, or self-expression. In cases where students feel unsure about a question of plagiarism involving their work, they are obliged to consult their instructors on the matter before submission.

When students submit work purporting to be their own, but which in any way borrows ideas, organization, wording, or content from another source without appropriate acknowledgment of the fact, the students are guilty of plagiarism.

Plagiarism includes reproducing someone else's work (including, but not limited to a published article, a book, a website, computer code, or a paper from a friend) without clear attribution. Plagiarism also includes the practice of employing or allowing another person to alter or revise the work, which a student submits as his/her own, whoever that other person may be. Students may discuss assignments among themselves or with an instructor or tutor, but when the actual work is done, it must be done by the student, and the student alone.

When a student's assignment involves research in outside sources or information, the student must carefully acknowledge exactly what, where and how he/she has employed them. If the words of someone else are used, the student must put quotation marks around the passage in question and add an appropriate indication of its origin. Making simple changes while leaving the organization, content, and phraseology intact is plagiaristic. However, nothing in these Rules shall apply to those ideas, which are so generally and freely circulated as to be a part of the public domain.

Please note: Any assignment you turn in may be submitted to an electronic database to check for plagiarism.

Group Work & Student Collaboration

Unless otherwise noted, all assignments are expected to be done by the individual student. Students are only allowed to collaborate on assignments when explicitly allowed by the instructor or syllabus.

Incompletes

Student requests for an Incomplete (an I grade) will be considered within University guidelines and only in extreme circumstances. See section 5.1.3.2 <http://www.uky.edu/StudentAffairs/Code/part2.html>.

Classroom Behavior

Students are expected to full participate in class. This means having completed all assigned readings prior to class and arriving prepared to discuss the topics for that class period. Participation also includes activity on our Canvas site used to facilitate in-class activities. All students participating in class room discussions are expected to provide relevant discussion, be respectful of other classmates and their opinions, and share any relevant personal experience that may add to the topic at hand. You are encouraged to make your own arguments and state your own opinions about relevant issues we cover in class, but you must do so in a way that respects opposing points of view and does not belittle or denigrate the opinions of others in the class. Additionally, you should be prepared to present and defend the premises of (or logical reasons behind) your arguments and to not simply state conclusions.

Technology use in the classroom

You may use laptops and other devices in the classroom for class-related purposes (completing in-class assignments, reviewing class readings or other lecture and class related materials, etc.). The use of smartphones, tablets, laptops, or other technologies in the classroom for non-class-related activities is not allowed. Violations of this policy may result, at the discretion of the instructor, in changes to this policy and/or penalties to students' participation grades for the course (in this case, Case Briefing).

Accommodations due to disability

If you have a documented disability that requires academic accommodations, please see me as soon as possible during scheduled office hours. In order to receive accommodations in this course, you must provide me with a Letter of Accommodation from the Disability Resource Center (DRC). The DRC coordinates campus disability services available to students with disabilities. It is located on the corner of Rose Street and Huguelet Drive in the Multidisciplinary Science Building, Suite 407. You can reach them via phone at (859) 257-2754 and via email at drc@uky.edu. Their web address is <http://www.uky.edu/DisabilityResourceCenter>.

TECHNOLOGY INFORMATION & RESOURCES

Distance Learning Students are expected to have a minimum level of technological acumen and the availability of technological resources. Students must have regular access a computer with a reliable Internet connection and audio capabilities. Internet Explorer 7 (IE) or Firefox 2.x are the recommended browsers for those using a Windows-based PC. Those using Firefox 3.x may encounter problems with assignment uploads. Those using an Apple computer with MAC OS X (10.5.x) may use Firefox 3.x or Safari 3.x.

Please be certain that your computer and/or browser allow you to view Adobe Reader documents (.pdf). Microsoft Office and other software products are free for students: <http://download.uky.edu/>.

As your instructor, I am your first go-to person for technology problems. If you need more immediate assistance, please contact UKIT.

Information Technology Customer Service Center (UKIT)

<http://www.uky.edu/UKIT/>; 859-218-4357

Library Services & Distance Learning Services

<http://www.uky.edu/Libraries/DLLS>

- Carla Cantagallo, DL Librarian
- Local phone number: (859) 257-0500, ext. 2171; long-distance phone #: (800) 828-0439 (opt. #6)
- Email: dllservice@email.uky.edu
- DL Interlibrary Loan Service:
http://www.uky.edu/Libraries/libpage.php?lweb_id=253&llib_id=16.

For more resources about online classes and student resources, visit <http://www.uky.edu/ukonline/>.

The School of Information Science has a page with a comprehensive list of technology resources here: <http://ci.uky.edu/sis/students/techtips>.

MILITARY MEMBERS AND VETERANS

We recognize the complexities of being a member of the military community and also a student. If you are a member of the military or a military veteran or dependent, please inform your instructor if you are in need of special accommodations. Drill schedules, calls to active duty, mandatory training exercises, complications with GI Bill disbursement, and other unforeseen military and veteran related developments can complicate your academic life. If you are aware of a complication, we will work with you and put you in contact with university staff members who are trained to assist you. Please contact the Coordinator of the University of Kentucky Veterans Resource Center at (859) 257-1148 for additional assistance. Visit <http://www.uky.edu/veterans> for more available resources.