Cyberspace is affecting the law in 3 aspects: geographical limits do not apply; physical and political limits do not apply; and information is easily changed.

- **Electronic Filing:** Many federal and state courts allow electronic filing of pleadings and argumentative briefs to support motion filings.

- **Courts Online:** Most courts have web sites. Some sites include recent judicial decisions.
Jurisdiction in Cyberspace: Because personal jurisdiction traditionally has meant “sufficient minimum contacts,” the Internet has presented new and challenging issues. Some courts have found sufficient contact when there is substantial business conducted over the Internet through contracts, sales, and so on.
CYBERLAW AND THE CONSTITUTION

- **Encryption:** The process by which a message is transformed into cyber text that the sender and receiver intend to restrict from third parties.

- **Internet Restrictions:** Congress has made several attempts to protect minors from obscene and indecent information on the Web. Each attempt has been challenged as unconstitutional.
  
  - Cyber hate speech is extreme hate speech on the Internet.
  
  - Filtering Software is a computer program that is designed to block access to certain Web sites or block retrieval of a site whose URL or key works are on a list within the software program.
CYBER CRIMES

- Cyber crimes are crimes that occur in the virtual community of the Internet.

- **Cyber stalking:** This crime consists of harassing a person and putting that person in reasonable fear for his or her safety or the safety of the person’s immediate family.

- **Cyber Theft:** The National Information Infrastructure Protection Act of 1996 provides that a person who accesses or attempts to access a computer, without authority, online to obtain classified, restricted, or protected data is subject to criminal prosecution.

- **Cyber Terrorism:** Hackers whose purpose is to exploit a computer for a serious impact such as to shut down a central computer.
CYBER TORTS

- **Defamation Online:** An untrue statement made online that causes injury to another’s good name, reputation, or character. Under federal law, Internet Service Providers (e.g. AOL) cannot be held liable for such publications.

- **Spamming:** Spam is bulk unsolicited “junk” e-mail or junk newsgroup postings. Is spamming trespass to personal property?
VIRTUAL PROPERTY - PART I

- **Cyber Marks:** Trademarks in cyber space.
  - **Meta Tags** are words inserted into a Web site’s key words field to increase the site’s appearance in search engine results.
  - **Dilution** occurs when a trademark is used, without authorization, in a way that diminishes the distinctive quality of the mark.
  - **Licensing** is an agreement to permit the use of a mark for certain purposes.

- **Patents:** There are four noteworthy aspects to patents and cyberspace:
  1. Patents granted and application for patents has increased by tens of thousands.
  2. Ownership and use of patent rights when hybrid products are developed.
  3. Keeping new software a secret is risky and developer could lose all rights to a patent.
  4. International patent research is now available online.
VIRTUAL PROPERTY - PART II

- **Copyrights:** Transferring information online requires that it be copied.
  - Loading a file or program into a RAM constitutes making a copy for purposes of copyright law.
  - The World Intellectual Property Organization enacted two treaties in 1996 to address copyright interests in the Internet. Congress implemented the provisions of these treaties in the federal law entitled *Digital Millennium Copyright Act of 1998.*
E -COMMERCE

E-commerce is business transacted in cyberspace.

- **Uniform Statutes in Progress:** The NCC is drafting two uniform statutes.
  
  - Article 2B of the Uniform Commercial Code is being drafted to supplement Article 2, which governs sale of goods contracts. Article 2B will help define “electronic transactions” and “electronic agents.”
  
  - The NCC is also drafting the Uniform Electronics Transactions Act. The goal of the UETA is to support the enforcement of e-contracts.

- **E-money** or electronic money includes prepaid funds recorded on a magnetic strip or on a microchip embedded on a card that is debited on each use. The FDIC has said most forms of e-money are not federally insured.

- **Consumers beware:** Most state and federal laws that apply to unfair and deceptive practices also apply to cyber fraud.