



## **SPECIAL TOPICS IN IP: CONTENT & PLATFORMS**

LAWS 8036-801

Spring 2021

Tuesdays, 2:00 – 3:40pm

Zoom room 303: <https://cu.law/zoom303>

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Zoom office hours by appointment

### **Course Description & Objectives**

A woman films her toddler dancing to a Prince song in her kitchen and posts it to YouTube for the kid's grandparents to see. Several major news outlets embed a tweet from a photographer containing his picture of famous quarterback Tom Brady into their news stories. A congresswoman in California is forced to resign after her ex-husband publishes nude photos of her without her consent. Khloe Kardashian touts the advantages of a slimming tea that she has never personally consumed to her millions of Instagram followers. Each of these events involves a complicated web of overlapping, and sometimes contradicting, regulations intended to govern either the protection of content, or the behavior of platforms used to distribute that content.

This seminar will focus on topics relating to, and stemming from, the intersection and interaction of laws regulating content (i.e., copyright and trademark), and the laws regulating content distribution platforms (like Amazon and Netflix), including social media platforms (like Twitter, Facebook, and Tik-Tok). Topics may include, among other things: competition, content moderation, fake news, revenge porn, attention markets, big data, Section 230, privacy, anonymity and harassment, influencers, dark patterns, deep fakes, bots, artificial intelligence, memes, and online fandom. The seminar's focus will be on legal scholarship; specifically, its analysis and its production. In addition to featuring a series of incredible and engaging guest scholars, students will be afforded the opportunity to write and present a scholarly paper on a related topic of their choosing.

### **Prerequisite(s)**

Introduction to IP or Copyright and Trademark or permission of the instructor.

### **Course Format & Expectations**

This is a small, intense seminar. You will be expected to read, and to take the time to think through, complicated and challenging arguments. All students are expected to make meaningful and substantive contributions at each class meeting.

We will meet entirely online. The first day of class will be an introductory meeting (see below for readings). At this meeting, all students will be assigned to one of three groups for on-call, draft deadline, and presentation date purposes (see schedule below).

Then, every week for the next 10 weeks of the term, we will host a different scholar who will present a work-in-progress related to our topic (broadly-defined), followed by a full class discussion and Q&A with the author. All students will be expected to have read the paper in advance, closely and thoroughly, and to come to each presentation with thoughtful and insightful questions and feedback for the author. In addition, a small group of students will be assigned to be “on call” for each presentation in order to kick off the questioning, and to keep the conversational flow going in the unlikely event of a lag.

The last 3 weeks of the term will be reserved for individual student presentations. Each student will be allotted ~20 minutes for their presentation, of which ~10 minutes will be reserved for presentation and ~10 minutes for Q&A. Slides optional.

Student paper drafts will be due one week before your assigned presentation date (see schedule below for due dates by group number). These drafts are intended to be rough. The goal is to provide your classmates with enough organized material to support your thesis, and to allow them to follow your argument in order to formulate questions and ideas that you can use to improve the project before handing in the final paper.

### **Class Attendance & Participation**

On-time attendance at, and active participation during, all class meetings is mandatory. If you know in advance that you will be unable to attend a class meeting due to medical, familial, religious, or other reasons, please speak with me ASAP to request pre-approval.

In the interest of professional courtesy, please be especially on-time (or even early!) to all class meetings featuring presentations in order to afford our invited guests (and your colleagues) their full presentation time.

### **Course Materials**

There are no materials to purchase for this class.

Links to readings for our introductory class meetings are linked in-line below, and will be posted to the course web site.

Links to papers for each of the guest presentations will be linked in-line to this live syllabus as I receive them from the authors (and at least one week in advance), and will be posted to the course web site in advance of each class meeting.

I will also post some optional materials relating to the scholarly writing endeavor to the course web site for your reference as you prepare your own projects. In addition, I encourage you to set up an appointment to meet with Instructional Services Librarian Jill Sturgeon ([Jill.Sturgeon@colorado.edu](mailto:Jill.Sturgeon@colorado.edu)) to discuss resources for your particular topic.

### **Evaluation & Grading Policy**

You will be evaluated on three metrics in this class:

- (1) Participation (20%) – This includes on-time attendance, active and substantive contribution to class discussion, and the quality of your feedback to guest presenters.

- (2) Paper (40%) – A 15-20 page paper (30 points) on a topic of your choosing. See due dates for various components—topic (2 points), thesis (2 points), abstract (2 points), outline (2 points), rough draft (2 points)—in red below.
- (3) Presentation (40%) – a ~10 minute presentation on your paper topic, followed by ~10 minutes of Q&A.

### Audio/Visuals

Presentations may use projected slides, audio and/or video clips. If you have difficulty perceiving any of the materials, please see me, and/or <http://disabilityservices.colorado.edu/getting-started-ds/accessing-disability-services> for assistance. I'm happy to make whatever accommodation you need.

### Recording

This seminar will not be recorded. Out of consideration for our presenters, please do not video- or audio-record any class or part of a class using any type of device. If you have a need for a class to be recorded as a result of a medical or family emergency, or as an accommodation for a disability, please reach out to me in advance to discuss your situation.

### Topics & Readings

Readings are linked in-line below. **Due dates are indicated in red.**

Class	Date	Topic & Readings
1	Jan. 12	Introduction <ul style="list-style-type: none"> <li>▪ Amanda Levandowski, <a href="#">Using Copyright to Combat Revenge Porn</a></li> <li>▪ Mary Anne Franks, <a href="#">"Revenge Porn" Reform: A View from the Front Lines</a></li> </ul>
2	Jan. 19	Prof. Eric Goldman (Santa Clara Law School) will present <a href="#">Content Moderation Remedies</a> <ul style="list-style-type: none"> <li>▪ Student Group 1 on-call</li> <li>▪ <b>All students: paper topics due</b></li> </ul>
3	Jan. 26	Prof. Stacey Lantagne (Univ. of Mississippi Law School) will present <a href="#">The Linguistics of Internet Memes: Authorship in a World of Viral Social Media</a> <ul style="list-style-type: none"> <li>▪ Student Group 2 on-call</li> <li>▪ <b>All students: thesis statement due</b></li> </ul>
4	Feb. 2	Prof. Andrew Gilden (Willamette Univ. College of Law) will present <a href="#">Endorsing After Death</a> <ul style="list-style-type: none"> <li>▪ Student Group 3 on-call</li> </ul>
5	Feb. 9	Prof. Alexandra Roberts (Univ. of New Hampshire School of Law) will present <a href="#">False Influencing</a> <ul style="list-style-type: none"> <li>▪ Group 4 on-call</li> </ul>

		<ul style="list-style-type: none"> <li>▪ All students: abstracts due</li> </ul>
6	Feb. 16	<p>Prof. Evelyn Douek (Harvard Law School) will present <i>Rise of Content Cartels</i></p> <ul style="list-style-type: none"> <li>▪ Student Group 1 on-call</li> </ul>
7	Feb. 23	<p>Prof. Casey Fiesler (Univ. of Colorado College of Media, Communication, and Information) will present <i>Copyright's Chilling Tale of Content Moderation: Understanding the Impact of DMCA Notice-and-Takedown on Non-Infringing Content Creators</i></p> <ul style="list-style-type: none"> <li>▪ Student Group 2 on-call</li> <li>▪ All students: outline due</li> </ul>
8	Mar. 2	<p>Prof. Amanda Levandowski (Georgetown Law School) will present <i>Trademarks as Surveillance</i></p> <ul style="list-style-type: none"> <li>▪ Student Group 3 on-call</li> </ul>
9	Mar. 9	<p>Prof. Ryan Calo (Univ. of Washington School of Law) will present <i>Regulating Bot Speech</i></p> <ul style="list-style-type: none"> <li>▪ Student Group 1 on-call</li> </ul>
10	Mar. 16	<p>Prof. Irina Manta (Hofstra Law School) will present <i>Tinder Lies</i></p> <ul style="list-style-type: none"> <li>▪ Student Group #2 on-call</li> </ul>
11	Mar. 23	<p>Prof. Jamie Luguri (Univ. of Chicago Law School) will present <i>Dark Patterns</i></p> <ul style="list-style-type: none"> <li>▪ Student Groups #3 on-call</li> <li>▪ Student Group #1 rough drafts due</li> </ul>
12	Mar. 30	<p>Group #1 to present (20 min. each)</p> <ul style="list-style-type: none"> <li>▪ Student Group #2 rough drafts due</li> </ul>
13	Apr. 6	<p>Group #2 to present (20 min. each)</p> <ul style="list-style-type: none"> <li>▪ Student Group #3 rough drafts due</li> </ul>
	Apr. 13	NO CLASS/LAW SCHOOL BREAK DAY
14	Apr. 20	Group #3 to present (20 min. each)
	May 6	All Students - final papers due