Intellectual Property & Cyberspace Law Update

Steven J. McDonald
General Counsel
Rhode Island School of Design

2003 National Conference on Law and Higher Education
Why is this man smiling?
He knows if you’ve been bad or good . . .
TIA Overview (vision)

DoD and Foreign Intel Community

Law Enforcement Community

12/19/2002
The Internet Archive is building a digital library of Internet sites and other cultural artifacts in digital form. Like a paper library, we provide free access to researchers, historians, scholars, and the general public.

The Internet Archive, working with Alexa Internet, has created the Wayback Machine. The Wayback Machine makes it possible to surf more than 10 billion pages stored in the Internet Archive’s web archive. The Wayback Machine was unveiled on October 24th, 2001 at U.C. Berkeley’s Bancroft Library. Visit the Wayback Machine by entering an URL above or clicking on specific collections below.

Browse the Internet Archive

The International Children’s Digital Library where kids all over the world can find lots of books from many different countries.

Moving Images

The Internet Archive is collaborating with various collectors, community members, and film-makers to provide easy access to a rich and fascinating core collection of archival films.

- Prelinger Archives
- Computer Chronicles
- Not Café
- World at War

Texts

The Internet Archive is collaborating with numerous libraries to digitize as many texts and books as possible.

- Project Gutenberg
- Million Book Project
- UVA
- Libri Liber
- Arpanet
- Open Source Books
### Search Results for Jan 01, 1996 - Feb 08, 2003

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0 pages</td>
<td>3 pages</td>
<td>4 pages</td>
<td>4 pages</td>
<td>14 pages</td>
<td>57 pages</td>
<td>1 pages</td>
<td>0 pages</td>
</tr>
</tbody>
</table>
As Florida's first law school, the Stetson University College of Law in Gulfport prepares students to competently, professionally, ethically, and compassionately engage in the practice of law, serve in related professions, and pursue public service.

- **Message from The Dean**
- **Historic Agreement with 2nd DCA**
- **Minority Pre-Law Conference**
- **Nat'l Tax Moot Court Win**
“[T]he defendant has pointed to no computer privacy policies in effect at the University, no statements or representations made to him as a user of the computers in this [public] lab, no practices concerning access to and retention of the contents of hard drives, not even password requirements. From all that appears, he, along with other students, was simply using the University computers under circumstances where images on the monitor were visible to others (as occurred here), and no commitments were made as to the privacy of hard drives.”
“Leventhal had a reasonable expectation of privacy in the contents of his office computer. . . . Leventhal occupied a private office with a door. He had exclusive use of the desk, filing cabinet, and computer in his office. Leventhal did not share use of his computer with other employees . . . nor was there evidence that visitors or the public had access to his computer. . . . [W]e do not find that the DOT either had a general practice of routinely conducting searches of office computers or had placed Leventhal on notice that he should have no expectation of privacy in the contents of his office computer.”
Adams v. City of Battle Creek

“The general policy of the department that department-issued equipment . . . was not to be ‘converted to personal use’ cannot provide the necessary notice to officers to find consent to surreptitious interception of their messages . . . . The so-called policy prohibiting personal use cannot form an after-the-fact justification for intercepting plaintiff’s pager where the policy had not been enforced and the department conceded it was aware that pagers were used by many members of the force for personal use.”
“Simons did not have a legitimate expectation of privacy with regard to the record or fruits of his Internet use in light of the FBIS Internet policy. The policy clearly stated that FBIS would ‘audit, inspect, and/or monitor’ employees’ use of the Internet, including all file transfers, all websites visited, and all e-mail messages, ‘as deemed appropriate.’ This policy placed employees on notice that they could not reasonably expect that their Internet activity would be private. Therefore, regardless of whether Simons subjectively believed that the files he transferred from the Internet were private, such a belief was not objectively reasonable after FBIS notified him that it would be overseeing his Internet use.”
“Oklahoma State University policies and procedures prevent its employees from reasonably expecting privacy in data downloaded from the Internet onto University computers. The University computer-use policy reserved the right to randomly audit Internet use and to monitor specific individuals suspected of misusing University computers. The policy explicitly cautions computer users that information flowing through the University network is not confidential either in transit or in storage on a University computer. Under this policy, reasonable Oklahoma State University computer users should have been aware network administrators and others were free to view data downloaded from the Internet.”
Privacy 1-2-3

- Decide what you want your policy to be
- Express it clearly
- Make sure your users are (or at least should be) aware of it
DMCA v. FERPA?

“Upon receipt of the issued subpoena, . . . the service provider shall expeditiously disclose to the copyright owner or person authorized by the copyright owner the information required by the subpoena, notwithstanding any other provision of law . . . .”
DMCA v. FERPA?

“Upon receipt of the issued subpoena, . . . the service provider shall expeditiously disclose to the copyright owner or person authorized by the copyright owner the information required by the subpoena, notwithstanding any other provision of law . . . .”