

**IT 881: Current Topics in Information Technology Law
Regulation of Spam and Online Marketing**

**Professor David E. Sorkin
Summer 2003**

This seminar will investigate legal and policy issues raised by email marketing and “spam.” Topics to be addressed include litigation and legislation involving spam and email marketing; the application of tort law and other traditional doctrines to spam; concerns related to constitutionality, jurisdiction, extraterritoriality, privacy, content, and public policy; regulatory perspectives; issues faced by Internet service providers and legitimate email marketers; legal aspects of blacklisting and other antispam measures; and other relevant issues.

Instructor

David E. Sorkin, Associate Professor of Law
Office: 321 South Plymouth Court, room 1607
Telephone: (312) 987-2387
E-mail: david@sork.com

Course Requirements

Students are expected to complete a substantial amount of reading and research, both assigned and self-directed. Each student will prepare a presentation to be delivered to the class on one of the last two sessions, July 26 and 27. Students must also submit a written work product—either a traditional seminar paper or an approved alternative project—on or before August 4.

The in-class presentation should be a well-prepared oral presentation, approximately 30 to 45 minutes in length, and preferably accompanied by appropriate supplemental materials (e.g., an abstract or outline, other handouts, and perhaps a PowerPoint presentation). Other seminar participants and visitors will have the opportunity to ask questions and discuss each presentation, so students should be prepared to defend as well as present their positions. Depending upon enrollment, the instructor may authorize group rather than individual presentations. Presentation dates and times will be assigned by the instructor.

The written work product ordinarily will be a scholarly research paper of a style, quality, and originality suitable for publication in an academic law review. The length will depend upon the topic, although it is unlikely that a paper that is much shorter than 5,000

words in length will be able to adequately address even a relatively narrow topic. Students may propose alternatives to the law review article format for approval by the instructor, such as an amicus brief or an interactive web site. In any case, however, the work must reflect considerable research and original analysis, and should address a narrow topic in substantial depth. It must not substantially duplicate work that has been submitted by the student for credit in another course. The written work product is due at 5:00 pm on Monday, August 4. An extension until August 7 will be granted upon timely request as a matter of course, and an additional extension until August 11 may be granted for good cause at the instructor's discretion. Papers submitted after the due date will be subject to a late penalty of one full letter grade per day.

Students are also expected to participate actively in class and online discussions throughout the entire seminar. Grades will be based upon the in-class presentation (40%), the written paper (40%), and overall participation (20%).

Schedule of Class Meetings and Topics

Topics to be discussed at each class session are listed below. Consult the list of reading assignments posted at www.spamseminar.com for each topic. (That list will likely be revised over time.)

Session I. Sunday, June 22, 9:00-1:00 and 2:00-6:00

- Introduction
- Definitions, Mechanics, and Costs
- Fraud
- Enforcement
- Litigation

Session II. Saturday, July 12, 9:00-1:00 and 2:00-6:00

- Permission Marketing
- Technical Responses
- Legislation
- Constitutional and Policy Issues
- International Issues

Sessions III and IV. Saturday, July 26, 2:00-6:00; Sunday, July 27, 9:00-12:00 and 1:00-5:00

- Trends and Future Prospects
- Student Presentations