

# Internet Law: How Did We Get Here, and Where is “Here”?

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**INTERNET LAW**  
**CASES AND PROBLEMS**  
Thirteenth Edition

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# My timeline

- 1995–1999: computer science major
- 1999–2001: professional programmer
- 2002–2005: law student
- 2007–present: law professor
- 2011–present: casebook author

1980s:

# “Computer Law”

- “Computer law” = *practice area for lawyers working with computer companies*
- Topics include hardware and software IP, technology licensing, and defective computer systems
- A backwater of interest only to a few scholars and a small specialist bar

1990s:

# The birth of a field

- 1996: John Perry Barlow, *A Declaration of the Independence of Cyberspace*
- 1996: Telecommunications Act
- 1996: Johnson and Post, *Law and Borders*
- 1998: Digital Millennium Copyright Act
- 1999: Lessig, *Code*

1990s:

# “Cyberspace Law”

- “Cyberspace Law” = *law for an online space that is (?) fundamentally different than the offline world*
- Topics include jurisdiction, free speech, privacy, copyright, and computer misuse
- Large and very engaged scholarly community:  
when giants walked the Earth

# 1995–2005: The policy wars

- Many people's views of the field were formed by their experience in these disputes ...
- Jurisdiction: *LICRA v. Yahoo!*
- Copyright: Napster, DeCSS, YouTube
- Free Speech: CDA and other anti-porn laws
- Access: *Intel v. Hamidi*, CFAA

2000s:

# “E-Commerce”

- “E-commerce” = *practice area for lawyers working with ~~computer~~ Internet companies*
- New topics include jurisdiction, privacy compliance, online contracts, intermediary liability, and trademarks / domain names
- A major practice area, but not of central interest to a typical law student



2010s:

# “Internet Law”

- “Internet law” = *law that applies in any matter affected by the Internet (i.e., more and more)*
- Surprisingly few “Internet law scholars”; instead there are IP scholars, privacy scholars, etc., all of whom work on Internet issues
- Meanwhile, Internet cases and issues are diffusing out into law school and legal practice

# 2020s:

## ???

- Content moderation and platform regulation are now center stage
- The policy wars of the 1990s are back with a vengeance
- AI looked like a subfield of privacy and tort ... until generative AI upended everything
- Blockchains and NFTs? Are they still a thing?

# Discussion