

# INTELLECTUAL PROPERTY, ENTERTAINMENT, AND TECHNOLOGY LAW

Intellectual property law - the framework of laws governing the rights arising from intellectual creation, invention, or discovery - is becoming an increasingly important area of study as intellectual property comes to constitute a larger and larger proportion of this country's assets and gross national product, and to account for a growing volume of international trade. The enormous economic importance of intellectual property and the rapid pace of technological innovation have created pressures to make intellectual property protection more comprehensive and effective. Congress has enacted major new intellectual property legislation in eight of the last twelve years. In addition, rapid advances in computer, communications, and biomedical technology have spurred other types of legislation and regulation, and have raised questions about the applicability of existing laws to new problems. As a result of all this activity, there are growing numbers of transactions, disputes, and regulatory policy problems that require the attention of attorneys with specialized legal training and experience. Finally, recent expansions of intellectual property protection have spurred attention to the constitutional and public interest implications of laws granting ownership rights in information.

Broadly speaking, intellectual property law seeks to encourage private investment in technological, artistic, and other types of information-related innovation. As an incentive, the law confers certain rights on the producers of valuable innovations. Because absolute monopolies in information and ideas are perceived to be against the public interest, however, intellectual property rights are limited in scope; many intellectual property-related disputes concern the nature and extent of these limitations. Intellectual property law has four central components: patent, trade secrecy, copyright, and trademark/unfair competition law. Each protects a different species of intellectual creation: Patent protection is available for functional or utilitarian processes, methods of operation, or products; trade secrecy law protects a wide range of other useful information that bestows commercial advantage on its owner; copyright protects the expressive content of original works of authorship; and trademark/unfair competition law protects the commercial value of information regarding the source of goods or services.

The issues encompassed by "entertainment law" and "technology law" are even more varied. Entertainment law practice is heavily centered around intellectual property law, particularly copyright and trademark/unfair competition law, but also requires considerable familiarity with communications law and labor/employment issues. Technology law practice may focus on any number of issues, ranging from intellectual property to computer crime to communications or biomedical regulatory policy to civil rights/civil liberties problems raised by genetic research or by efforts to regulate internet use.

A common misconception among students is that one cannot have a career in intellectual property and/or technology law without a scientific or technical background. In fact, although such a background is required for patent drafting and prosecution, it is not required for many other types of intellectual property careers. Neither copyright law, which governs rights in artistic expression, nor trademark and unfair competition law, which governs rights in trademarks and against deceptive trade

practices, requires a technical background. Nor is a technical background necessary to work in many other areas of technology law and policy.

## A. Basic Intellectual Property and Technology-Focused Courses

The Law Center offers basic courses covering the core disciplines of intellectual property law. In some years, the Law Center also offers a survey course designed to give a broad overview of the entire field. The survey course, however, is not intended for the student who wishes to specialize in intellectual property or entertainment law practice. Although students are permitted to take the survey class and one or more of the other introductory classes, that decision is not recommended because of the high degree of overlap between them.

### JD Courses

Copyright Law  
Patent Law  
Trademark and Unfair Competition Law

## B. Specialized Areas of Practice

There are many different types of intellectual property and technology practices, each requiring different skills. The following subsections are designed to give students some idea of the different types of law practice opportunities available, and to indicate the law school background that would be helpful for each. The faculty would like to stress, however, that this information is intended to be suggestive rather than prescriptive. In particular, students who are not sure which aspect of intellectual property and technology practice most appeals to them are encouraged to sample courses from within several (or all) of these areas.

### 1. Obtaining Intellectual Property Rights

Obtaining a copyright requires few formalities; obtaining patents and trademarks is more complicated. "Patent prosecution" (obtaining a patent) requires some scientific or technical background (for more information, see [www.uspto.gov](http://www.uspto.gov) (<http://www.uspto.gov>)), admission to a specialized bar, and knowledge of the art of claim drafting. Trademark prosecution does not require technical background or a specialized bar admission, but does require mastery of some special procedures and vocabulary. Recommended general background courses include the course in Administrative Law, which will introduce students to the basic statutes and doctrines that govern the creation and operation of administrative agencies such as the Department of Commerce, which includes the United States Patent & Trademark Office. The faculty also recommends the basic course in Legislation, which will enhance students' understanding of the process by which intellectual property rights are created and defined.

### JD Courses and Seminars

Intellectual Property in World Trade  
Patent Prosecution Practice and Strategy

### Related Courses

Administrative Law  
Legislation

### JD CLINICS

Intellectual Property and Information Policy Clinic

### Graduate Courses

International Protection of Intellectual Property through the WTO

## 2. Intellectual Property Litigation

Many attorneys who specialize in intellectual property law work primarily as litigators, helping their clients to bring or defend infringement lawsuits. Intellectual property litigators require a thorough understanding of the rules of evidence and the law of federal jurisdiction (the federal district courts have exclusive subject matter jurisdiction of patent and copyright disputes). In addition, they should have a working knowledge of administrative law, antitrust law and (for those whose interest lies in the areas of copyright, trademark, and unfair competition) first amendment law. Attorneys representing clients in the broadcast and cable industries also need to familiarize themselves with certain aspects of the federal communications laws. Finally, since an increasing number of intellectual property disputes have an international flavor, students may wish to gain some exposure to the laws governing resolution of international business disputes.

### JD Courses and Seminars

Advanced Antitrust Seminar: Antitrust and Intellectual Property  
Advanced Patent Law Seminar  
Biotechnology and Patent Law Seminar  
Intellectual Property in World Trade  
Intellectual Property Litigation: Pretrial Skills  
Patent Trial Practice

### Related Courses

Administrative Law  
Antitrust Law/Antitrust Economics and Law  
Communications Law and Policy  
Constitutional Law II: Individual Rights and Liberties  
Evidence  
Federal Courts and the Federal System  
International Trade Law  
  
Litigation Skills Courses

Alternative Dispute Resolution  
Appellate Practice Seminar  
Civil Litigation Practice  
Negotiations and Mediation Seminar  
Negotiations Seminar  
Trial Practice  
Trial Practice: Working with Expert Witnesses

## C. Intellectual Property Licensing

Many attorneys who specialize in intellectual property, entertainment, and technology matters spend the bulk of their time licensing materials covered by patent, trade secret, copyright, and trademark law for manufacture, marketing, franchising, movie development, multimedia development, and so on. Attorneys who specialize in transactional intellectual property work must be familiar with commercial law and basic principles of contract drafting, as well as with intellectual property statutes and doctrines. In addition, a working knowledge of antitrust law is essential to understanding the relation between the limited monopolies granted by the intellectual property laws and the general ban on monopolistic practices. Finally, if intellectual property rights are to be licensed across national borders, the attorney must understand the law governing international business transactions.

### JD Courses and Seminars

Patent Licensing Seminar

### Related Courses

Antitrust Law/Antitrust Economics and Law

Commercial Law: Secured Transactions  
Commercial Law: Secured Transactions and Payment Systems  
Government Contracts  
International Business Transactions  
International Negotiations Seminar  
International Trade Law

### Transactional Skills Courses

Drafting and Negotiating Commercial Transactional Documents

### Graduate Courses:

International Business Transactions  
International Commercial Arbitration  
International Negotiations Seminar  
International Trade Law and Regulation  
U.S. and International Customs Law

## D. Entertainment and Sports Law

Issues of copyright, trademark, and unfair competition arise often in the specialized practice area of representing entertainers, athletes, motion picture and television companies, and other entertainment-related companies. The courses in entertainment and sports law are designed to give the student exposure to these and other legal issues that lawyers practicing in these industries must understand. In addition, the faculty recommends a working knowledge of antitrust law and labor and employment law. Finally, students who wish to practice in industries regulated by the Federal Communications Commission should gain exposure to communications law.

### JD Courses and Seminars

Entertainment Law  
Intellectual Property in World Trade  
Sports Law

### Related Courses

Administrative Law  
Antitrust Law/Antitrust Economics and Law  
Communications Law and Policy  
Constitutional Law II: Individual Rights and Liberties  
Employment Law  
Labor Arbitration Seminar  
Labor Law

Skills Courses

Negotiations Seminar

## E. Advising and Structuring High Technology Ventures

Intellectual property rights increasingly serve as the sole basis for startup businesses. Particularly in the high-technology area, there is opportunity for attorneys who have both a specialized knowledge of intellectual property law and an understanding of how to structure and finance new corporate or partnership ventures. These businesses need to attract the necessary funding and locate licensing partners. Biotechnology ventures, and some computer-related ventures as well, may need to understand the laws governing any potential environmental hazards that their operation may create. Biotechnology ventures also must navigate the requirements imposed by the food and drug laws; computer-related ventures into telecommunications markets will need to understand applicable Federal Communications Commission rules. Finally, a successful business that

wishes to "go public" will need attorneys who can shepherd it through an initial public offering of stock.

### JD Courses and Seminars

Emerging Growth Companies and Venture Capital Financing

### Related Courses

Administrative Law  
 Business Planning Seminar  
 Communications Law and Policy  
 Corporations  
 Corporate Finance  
 Environmental Law  
 Food and Drug Law  
 Land Use Law  
 Securities Regulation  
 Structuring Venture Capital and Entrepreneurial Transactions

Graduate Courses

Takeovers, Mergers, and Acquisitions  
 Taxation of Intellectual Property

## F. Intellectual Property and Technology Policy

The rapid evolution of digital and biomedical technologies is creating a variety of exciting practice opportunities - with congressional committees, federal agencies, political action committees and industry lobbying associations, private think tanks, and a variety of other nonprofit organizations.

### JD Courses and Seminars

Antitrust and Intellectual Property Seminar  
 Communications Law: Law and Policy in the Internet Age  
 Global Cybercrime Law  
 Intellectual Property in World Trade  
 Internet Law  
 Law of Cyberspace

### Related Courses

Antitrust Law/Antitrust Economics and Law  
 Communications Law and Policy  
 Constitutional Law II: Individual Rights and Liberties  
 Law and Economics Workshop  
 Legislation

JD Clinics

Communications and Technology Law Clinic (IPR)

Search Intellectual Property Entertainment and Technology Law Courses ([http://curriculum.law.georgetown.edu/course-search/?cluster=cluster\\_14](http://curriculum.law.georgetown.edu/course-search/?cluster=cluster_14))

**LAW 448 v00 Advanced Antitrust Economics and Law Seminar** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20448%20v00>)

J.D. Seminar (cross-listed) | 2-3 credit hours

This seminar examines recent developments in the economic approach to antitrust law and practice. Topics include issues at the frontier in various areas, including some or all of the following: decision-theoretic approach to antitrust, partial ownership acquisitions, advanced merger analysis and policy, buyer power, conditional pricing practices, intellectual property/antitrust interface, pay-for-delay agreements, standard setting, abuse of dominance, and behavioral economics. Students must complete a 2 or 3 credit paper and weekly assignments on the topic for the week. Some time is spent throughout the term on the student papers. This is an excellent course for students preparing for a career on antitrust. There will be written assignments that must be submitted for each class. Attendance is also required.

**Prerequisite:** Antitrust Law (or the equivalent Antitrust Economics and Law).

**Note:** This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

**LAW 1528 v00 Advanced Antitrust Seminar: Antitrust and Intellectual Property** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201528%20v00>)

J.D. Seminar (cross-listed) | 2-3 credit hours

The intersection of antitrust and intellectual property underlies many key debates in contemporary competition law and presents topics of recurring importance. This advanced seminar introduces students to the antitrust/intellectual property interface, including the economics of innovation, the debate over the relationship between the two fields, and the impact of the evolution of that relationship on the antitrust analysis of specific practices. Topics include the economics of innovation, the contemporary debate over “Big Tech,” licensing practices, product design and tying, patent settlements, patent pools, standard setting, the acquisition of intellectual property rights, patent assertion entities, the assertion of IP rights, and antitrust counterclaims in U.S. litigation. Grades will be based on weekly papers written in response to the assigned readings; class participation can increase, but not decrease, the course grade.

**Learning Objectives:**

Students taking this course will:

1. Develop an understanding of the basic economics of innovation and their application of those principles to antitrust law and its intersection with intellectual property law.
2. Acquire an overview of key aspects of the intersection of antitrust and intellectual property in U.S. law, both in litigation and agency settings.
3. Explore recurring tensions between antitrust and intellectual property through the lens of particular practices.
4. Debate competing positions on the antitrust laws’ application to cutting-edge issues in IP-rich industries.

**Prerequisite:** For J.D. students, prior or concurrent enrollment in Antitrust Law or Antitrust Economics and Law. (Note that prior enrollment strongly recommended; concurrent enrollment accepted). For LL.M students: prior U.S. antitrust litigation experience or U.S. antitrust coursework is strongly recommended.

**Note:** A limited number of students may register for the 3 credit section of this seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. Students who register for the 3 credit section will write fewer weekly response papers, in addition to the paper for the Upperclass Legal Writing Requirement.

**LAW 1623 v00 Advanced Legal Writing: Intellectual Property and Technology Transactions** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201623%20v00>)

J.D. Seminar | 3 credit hours

This three-credit seminar offers an opportunity for J.D. students interested in transactional practice to hone their legal writing, negotiating, and real-world transactional skills in a small workshop environment. Students will review, write and analyze a variety of transactional documents – including full-length contracts, unique contractual provisions, and simulated client correspondence – and will develop individualized goals for improving their writing and transactional skills throughout the semester. While this course will teach drafting, deal-structuring, negotiation, and related skills that are generally applicable for any type of deal or transactional practice, it will focus on intellectual property and technology transactions and will teach those skills through a semester-long simulation based on a fictional startup company. The course will also focus on improving students’ abilities to critically assess their own and others’ legal writing and to provide helpful feedback to colleagues in a professional setting. Students will receive peer critique during most classes, as well as individualized feedback from the professor on most drafts of documents.

Professor permission is not required. Background in intellectual property or technology is not required.

Participation in the in-class exercises and simulations will be a key component of student evaluation.

**Learning Objectives:**

My primary goal for the course is to give you real world transactional experience that you can use on day one out of law school. In addition, this course aims to expose you to new and emerging technologies and complex intellectual property licensing constructs, and give you the ability to analyze and negotiate different types of deals from both a legal and business perspective.

**Prerequisite:** Legal Practice: Writing and Analysis or the equivalent first year legal writing course.

**Mutually Excluded Courses:** Students may not receive credit for both this course and Advanced Legal Writing: Transactional Practice or Information Technology Transactions: Strategy, Negotiations and Drafting.

**Note:** Students may not withdraw from this class after the add/drop period ends without the permission of the professor.

**LAW 040 v01 Advanced Patent Law Seminar** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20040%20v01>)

J.D. Seminar | 3 credit hours

This advanced seminar presumes knowledge of patent law fundamentals and examines various specific topics, including the Hatch-Waxman Act, patent administration, claim interpretation, the doctrine of equivalents, the experimental use privilege, and comparative and international patent law. Students will write papers on some specific aspect of patent law, not limited to those topics covered in class.

**Prerequisite:** Patent Law or equivalent experience.

**LAW 308 v01 Advertising Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20308%20v01>)

J.D. Course | 3 credit hours

This course covers legal regulation of advertising in the United States, with some comparison to other countries. Private causes of action by consumers and competitors, state attorneys general, and the Federal Trade Commission all form part of the law of advertising. Topics will include falsity, substantiation, surveys, product placement, "green" marketing claims, disclosures and disclaimers, and First Amendment aspects of advertising regulation. There will be a final take-home exam.

**LAW 038 v01 Antitrust Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20038%20v01>)

J.D. Course (cross-listed) | 3 credit hours

This course covers the major federal legislation in the field of antitrust law, with a primary focus upon governmental efforts to promote competition, including Sections 1 and 2 of the Sherman Act, and Section 7 of the Clayton Act. Emphasis is placed upon the growing role of economic analysis and other modern trends in judicial interpretation, with an emphasis on understanding the means by which courts determine whether unilateral and collaborative business conduct is pro-competitive or anticompetitive, regardless of the particular statutory provision at issue.

**Mutually Excluded Courses:** Students may not receive credit for both this course and Antitrust Economics and Law.

**LAW 038 v50 Antitrust Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20038%20v50>)

J.D. Course (cross-listed) | 3 credit hours

This course covers the major federal antitrust statutes and related federal agency guidelines, with a primary focus on government efforts to protect and promote competition through the Sherman Act, the Clayton Act, and Section 5 of the Federal Trade Commission Act. Emphasis is placed on the growing use of economic analysis and other modern trends in judicial interpretation of these statutes, and on recent case law addressing vertical and horizontal restraints, monopolization, and mergers.

**Mutually Excluded Courses:** Students may not receive credit for both this course and Antitrust Economics and Law.

**LAW 1329 v00 Art Law Seminar: Images, Objects, and Culture** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201329%20v00>)

J.D. Seminar (cross-listed) | 2-3 credit hours

This course will examine major intersections of law and art in the United States, focusing on cases and legislation in light of social, political, and art historical influences. We will consider questions implicated by art law's myriad incarnations, such as why art receives special legal treatment, how law defines art, and who benefits. Ongoing themes will be the dissonances of existing law with twenty-first century culture and digital technology, and new developments. Areas include freedom of expression, copyright, moral rights, authenticity, the right of publicity, authorship, museums, and the art market, with visits by outside speakers on selected topics.

All students taking the course will be expected to develop original papers reflecting substantial critical engagement with an art law topic of their choice, in satisfaction of the Upperclass Legal Writing Requirement for J.D. students. Participation will also play a significant role in the course, including discussion of assigned readings and short reflection pieces. Classroom time in the latter part of the semester will be devoted to student presentations and feedback.

Learning goals for the course:

Developing skills in critical analysis and scholarly writing; developing proficiency in a body of law and relevant policy concerns; expanding knowledge of doctrinal analysis through close reading of cases, legislation, and related authorities, along with the influences of cultural and historical context.

**Recommended:** Prior course work in copyright law.

**Note:** THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL. Please submit a brief statement of interest in the seminar by 5:00 pm on Monday, June 4, 2018, to Professor Bonneau ([sonya.bonneau@georgetown.edu](mailto:sonya.bonneau@georgetown.edu)). Art-related background is not required but may be included in the statement. Professor Bonneau is making her decisions and filling the open slots in the seminar on a rolling basis.



**LAW 1628 v00 Artificial Intelligence, Robotics, and the Law:  
A Comparative Analysis Between the EU and the U.S.** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201628%20v00>)

J.D. Seminar (cross-listed) | 1 credit hour

The increasing role of technology in humanity raises constant major challenges to law in a variety of moral, theoretical and doctrinal dimensions. The purpose of this course is to analyze current developments in the fields of Artificial Intelligence ('AI') and robotics through the prism of legal regulation and/or vice versa (analyzing legal regulation through the prism of AI and robotics). Along with discussing the interface of law and technology through a variety of critical theoretical perspectives, the course will focus on specific topics and case studies as "laboratories" for assessing contemporary approaches to law & technology. The topics to be discussed include a new generation of AI crimes, risk regulation in the fields of autonomous vehicles and data protection, up to the current debate on the legal personhood of robots and AI systems. The main objective of this course is to make students aware of the connections between technology and the legal environment and keep them up-to-date with the current discussions worldwide. It is a unique opportunity to further develop technical knowledge on state-of-the-art topics, such as machine learning, neural networks, and 'black boxes.'

The course is worth 1 credit.

Students will write a paper of 2,500-3,000 words, excluding footnotes. This final paper will consist of a case study along the lines of the main topics discussed and analyzed during the course.

**Note:** WEEK ONE COURSE. This seminar will meet for one week only, on the following days: Monday, January 7, 2019, through Friday, January 11, 2019, 9:00 a.m. - 11:35 a.m. This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

Attendance at all class sessions is mandatory and all enrolled students must attend the first class in order to remain enrolled. Students on the wait list must attend the first class in order to be admitted off the wait list. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar. Once the second class session begins, students may only seek a withdrawal by contacting an academic advisor in the Office of JD Academic Services. Withdrawals are permitted up until the last class for this specific course.

**LAW 2028 v01 Assisted Reproductive Technologies and the Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%202028%20v01>)

LL.M Seminar (cross-listed) | 2-3 credit hours

This 2 or 3 credit seminar will provide an overview of the underlying and competing laws and policies arising from the assisted reproductive technologies (ARTs) that continually make front page news. Since the 1980 opening of the country's 1st IVF clinic amidst protests and pickets, courts and legislatures have struggled to create laws and policies in response to continually evolving reproductive advances. Topics will include: the legal status of the IVF embryo in the context of procreative rights; embryo cryopreservation, storage, disposition and mix-ups; legal implications of advances in egg freezing, reproductive genetics and oncofertility; posthumous reproduction; egg and sperm donation; traditional/genetic and gestational surrogacy; unique issues for single and same-sex couples, including the rapidly changing impact of same-sex marriage; and professional standards, economic and regulatory aspects of the ARTs.

New this semester will be the inclusion of two classes that will examine selected legal and policy aspects of comparative ART law perspectives on "third-party ART" and the impact these differences have on cross-border reproductive practices, with a particular focus on surrogacy.

National experts in their respective fields will provide guest lectures on: medical advances in ART (including a field trip to a locally based national IVF clinic); psychosocial aspects of donor egg and 3rd party ART; reproductive genetics; and regulation and public relations for ART providers.

**Note:** This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement for JD students. The paper requirements of the 2 credit section will not fulfill the Upperclass Legal Writing Requirement for JD students.

**LAW 050 v01 Aviation Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20050%20v01>)

J.D. Course (cross-listed) | 2 credit hours

The course, taught by practitioners in the field, covers contemporary and cutting-edge aviation topics such as international commercial aviation, aviation security, and the integration of unmanned aircraft systems (i.e., drones) into the national airspace. The course material will encompass most aspects of aviation law, including the law of international civil aviation, the economic and safety regulation of air transportation, aircraft registration and certification, aircraft accidents, airport law, government immunity from tort liability, and airline liability for the carriage of passengers and cargo domestically and internationally under the Montreal Convention. Students are exposed to a range of materials, including cases, treaties, executive agreements, and regulations, with a view towards imparting practical skills that can be applied to any field of law.

**LAW 611 v17 Big Data, Face Recognition and the Limits of the Legislature: A Bill Negotiation Simulation** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20611%20v17>)

J.D. Seminar | 1 credit hour

If you have ever taken advantage of basic government services, your personal information is part of a massive trove of data that local, state and federal agencies share with one another through a variety of overlapping networks, databases and bureaucratic collaboratives. This infrastructure has been built over the course of the last 20 years, for the most part without any oversight or accountability, let alone transparency to the public.

Some policymakers—pushed by civil rights advocates and grassroots organizations—have begun to try to check the exponential growth in government power that these technologies have made possible. Last year, the Washington Post reported that Immigration and Customs Enforcement (ICE) was running face recognition searches on Maryland's driver information databases. Community groups, including one group represented by Georgetown's own Federal Legislation Clinic, demanded that legislators take action.

In this course, students will simulate the actual bill negotiation that took place last year in the Maryland State legislature. Using a fact pattern based on what unfolded, but fictionalized to protect client confidentiality, students will assume coalition roles to broker, draft, amend, and advocate for their own privacy bill from the perspective of those assigned roles.

**Learning Objectives:**

Through this course, students will have the opportunity to:

- Learn the legal, political and technological frameworks around government use of face recognition.
- Gain a basic understanding of the databases, networks and information sharing partnerships that pervade government bureaucracy.
- Practice legislative drafting and bill amendment.
- Create a bill pitch and deliver it for feedback to a panel of advocates and academics with first-hand knowledge of the Maryland bill.
- Devise and execute a political strategy to build an advocacy coalition and navigate their bill through the legislature.
- Draft hearing testimony and participate in a mock committee hearing.

**Note:** This course is mandatory pass/fail, and does NOT count against the 7-credit pass/fail limit for J.D. students.

This optional, elective course is for first-year J.D. students only, who will enroll via the Live Registration process. ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information, please see the Week One website (<https://www.law.georgetown.edu/experiential-learning/simulations/first-year-week-one-simulations>). Due to the intensive nature of the course, the small-group, team, and individual work that is involved, and the preparation that is necessary to ensure a positive student experience, students who wish to drop the course after they have accepted a seat must drop by **Monday, November 30, 2020 at 3:00 p.m.** After that point, students must receive permission from both the course professor and Assistant Dean for Experiential Education to drop the course. Permission will only be granted when remaining enrolled in the course would cause significant hardship for the student. Students who are enrolled but do not attend the first class session will be withdrawn from the course.

**LAW 056 v00 Biotechnology and Patent Law Seminar** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20056%20v00>)

J.D. Seminar (cross-listed) | 2-3 credit hours

This course examines a variety of legal and policy issues associated with the intellectual property protection available to biotechnological innovations, with an emphasis on patents.

Specific issues that will be examined within this framework include legal utility; conception and reduction-to-practice of biological molecules; anticipation and obviousness of nucleic acids; written description and enablement requirements for biological processes and molecules; experimental use; export and import issues; infringement; and potentially developments outside the US.

Course readings rely primarily on cases, statutes, and regulations. A biotechnology background is not necessary.

**Prerequisite:** Patent Law or patent law experience.

**Note:** J.D. students must register for the three-credit section of the course if they wish to write a paper fulfilling the J.D. Upperclass Legal Writing Requirement. A take home exam is required for the two-credit section.

**LAW 1040 v01 Civ Tech: Digital Tools and Access to Justice** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201040%20v01>) (Project-Based Practicum)

J.D. Practicum (cross-listed) | 4 credit hours

In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of their professors. This project-based practicum course will expose students to the varied uses of computer technologies in the practice of law, with an emphasis on technologies that enhance access to justice and make legal services more affordable for individuals of limited means. Students will participate in a two hour/week seminar and carry out 10 hours/week of project work under the direction of the course professors.

**SEMINAR:** The seminar portion of the class is devoted to two topics: the access to justice crisis and the role of digital tools in bridging it. Among the issues we will discuss throughout the semester are: the extent of the justice gap, the economic and regulatory barriers to access, and the problem of resource constraints. We will also discuss how legal technologies are altering the landscape for persons of limited means and empowering disadvantaged and marginalized individuals and communities. The second topic is learning to design and develop legal expert systems. To create our systems, we use a software platform that does not require a coding background.

**PROJECT WORK:** Students will work in small teams for a legal service organization to develop a platform, application, or automated system that increases access to justice and/or improves the effectiveness of legal representation. These organizations include civil rights organizations, direct service providers, and other public interest organizations. The course culminates in a design competition: The Georgetown Iron Tech Lawyer Competition. Along the way, students learn systems logic, teamwork, and visual literacy skills. By the end of the semester, each team will have built a functional app intended for adoption by the participating legal services organization to put into use for its clients.

No programming background is required. Students are not required to have coding experience and will not be expected to learn to write software.

Students are encouraged to check out these apps created by Georgetown Law students (<https://applications.neotalogic.com/a/links>) in earlier semesters and in use at various organizations. They are also encouraged to contact Professor Rostain at ([tr238@law.georgetown.edu](mailto:tr238@law.georgetown.edu)) with questions.

**Prerequisite:** Students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

**Mutually Excluded Courses:** Students may not concurrently enroll in this practicum course and a clinic. Students who wish to concurrently enroll in this course and another practicum course may only do so with the permission of the Assistant Dean of Experiential Education ([lawexp@law.georgetown.edu](mailto:lawexp@law.georgetown.edu)) ([awexp@law.georgetown.edu](mailto:awexp@law.georgetown.edu)) ([rst@law.georgetown.edu](mailto:rst@law.georgetown.edu)), Professor Rostain ([tr238@law.georgetown.edu](mailto:tr238@law.georgetown.edu)), and the professor of the second practicum. Students may concurrently enroll in this practicum course and an externship.

**Note:** This course is suitable for evening students; project work does not need to be completed during business hours.

This is a four credit course. Two credits will be awarded for the two-hour weekly seminar and two credits will be awarded for approximately 10 hours of supervised project work per week, for a minimum of 11 weeks. Both the seminar portion and the project work will be graded

**LAW 611 v19 Communication Design & Law: Re-Designing Legal Information** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20611%20v19>)

J.D. Seminar | 1 credit hour

This is a Week One, project-based simulation course.

Communication is at the heart of law. As lawyers, we capture and share our work through briefs, memos, reports, legislation, contracts, presentations, articles, and email.

The core idea driving this course is that lawyers can have a bigger impact if they create written work that more people can understand.

This class will help you do that through the lens of communication design. Legal writing is often opaque, dense, and intimidating. Communication design is the theory and craft of transforming this into something that is approachable, actionable, and empowering.

Over four fast-paced, intense days, you will:

- Learn about the principles of communication design
- Practice evaluating design and giving feedback
- Redesign a complex document into something understandable using the document design and plain language.

We include several small-but-meaningful in-class challenges to illustrate key concepts.

The class culminates with an overarching communication design project. Some examples of this final project may include re-designing:

- The Supreme Court opinion
- A legal contract
- The sign-up process for a government benefit.

By the end of the course, you will share your work with the class for shared feedback.

**Note:** This course is mandatory pass/fail, and does NOT count against the 7-credit pass/fail limit for J.D. students.

This optional, elective course is for first-year J.D. students only, who will enroll via the Live Registration process. ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information, please see the Week One website (<https://www.law.georgetown.edu/experiential-learning/simulations/first-year-week-one-simulations>). Due to the intensive nature of the course, the small-group, team, and individual work that is involved, and the preparation that is necessary to ensure a positive student experience, students who wish to drop the course after they have accepted a seat must drop by **Monday, November 29, 2021 at 3:00 p.m.** After that point, students must receive permission from both the course professor and Assistant Dean for Experiential Education to drop the course. Permission will only be granted when remaining enrolled in the course would cause significant hardship for the student. Students who are enrolled but do not attend the first class session will be withdrawn from the course.



**LAW 528 v01 Communications and Technology Law Clinic (IPR)**

(<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20528%20v01>)

J.D. Clinic | 12 credit hours

Please see the Communications and Technology Law Clinic (IPR) website (<https://www.law.georgetown.edu/experiential-learning/clinics/communications-technology-law-clinic-ipr>) for more detailed information about the program.

For registration-specific supplemental materials, please see the Communications and Technology Law Clinic (IPR) PDF (<https://www.law.georgetown.edu/wp-content/uploads/2021/03/IPR-CT-Info-Sheet-2021-2022.pdf>).

For information about clinic registration generally, please see the Clinic Registration Handbook (<https://www.law.georgetown.edu/wp-content/uploads/2021/04/Clinic-Registration-Handbook-2021-2022-updated-4.9.2021.pdf>).

**Mutually Excluded Courses:** Students may not concurrently enroll in this clinic and an externship or a practicum course.

**LAW 1291 v00 Communications and Technology Policy: Advocacy in the Public Interest** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201291%20v00>) (Fieldwork Practicum)

J.D. Practicum | 4 credit hours

In fieldwork practicum courses, students participate in weekly seminars and conduct related fieldwork at outside organizations. In this course, students will learn from a seminar instructor with decades of experience in government (FCC, White House, Congress), non-profits, and the private sector. For fieldwork, students will work at a range of public interest advocacy organizations engaged in cutting-edge policy issues in Washington, D.C.

These days are to technology and telecommunications policy what the 1960s were to voting rights or the 1930s were to administrative law. Internet governance, privacy, cybersecurity, broadband adoption, competition policy and copy protection decisions at the FCC, FTC, Congress, and the Administration are having a lasting impact on the technology ecosystem. Consumer advocacy therefore is more critical than ever, while the tactics and strategy deployed by consumer advocates must be facile and creative in a rapidly changing political environment.

This fieldwork practicum course will focus on the aforementioned and related issues. Students will be exposed to legislation and rulemaking across a broad spectrum of actors including Congress, the White House, federal agencies, industry, public interest advocates, and the press. Students will participate in a two hour/week seminar and carry out 10 hours/week of fieldwork at a number of participating non-profit, public interest advocacy groups, including Public Knowledge, Consumers Union, Common Cause, National Consumers League, Center for Democracy and Technology, and others (list subject to change).

**SEMINAR:** In the two-credit, graded, seminar portion of the practicum, students will examine the legislative, regulatory, and administrative policy-making process in communications and technology. With public policy rapidly evolving in the communications and technology sectors, legal practitioners must understand how such policy is made and can be influenced. Some case studies will be preceded by overviews of subject areas critical to such policy. Using case studies from the debates involving wireless spectrum allocation, open Internet, video competition, digital copyright protection, corporate mergers and consumer advocacy initiatives, students will learn how Congress, the White House, and the Executive branch shape policy directly impacting the technology and communications sectors. Students will also learn how public interest groups, corporate interests, political interest groups, and the press intersect to influence policy.

**FIELDWORK:** In the two-credit, mandatory pass/fail, fieldwork portion of the practicum, students will apply the concepts discussed in seminar to current debates in spectrum policy, open Internet policy, and video competition policy through a field placement at a participating advocacy organization. Students will work with seasoned practitioners and apply in real-world settings the advocacy tools discussed in the seminar.

**Prerequisite:** J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

**Recommended:** Communications Law, Copyright Law, Antitrust Law.

**Mutually Excluded Courses:** Students may not concurrently enroll in this practicum and an externship or a clinic or another practicum course. Students may not receive credit for both this practicum and Technology Policy and Practice.

Students taking this practicum are not precluded from enrolling in the Institute for Public Representation: Communications and Technology Law clinic either before or after this course.

**LAW 073 v02 Communications Law and Policy** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20073%20v02>)

J.D. Course | 3 credit hours

This course is intended to help students understand the policy issues that underlie the regulation of communications industries, become familiar with the fundamental approaches to communications regulation and judicial review of that regulation, and evaluate the successes and failures of recent reforms. The course will address regulation of broadcasting, cable, wireline and wireless telephony, and broadband and Internet communications. Sections begin with a brief history of communications regulation and discuss the fundamental legal and policy decisions that have evolved through the present day. The course seeks to understand in what instances the government should intervene in the marketplace. When intervention occurs, the course seeks to evaluate government's most appropriate role in broadcast regulation, telephone regulation, wireless spectrum issues, cable television regulation and broadband regulation. We will discuss the powers of local, state, and federal regulators and attempt to identify the jurisdictional boundaries among them. The course explores the regulatory theory underlying the Communications Act of 1934 and the Telecommunications Act of 1996 and attempts to predict the regulatory models that should govern the 21st century.

**LAW 200 v01 Communications Law: Law and Policy in the Internet Age** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20200%20v01>)

J.D. Seminar (cross-listed) | 2-3 credit hours

The advent of the Internet has spawned massive leaps in technology and the way Americans use communications services to reach that technology. This course examines how courts, legislatures, and regulatory agencies react to constant change in communications technologies. We will focus on specific technological advances to explore the way legal, economic, social, and technological forces shape and are harnessed by legal systems faced with challenges to the status quo. The course will draw on leading communications law cases, statutes, and FCC and FTC actions. Students will explore the legal and lobbying battles raging today in Washington and across the world that are fueled by technological change, in areas such as net neutrality, privacy, broadband subsidy, competition, and spectrum policy. We will try to focus in particular on questions currently before the courts, the FCC and Congress. The goal is to deepen each student's understanding of major communications law topics, to determine if a comparison of these topics reveals a set of common legal, policy, and political reactions to technological change, and to provide future policymakers with the tools to respond to change more effectively.

The class will meet for two hours once per week. Grades will be based on class participation (25%) and a final paper/oral presentation (75%). There are no course prerequisites. While there is overlap with Communications Law and Policy on several issues, we cover different issues in total. For students with no communications law background, we will cover the basic background on the law and policy needed to understand the issues addressed.

**Learning Objectives:**

- Deepen each student's understanding of major communications policy topics in dispute.
- Determine if a comparison of these topics reveals a set of common legal, policy, and political reactions to technological change.
- Provide future policymakers with the tools to respond to change more effectively.
- Provide insight to the role legal constraints play in policy debates and policy plays in legal challenges.
- Improve oral and written advocacy skills through writing and presenting an advocacy white paper.

**Note:** This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

**LAW 1384 v00 Computer Programming for Lawyers: An Introduction**  
(<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201384%20v00>)

J.D. Course (cross-listed) | 3 credit hours

This class provides an introduction to computer programming for law students. The programming language taught may vary from year-to-year, but it will likely be a language designed to be both easy to learn and powerful, such as Python or Javascript. There are no prerequisites, and even students without training in computer science or engineering should be able successfully to complete the class.

The course is based on the premise that computer programming has become a vital skill for non-technical professionals generally and for future lawyers and policymakers specifically. Lawyers, irrespective of specialty or type of practice, organize, evaluate, and manipulate large sets of text-based data (e.g. cases, statutes, regulations, contracts, etc.) Increasingly, lawyers are asked to deal with quantitative data and complex databases. Very simple programming techniques can expedite and simplify these tasks, yet these programming techniques tend to be poorly understood in legal practice and nearly absent in legal education. In this class, students will gain proficiency in various programming-related skills.

A secondary goal for the class is to introduce students to computer programming and computer scientific concepts they might encounter in the substantive practice of law. Students might discuss, for example, how programming concepts illuminate and influence current debates in privacy, intellectual property, consumer protection, antidiscrimination, antitrust, and criminal procedure.

This is a hands-on class. Each student will spend most class sessions using his or her own computers, reading, writing, and debugging code. Every student must bring to every class a computer, on which free software will be provided to be installed. Students will be required to complete problem sets between class meetings. To obtain a passing grade, students must complete problem sets and larger coding assignments, participate in class sessions, and demonstrate they have learned the assigned skills.

At the completion of this class, students should be able to write simple to moderately complex computer programs that can automate text-handling and data-handling tasks that would be difficult or impossible to perform without programming skill. Students will also gain a solid foundation of programming knowledge and skills they can build upon to progress toward mastering more advanced programming techniques and other programming languages.

**Mutually Excluded Courses:** Students who have completed at least one computer programming course in college or graduate school or who have mastered at least one computer programming language are not eligible for this course.

**Note: This course is online only. There will be no meetings on campus.**

Waitlisted students who enroll in this course after the first class meeting should contact Professor Ohm ([ohm@law.georgetown.edu](mailto:ohm@law.georgetown.edu)) for instructions on how to access the missed course recordings and the mandatory problem sets due before the second class meeting on Tuesday, September 7. Students admitted off the waitlist who do not complete the problem sets due before the second class session on September 7th will be dropped from the course. No student will be admitted to this course after the end of add/drop on 3 pm on Tuesday, September 7, 2021. This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students. This course will meet twice each week. There will be 1 one-hour lecture with all enrolled students, with the second hour of weekly course content delivered asynchronously. Later in the week there will be a second class session consisting of one-hour lab sessions broken into small groups of 15

**LAW 1499 v00 Computer Programming for Lawyers: Intermediate**  
(<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201499%20v00>)

J.D. Course | 3 credit hours

This class builds on Computer Programming for Lawyers: An Introduction by introducing students to intermediate-level concepts of computer programming and computer science relevant to legal practice. The students in this course will serve as the Teaching Assistants for the introductory course, which will always be taught concurrently. In addition, students in this course will complete at least one substantial programming term project.

Enrollment in this course is by prior permission of the Professor only. All students must have prior computer programming experience. Students who have successfully completed the introductory course meet this requirement. Other students must demonstrate comparable prior experience, but this experience need not be formal training or professional experience. Students need not possess a technical degree, and self-taught programmers are welcome.

The course is based on the premise that computer programming has become a vital skill for non-technical professionals generally and for future lawyers and policymakers specifically. Lawyers, irrespective of specialty or type of practice, organize, evaluate, and manipulate large sets of text-based data (e.g. cases, statutes, regulations, contracts, etc.) Increasingly, lawyers are asked to deal with quantitative data and complex databases. Programming techniques can expedite and simplify these tasks, yet these programming techniques tend to be poorly understood in legal practice and nearly absent in legal education. In this class, students will gain proficiency in various programming-related skills.

A secondary goal for the class is to introduce students to computer programming and computer scientific concepts they might encounter in the substantive practice of law. Students might discuss, for example, how programming concepts illuminate and influence current debates in privacy, intellectual property, consumer protection, antidiscrimination, antitrust, litigation and criminal procedure.

This is a hands-on class. Each student will spend most class sessions using his or her own computers, reading, writing, and debugging code. Every student must bring to every class a computer, on which free software will be provided to be installed.

**Note:** THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL. Interested students should contact Professor Ohm at ([ohm@law.georgetown.edu](mailto:ohm@law.georgetown.edu)) by Wednesday, June 9, 2021.

**Withdrawal Policy:** Students in Computer Programming: Intermediate serve as Teaching Assistants (TAs) to students enrolled in Computer Programming for Lawyers: An Introduction. Because the introductory class cannot operate without a minimum and stable number of TAs, it is essential we ensure a fixed enrollment for the intermediate class, by adopting special rules for dropping the class. A student enrolled in Computer Programming for Lawyers: Intermediate may drop the class no later than 3pm on Sunday, August 1, 2021 and only by notifying Professor Ohm in writing.

**LAW 458 v00 Contract Law Seminar: Franchising** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20458%20v00>)

J.D. Seminar (cross-listed) | 2 credit hours

Franchised businesses account for approximately 40 percent of retail sales in the U.S., more than a trillion dollars a year, and have about 10 million employees. Franchising is growing: a new franchise opens in the U.S. roughly every eight minutes of every working day. Although most people may associate franchising with “fast food restaurants,” franchising is prevalent in many areas of the economy, including automotive, hotel, various retail establishments, and numerous business services, among others. With the explosive growth of franchising, which really began in the 1950s, has come the development of franchise law as a separate discipline during the past 60 or so years and significant growth in the number of lawyers who practice in this field. Thus, franchising and the evolving practice of franchise law have a great practical impact on the U.S. and global economy.

Franchise law is a combination of contract and statutory law and is heavily influenced by trademark, antitrust and other areas of business law. Franchise agreements tend to be lengthy multi-year trademark licensing agreements. Because franchising involves distribution of goods and services, antitrust and other competition law considerations must be taken into account. Franchising is also regulated at both the federal and state level. Many franchise sales are regulated by state and federal disclosure requirements, analogous to SEC requirements. Automotive, petroleum and certain other franchise relationships are regulated by specific statutes, while various states generally regulate aspects of the franchise relationship, such as termination or renewal of the relationship. There is a substantial amount of litigation in franchising, involving not only disputes between franchisors and franchisees, but also franchise employees, consumers and others. Many common law contract concepts, such as the “implied covenant of good faith and fair dealing,” have evolved and continue to evolve in the context of franchise law. Franchising is also growing rapidly outside the U.S.; accordingly, a variety of laws and regulations of other countries are relevant.

This course will cover the legal and practical business basics of franchising, including, structuring of the franchise relationship and the analysis of franchise agreements; the sales process and disclosure requirements; the relationship of franchising, employment, trademark, antitrust and other generally applicable statutes; contract and other common law concepts that affect the franchise relationship; statutes regulating the franchise relationship at the state and federal levels; automobile, petroleum and international franchising; and franchise-related dispute resolution. Students will be evaluated on the basis of a paper and class participation, including mock negotiations at the end of the semester.

#### **Learning Objectives:**

My principal goal is for you to gain a general understanding of franchise law. In addition, I want you to become comfortable reading complex contracts, specifically franchise agreements, and to be able to analyze and negotiate a franchise dispute.

**Prerequisite:** Contracts (or Bargain, Exchange, and Liability) or, for foreign-educated LL.M. students, Foundations of American Law, Introduction to U.S. Legal Systems or a Contracts equivalent course from the home country.

**Note:** NOTE FOR THE SUMMER 2021 SECTION: The professor will teach this course virtually via Zoom. Students may choose to participate from the classroom or via Zoom while the professor is participating remotely. Students who want to participate in person must be in the University's COVID testing protocol (<https://www.law.georgetown.edu/covid-19-updates/message-from-the-dean-covid-health-protocols-enforcement->

**LAW 110 v03 Copyright Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20110%20v03>)

J.D. Course (cross-listed) | 3 credit hours

This course examines the law of copyright and its role within the overall framework of intellectual property law. Topics covered include the subject matter requirements for copyrightability; the rules that govern determination of authorship, the rights that copyright law confers on authors and the limitations and exceptions to those rights; the rules governing indirect liability of intermediaries and liability for circumvention of technological protections; and the scope of copyright preemption.

Learning goals for this course:

Critical mastery of the existing copyright statutory, doctrinal, and policy landscapes; critical mastery of strategic considerations in copyright licensing and litigation, in technology ventures that implicate copyrights, and in copyright policymaking.

**LAW 110 v07 Copyright Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20110%20v07>)

J.D. Course (cross-listed) | 3 credit hours

This course examines copyright law, providing a basic understanding of its objectives and principles. Topics covered include subject matter requirements for copyrightability; rules that govern determination of authorship; rights copyright law confers on authors; rules governing indirect liability of intermediaries and liability for circumvention of technological protections; and scope of copyright preemption. The course will also consider the tensions between copyright holders and technology that threatens traditional content business models.

**LAW 1485 v00 Criminal Justice Technology, Policy, and Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201485%20v00>) (Project-Based Practicum)

J.D. Practicum | 4 credit hours

In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of their professors. This practicum will explore the impact of technology on the criminal justice system, and will teach students how to design, build and understand technologies that affect criminal justice processes and policy. Students will participate in a two hour/week seminar and carry out 10 hours/week of project work under the direction of the course professors.

**SEMINAR:** Seminars will review the design, deployment, and impact of technologies throughout the criminal justice system, from law enforcement surveillance and monitoring tools to algorithmic risk assessments used in bail decisions and sentencing. Students will be asked to view these tools through two critical lenses: how well these tools further their stated policy aims, and how technology changes power relationships between government and citizens. Throughout the semester, students will also hear from guest speakers that are using technology to tackle police misconduct, expungement, and other criminal justice policy issues. To complement this policy discussion, students will learn techniques to design, deploy, and analyze criminal justice-focused technology. These exercises will teach analytical approaches to developing and understanding technology systems, including: activity-centered design, system mapping, specification building, tool selection, and prototyping. (No computer science or coding knowledge is necessary to take this course.) The semester will conclude with a pitch day, where students will present a policy or procedural problem they have identified in the criminal justice system that could be addressed through technological tools, and present their proposed design for a solution.

**PROJECT WORK:** Students will work with clients and the practicum instructors to identify problems in the criminal justice system that could be improved through the use of technological tools, then design such tools working in small teams. Potential practicum projects could include digitizing Miranda warnings, using text messages to lower failure to appear rates in juvenile court, or determining how to use the Digital Millennium Copyright Act (DMCA) to help people whose criminal records have been expunged but whose record information is still available online.

**Prerequisite:** Students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

**Mutually Excluded Courses:** Students may not concurrently enroll in this course and a clinic or another practicum course. Students may concurrently enroll in this course and an externship.

**Note:** This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email the Office of the Registrar ([lawreg@georgetown.edu](mailto:lawreg@georgetown.edu)) to request admission.

This course is suitable for evening students; project work does not need to be completed during business hours. This is a four credit course. Two credits will be awarded for the two-hour weekly seminar and two credits will be awarded for approximately 10 hours of supervised project work per week, for a minimum of 11 weeks. Both the seminar portion and the project work will be graded. Students who enroll in this course will be automatically enrolled in both the seminar and project components and may not take either component separately. After Add/Drop, a student who wishes to withdraw from a practicum course must obtain permission from the faculty member and the Assistant Dean for Experiential Education. The Assistant Dean will grant such withdrawal

**LAW 1615 v00 Cryptocurrencies, Initial Coin Offerings and the Law Seminar** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201615%20v00>)

J.D. Seminar (cross-listed) | 2-3 credit hours

This seminar will examine cryptocurrencies like Bitcoin, Ether and Ripple's XRP, and their possible roles as commodities, payment instruments and investments. It will also explore "Initial Coin Offerings" ("ICOs")—fundraises by startups identifying technology-based problems and proposing the sale or financing of technology-based solutions.

Cryptocurrencies and ICOs have recently attracted more attention—and investment dollars—than early stage venture capital. However, governmental authorities around the world worry that they are under-regulated (or unregulated), pointing to a recent spate of fraud, market volatility, and potential money laundering associated with virtual transactions. This seminar will explore the regulatory framework for digital currencies and payments, and examine the evolving reforms and regulatory efforts arising in the sector. The course will cover topics including the differences between key cryptocurrencies; the varying regulation of cryptocurrencies and ICO tokens as "commodities" vs. "securities;" the mechanics of an ICO; and money laundering and bank secrecy laws.

**Prerequisite:** A course in securities, banking, or derivatives, one of the following or similar courses: Advanced Studies in Federal Securities Regulation; Derivatives Regulation; Federal Banking Regulation: Modern Financial Institutions and Change; Financial Regulation and Financial Crises; Federal Regulation of Financial Institutions; Initial Public Offerings; Securities Regulation; or Securities Regulation of Financial Institutions and the Securities Markets.

**Note:** This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.



**LAW 1645 v00 Cultural Appropriation Seminar: Innovation or Theft?**

(<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201645%20v00>)

J.D. Seminar (cross-listed) | 2 credit hours

Innovation thrives on borrowing from creators past and far-flung. When does cultural exchange cross the line into cultural misappropriation or theft decried as “cultural appropriation”? Notably, today’s culture wars increasingly turn on *intellectual* property claims, with calls for attending to the legal and ethical implications of dominant cultural creators taking and profiting from the innovations of disadvantaged and minority creators. From claims of copyright in dance moves sold on the blockbuster video game Fortnite, to the use of trademark law to upend the Washington Redskins’ mascot and name, to social movements #reclaimthebindi and #mycultureisnotyourcouture, diverse citizens contest ownership and authorship of our common culture. Is yoga the cultural property of India, the common heritage of mankind, or the copyright of Bikram Choudhury? What are the repatriation obligations of museums today? Is all music theft? What is the relationship between cultural appropriation, colonialism, and white supremacy? Is property an appropriate legal institution for addressing conflicts over culture? This seminar considers the particular role of intellectual property, including copyright, trademark, patent, and design patent, in promoting free cultural exchange, albeit on fair terms in a global marketplace of ideas marked by sharp differences in power, wealth, and knowledge. The seminar seeks to facilitate respectful and meaningful intercultural dialogue about identity, recognition, and semiotic and distributive justice.

There are no prerequisites or recommended prior courses, although some familiarity with intellectual property will be helpful.

**LAW 1127 v00 Cyber and National Security: Current Issues Seminar**

(<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201127%20v00>)

J.D. Seminar (cross-listed) | 2 credit hours

This seminar will examine legal and policy issues related to cybersecurity – that is, hacking and other intrusions on global computer and communications networks. The primary focus will be the national security implications of cybersecurity and the current challenges that senior lawyers, policymakers, and the private sector face in addressing those issues. The course will look at international and U.S. domestic law and will examine cyber issues both from the perspective of (1) the U.S. government entities that seek to use cyber tools to further military and other national security aims, and (2) the many government and private sector actors who must defend against the use of these tools by others. The goal of the course is to introduce students to the complex legal and policy issues that senior national security decision-makers must address and to provide insight into the practical challenges they present. The focus of the class is law and policy, not technology. You do not need a technical background to take the course.

**Recommended:** International Law and/or national security related course.

**LAW 1409 v00 Cyber Threats and Technological Insecurity:**

**Emerging Legal, Policy, and Operational Challenges** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201409%20v00>)

J.D. Seminar (cross-listed) | 2 credit hours

This seminar will focus on significant legal, operational and policy issues arising from evolving global cyber threats and related technological issues, such as the Darkweb, encryption, and cybersecurity. The course will be taught by two instructors who work as federal prosecutors and policy advisors and collectively have hands-on experience investigating cybercrime, providing guidance to law enforcement investigators on technology issues, participating in the interagency policy process, developing and evaluating legislative proposals, and training foreign law enforcement partners. While the course will focus on challenges to federal law enforcement, it will also include in-depth perspectives from other significant stakeholders. Throughout the seminar, students will gain expertise in the legal framework and technical background that is necessary for effective advocacy – whether from a policy or litigation perspective – on the most challenging and controversial issues at the intersection of cyber threats, technology and security.

The course will consist of four components:

1. Technology and Threat Landscape. The current cybercrime threat landscape, with a necessary focus on technological architecture and recent permutations.
2. Legal Framework. The relevant constitutional and statutory legal framework attendant to combatting cybercrime and technological threats.
3. Operational Case Studies. How cybercrime investigations are currently conducted, with a focus on tactics and practical considerations.
4. Policy Challenges. Novel and emerging policy challenges relating to evolving technological trends.

Grading will be determined primarily based on a final paper. Significant weight will also be given to an in-class presentation and class participation.

**Prerequisite:** Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

**Note:** Laptops may not be used during class sessions.

**LAW 1545 v00 Cyber Threats, Information Security and Technology in the Practice of Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201545%20v00>)

J.D. Seminar | 2 credit hours

For all practical purposes, nearly every substantially-sized legal matter presents critical challenges that require attorneys to embrace and understand how to handle significant volumes of data and documents and to advise clients on the security risks threatening that information. Today's lawyers need to be prepared to handle the increasing levels of vital threats and risks posed against their clients and their data.

This hands-on seminar will take students through an exciting, practical exploration of the ways in which the use of powerful technology-based tools is fundamentally transforming the practice of law as we know it. Data and information security as concerns are creating a 'new normal' in terms of how lawyers can be best prepared to help their clients, through an important understanding of technology-based solutions, to augment traditional legal representation.

In this course, we will examine some fascinating dynamics of the legal practice, as shaped by 'information as risk' as a new fundamental principle, with a focus on the importance of handling those concerns and evaluating how they could impact client risks and affect case outcomes.

This seminar will visit an expansive range of subtopics including data forensics, data analytics, cyber security, data privacy, Internet of Things, deep/dark web, social media, cloud computing, structured and unstructured data, and the emerging roles of lawyers as data and information-risk experts.

From an exploration of essential electronic discovery principles through non-traditional evidentiary concepts, for in-house, government, and outside lawyers alike, this seminar will prepare students to enter the job market with an enhanced understanding of what organizations require of lawyers, especially from technology and information-risk advisory perspectives.

Through a series of lectures and demonstrations that will feature industry-recognized experts, this seminar will provide valuable insights that will illuminate the fascinating interplay of technology and law, with particular focus on how case outcomes can be shaped by leveraging an understanding of data, security, and technology.

**Recommended:** Evidence; Civil Procedure (or Legal Process and Society).

**Note:** Students may not withdraw from this class after the add/drop period ends without the permission of the professor.

**LAW 2052 v00 Cybersecurity Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%202052%20v00>)

LL.M Course (cross-listed) | 2 credit hours

This interactive lecture course will explore various legal and policy issues related to enabling a safe and secure Internet and protecting government and private sector networks. The topics to be discussed include relevant U.S. legal authorities, cybersecurity roles and responsibilities of government agencies, private sector cybersecurity risk management, information sharing, Internet governance, and the application of international law to nation state activity in cyberspace. Lectures by the professor and occasional guests with relevant expertise will be used to stimulate class discussion. Students will be assigned a reflection assignment following each of a number of in-class table top exercises. There will be a four-hour take-home exam that must be completed during the first week of the exam period.

**LAW 3066 v00 Cybersecurity Law & Policy** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203066%20v00>)

LL.M Seminar (cross-listed) | 2 credit hours

This seminar will serve as an advanced LL.M. seminar covering topics in cybersecurity law and policy, with a focus on national and homeland security, military, intelligence law and international aspects. The seminar format is a combination of lecture and class discussion. This seminar is intended to serve as a complement to Cybersecurity Law, and students are welcome to take both courses. Grading will be based on a combination of short and/or medium length papers, active class participation and a final class presentation.

**Recommended:** Prior coursework in national security law highly recommended.

**LAW 219 v00 Emerging Growth Companies and Venture Capital Financings** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20219%20v00>)

J.D. Course | 2 credit hours

This course covers the legal and business issues that arise in the context of representing emerging growth companies and the venture capital investors who provide an important source of capital to such companies. In particular, the course will focus on the legal issues typically encountered by private companies at formation, financing, operation and key corporate events, including acquisition transactions and public offerings. Topics covered include corporate formation and governance, venture capital financing, employment and equity compensation matters, protection of intellectual property, securities laws compliance and exit strategies through merger, acquisition or initial public offering. The course will offer an introduction to these topics through the eyes of attorneys who practice in a Silicon Valley-based law firm active in the East Coast technology and life sciences market and will also include guest presentations by industry participants, such as venture capitalists, angel investors and entrepreneurs. The course will include a practice exercise designed to introduce students, working in practice teams, to the process of structuring and executing venture capital transactions.

**Prerequisite:** Corporations.

**Mutually Excluded Courses:** Students may not receive credit for both this course and Structuring Private Equity Funds and Transactions.

**LAW 1197 v00 Emerging Law Governing Digital Information** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201197%20v00>)

J.D. Seminar (cross-listed) | 2 credit hours

This course responds to the compelling need for lawyers to help companies navigate the rules for managing and governing digital information assets in the 21st century. Students will explore the growing portfolio of laws and regulations that control how digital information assets and systems are developed and maintained, as well as the impact of digital records on the ability of companies to operate within existing legal frameworks. Readings, discussions, and student contributions will illuminate the strategies required for navigating through legal, technology, and compliance risks. Both domestic and international legal materials will be examined, to enable the comparative challenges of global online business.

Topics include the structure and governance of information systems and markets; the corporate duties to preserve digital information; the regulation of information systems and networks; information sharing and security between the private and public sectors; and future trends in information governance.

The course is highly interactive, emphasizing in-class student analyses, rapid-fire group collaboration, and the use of innovative visual tools enabling students to navigate the complexity of legal and technology rules. In completing this course, students will have enhanced their abilities to work in diverse career tracks, including in-house compliance, risk management, and regulatory counsel roles.

The grade will be based on class preparation and participation, as well as a final take-home examination.

**Prerequisite:** Prerequisites: Contracts or Bargain, Exchange, and Liability (or for foreign-educated LL.M. students, Foundations of American Law, Introduction to U.S. Legal Methods or a Contracts equivalent course from the home country).

**Recommended:** One or more of Evidence, Commercial Law: Payment Systems, or Commercial Law: Sales Transactions.

No special technology background or experience is required; however, students will be expected to prepare and submit work electronically.

**Note:** Students in this course will be charged a course materials fee to cover commercial materials that the Law Center purchases at the faculty's request on behalf of enrolled students. This additional fee will be placed directly on a student's account on February 25, 2015. Students who drop the course will not be charged, but students who are approved to withdraw from the course after add/drop will not be refunded. Courses that start after the Spring add/drop deadline (January 20, 2015) have until the beginning of the second class session to drop the course.

**LAW 1337 v00 Empirical Analysis for Lawyers and Policymakers Seminar** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201337%20v00>)

J.D. Seminar (cross-listed) | 2 credit hours

This seminar is intended to help students become better consumers of empirical work in the law and social sciences. By the end of the semester, students should: (1) understand the basics of some common empirical methodologies; (2) see how empirical work can inform public policy; and (3) have a better sense of the limits and problems inherent in empirical work.

Each week, we will cover one or more policy-relevant empirical papers that students will be expected to read. Students will submit a 1-2 page analysis of an assigned paper before class. Each paper will introduce students to a particular empirical methodology, or show how it might be applied in a particular policy setting.

Topics will be drawn from a variety of areas, including criminal law, education, health, development, and labor. For example, we might study questions like: what is the impact of education on earnings? How do 401(k) plans affect people's savings decisions? How does a change in the minimum wage affect labor supply? Do minimum drinking ages reduce drunken driving deaths? What are the benefits and limits of randomized controlled trials?

Toward the end of the semester, students will be asked to write a 10-12 page paper that analyzes in detail an empirical paper of their own choosing. If there is time, students will be asked to present their analysis to the class in a final presentation.

Grades will be based on the short 1-2 page analyses, the 10-12 page final paper and presentation, and classroom participation.

**Recommended:** Some background in statistics or econometrics is helpful but not required. More important is a willingness to engage with unfamiliar material and a deep interest in learning.

**LAW 1737 v00 Entertainment Disputes** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201737%20v00>)

J.D. Seminar | 2 credit hours

This course examines the types of disputes that generally arise in the entertainment industry and the various methods by which such disputes are resolved such as litigation, arbitration, or other forms of alternative dispute resolution (ADR). The course will incorporate a mix of "hands-on" assignments, written and oral, that will endeavor to provide actual advocacy, negotiation, and courtroom/arbitration/mediation experience. Finally, we will be joined in a few classes by special guest lecturers with expertise on these issues.

**Prerequisite:** Copyright Law or Entertainment Law.

**Note:** FIRST CLASS ATTENDANCE IS MANDATORY. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal.

This course is only open to J.D. students.

**LAW 137 v03 Entertainment Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20137%20v03>)

J.D. Course | 3 credit hours

This course will explore legal and business issues that arise in connection with the development, production and exploitation of entertainment product, with a primary focus on theatrical motion pictures, television and digital content. Topics will include contracts and contractual relations in the entertainment industry; individual and publicity rights; protection of literary material; the protection of ideas; representation of clients in the entertainment industry; issues raised by exploitation of entertainment works in the distribution chain; the roles of agents, managers and creative executives; and so-called "backend" participation accounting. We will explore how digital innovation and technology has dramatically transformed the production and distribution of content and how relevant law, public policy and business principles apply to this industry (including the role of copyright and antitrust throughout the history of the business). The class will strive to emphasize real-world lawyering and how to advance a client's interests through careful business analysis, the crafting of contract language and legal interpretation.

Class participation is encouraged and will form some part of the grade.

**Recommended:** Copyright Law and/or Trademark and Unfair Competition Law.

**LAW 656 v00 Entrepreneurship and the Law: Evaluating Client Business Plans and Growth Strategies** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20656%20v00>)

J.D. Course (cross-listed) | 2 credit hours

This two-credit course will focus on the processes and challenges of entrepreneurship and the legal and strategic roles that a lawyer plays as an advisor to early-stage and rapid-growth companies. Topics will include: the entrepreneurial mindset, capital formation, resource management, forecasts and projections, leadership and team building, the entrepreneur-attorney relationship, leveraging intellectual capital and related growth strategies. Students will work in teams on mid-term assignments and a final assignment that will include analyzing a business plan. The goal of these exercises is to develop the skills that are essential to the evaluation of business plans and strategic growth of companies and to build an advisory skill set. Guest speakers will include entrepreneurial leaders, accountants, investment bankers and others involved in the entrepreneurial advisory process. Students who are interested in representing and advising entrepreneurs and start-up companies or in becoming entrepreneurs themselves will benefit from this class. This class also will be beneficial for JD/MBA joint degree students.

**Prerequisite:** Corporations.

**Recommended:** Corporate Taxation (formerly Taxation II).

**Mutually Excluded Courses:** Students may not receive credit for both this course and Entrepreneurship: Scaling a Business from Inception to Exit or Entrepreneurship: The Lifecycle of a Business.

**LAW 1617 v00 Entrepreneurship: The Lifecycle of a Business** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201617%20v00>)

J.D. Course (cross-listed) | 2 credit hours

This course is targeted towards law students who are interested in participating in an entrepreneurial venture at some point in their career, whether in a business or legal role (i.e., as internal or external advisor). To be clear, it is a business class, not a traditional law class, although legal issues will be highlighted and addressed throughout, as they would be if taught to business students since business and legal issues are always closely intertwined. The primary objective of this course is to give students an understanding of and appreciation for the primary and critical steps in the lifecycle of a start-up, from inception to raising capital to scaling/business execution to exit.

The course takes a real-world approach to learning, leveraging heavily off the extensive experience of the Professor, who has successfully executed two entrepreneurial ventures, as well as guest speakers with particular expertise in certain topics covered by the course and a simulation group exercise involving a real-life start-up scenario. This perspective should help prepare students for the real-life challenges – and rewards – of engaging in entrepreneurship and business building. This course is aimed at law students who are interested in participating in an entrepreneurial venture at some point in their career, whether in a business or legal role (i.e., as internal or external advisor).

**Course Goals / Student Learning Outcomes:**

- At the end of the class, students will understand how to, among other important topics:
  - start and structure a business with the right team and idea;
  - draft an effective business plan and raise capital from different sources;
  - build a collaborative company culture and infrastructure for scalability; and
  - exit the business while maximizing value.
- The goal is to give students an understanding of and appreciation for the primary steps in the lifecycle of a start-up, from inception to raising capital to scaling/business execution to exit.
- Students will gain an appreciation for the practical requirements and challenges (and rewards) of starting and building a business, as well as the attendant legal issues at each step in the start-up process.

**Recommended:** Corporations.

**Mutually Excluded Courses:** Students may not receive credit for this course and Entrepreneurship and the Law: Evaluating Client Business Plans and Growth Strategies or Entrepreneurship: Scaling a Business from Inception to Exit.



**LAW 530 v00 Federal Legislation Clinic** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20530%20v00>)

J.D. Clinic | 10 credit hours

Please see the Federal Legislation Clinic website (<https://www.law.georgetown.edu/experiential-learning/clinics/federal-legislation-clinic>) for more detailed information about the program.

For information about clinic registration, please see the Clinic Registration Handbook (<https://www.law.georgetown.edu/wp-content/uploads/2021/04/Clinic-Registration-Handbook-2021-2022-updated-4.9.2021.pdf>).

**Mutually Excluded Courses:** Students may not concurrently enroll in this clinic and an externship or a practicum course.

**LAW 1744 v00 FinTech and Financial Democratization Seminar** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201744%20v00>)

J.D. Seminar (cross-listed) | 2-3 credit hours

“Fintech” often refers to the use of modern technologies and novel methods in offering financial services. This burgeoning sector has significantly disrupted the financial marketplace, challenging the conventional roles of banks, other financial institutions, regulators, and policymakers. Legal scholars often evaluate how the novelties of Fintech fit or do not fit within existing legal regimes, and how such regimes should be modernized in response. Fewer scholars examine what might be the most transformative promise of Fintech – whether it does or can democratize the financial marketplace and how the law might facilitate (or frustrate) that aim. This seminar examines just this.

Seminar readings will illuminate the relationship between the financial marketplace and oft-marginalized communities and allow students to assess whether effective solutions to certain inequities lie in Fintech, fundamental policy reforms, or both. This course covers topics such as payment systems, credit markets, financial advising, savings, and security investing. It focuses on the U.S. marketplace, but will occasionally reference trends in international markets for comparative analysis. Readings are primarily drawn from legal, economic and sociological research, regulatory and legislative reports, cases, and popular news media.

The goal of this seminar is for students to develop views on the purpose and role of Fintech, the objectivity of financial markets and regulation, and whether financial democratization is a necessary or achievable aim for market providers. Students will further hone their critical analysis, research and writing, and public speaking skills.

**Note:** ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal.

This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

**LAW 1442 v00 Fintech Law and Policy** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201442%20v00>)

J.D. Course (cross-listed) | 2 credit hours

Technology-driven disruption has upended many industries – retail, entertainment, transportation, to name just a few – and now we are seeing it redefine financial services. The rise of Fintech is perhaps the most interesting industry transformation to study from a legal perspective because of the way it impacts complex financial services regulations. Regulatory frameworks that were created decades ago are being challenged by the rise of Internet and mobile-driven financial services providers. This course will hone in on a few areas where the US financial regulatory structure is being challenged by technological innovation and may require fresh thinking.

Financial services can be broken down into three distinct subsectors: 1) Insurance; 2) Retail Banking; and 3) Investment/Advisory Banking. This course will focus on how technology is transforming both retail and investment/advisory banking. Retail banking law was designed for a world of brick and mortar banks that accepted deposits and leveraged those deposits to provide commercial and personal loans. Investment/advisory banking law was designed for a world of a relatively small number of sophisticated investors. This traditional schema is being transformed, rapidly.

The smartphone is replacing the retail bank as the method by which a small business or consumer conducts their day-to-day banking activity. A 2015 report by Goldman Sachs found that 33% of millennials do not think they will need a traditional bank in the next five years. In fact, 73% of millennials reported that they are more excited about new offerings in the financial services space from the likes of Google, Apple and Amazon.

Moreover, in the financial services industry lines are blurring – financial tech companies are expanding financial services ecosystems and traditional financial services companies are expanding their digital capabilities. New business models are being created that leverage the data and capabilities afforded by the Internet, and seemingly diverse industries ranging from telecom to traditional banks are competing over similar financial services activities.

Crowdfunding, mobile payments, online lending, robo-advisors, and Bitcoin are new phenomenon that challenge existing regulatory structures. The SEC, Treasury Department, Office of Comptroller of Currency, Financial Industry Regulatory Authority, Federal Deposit Insurance Commission, Federal Reserve Bank, Consumer Financial Protection Bureau, and Federal Trade Commission are just a few of the regulatory bodies that are increasingly exploring Fintech developments. Moreover, the courts have been faced with challenges to several federal and state laws that were written before modern technological innovations took hold and challenged existing concepts of Federalism. This class will focus in on these particular challenges, will question existing regulatory bodies, approaches and standards, as well as discuss the practicalities of alternative regulatory structures and rules.

The class will proceed in 4 parts. Part 1 will be an introduction to retail banking law and disruptions that are occurring due to Fintech. Part 2 will be an introduction to investment/advisory banking law and disruptions that are occurring due to Fintech. Part 3 will address cross-cutting horizontal disruptions. And, finally Part 4 will involve a high-level assessment of regulatory structures and approaches for Fintech. After this course, students should have a strong baseline knowledge of the myriad of legal and policy issues that exist in the Fintech arena.



**LAW 1660 v00 First Amendment Law in a Digital Age** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201660%20v00>)

J.D. Course | 2 credit hours

How should we think about the First Amendment in today's world? From social media and the radical changes in the news industry, to increasing calls for censorship and retribution in light of identity politics, the issues at the core of freedom of the press and free speech and have never been more prominent. Despite historic protections for speech, platforms potentially protected by the First Amendment can be used by foreign actors to undermine and destabilize democratic systems and by insurgent organizations to radicalize and recruit members. Yet does this give the government, and the Courts, the right to remove content from these sites? It would be hard to find an age in which Free Exercise of Religion and the Establishment Clause were more relevant than today.

Although the expressive rights in the amendment have attracted the most attention, moreover, it is the right to petition that the Framers considered one of the most important protections for the people. Traditionally, it surpassed speech, press, and assembly in importance, allowing individuals to seek redress for wrongs and allowing them to generate attention to their concerns. Anti-federalists attacked the Constitution in part precisely for failing to protect this right, which incorporates active political engagement, directed at a particular body of persons, demanding action in response, and not diluted through representative government.

This course provides a primer on *First Amendment Law in a Digital Age*. It begins with the origins of the First Amendment, examines its evolution, and raises along the way the most pressing questions today that evoke First Amendment concerns. The doctrine is unprepared for a digital age. It will be taught in a more traditional lecture/Socratic style.

**LAW 196 v03 Free Press** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20196%20v03>)

J.D. Course | 2 credit hours

"Congress shall make no law . . .," the First Amendment commands, "abridging the freedom . . . of the press." But Congress, the Executive Branch, and the courts have promulgated a host of laws governing both print and electronic media. This survey of mass media law explores such current topics as prior restraints on publication, defamation, privacy, newsgathering liability, media liability for unlawful conduct of third parties, compelled disclosure of sources, and access to information. Practical aspects of representing media clients are examined along with public policy implications of existing legal doctrines and proposals for change. Much of the course is discussion-based, and students will be expected to make meaningful contributions to that discussion, with class participation forming the basis for one-third of the grade for the semester.

**Recommended:** Constitutional Law II: Individual Rights and Liberties.

**Mutually Excluded Courses:** Students may not receive credit for both this course and the Free Press Seminar.

**LAW 2007 v02 Global Cybercrime Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%202007%20v02>)

LL.M Seminar (cross-listed) | 2 credit hours

This course will examine the key legal and policy issues associated with cybercrime – i.e., crimes in which computers and the Internet serve as targets, as storage devices, and as instrumentalities of crime – as a global phenomenon. As the Internet has become a truly global medium for commerce and communication, nations are gradually recognizing that new technology can not only expand the reach and power of traditional crimes, but foster new forms of criminal activity as well, throughout the world. The course will adopt an explicitly comparative legal approach to the problem of cybercrime, focusing principally on nations in North America, Europe, and Asia, and address pertinent international legal issues where appropriate. It will first address basic issues in comparative criminal law, as well as background information on computing and Internet technology. It will then address some of the most prominent topics in the substantive law of cybercrime (e.g., pornography and obscenity, "hate speech," cyberstalking, hacking, fraud, intellectual property offenses such as software piracy and economic espionage, and other issues associated with privacy and anonymity on the Internet). It will then turn to major issues in the procedural law of cybercrime (e.g., surveillance technologies such as Carnivore and legal standards for interception of electronic communications). Given the rapid pace of developments in computing and Internet law, the course will incorporate the most current materials available online and in hard copy. Students will be expected to use the Internet for intraclass communications and access to certain course materials, but need not have a detailed knowledge of computing or the Internet.

**Prerequisite:** Criminal Law.

**Mutually Excluded Courses:** Students may not receive credit for both this course and the J.D. seminar, Computer Crime Seminar, or the J.D. course, Computer Crime.

**LAW 1646 v00 Global Tech Law: Comparative Perspectives on Regulating New Technologies** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201646%20v00>)

J.D. Seminar (cross-listed) | 2-3 credit hours

From AI to robots to social media, countries around the world are racing to regulate new technologies. Regulation is the principal mechanism to bring technology within an enforceable ethics framework. Will international competition create a race to the bottom to promote innovation at the expense of consumer protection? How can nations nurture their own Silicon Valleys consistent with their ethical values? We will examine how the same technology—from internet platforms, to algorithms, to drones, to self-driving cars, to smart cities, to sharing platforms—is regulated in various jurisdictions across the world. As countries across the world race to become the world's leader in artificial intelligence, how are they modifying their laws for a world of automated decision-making? What can countries or states or cities learn from each other? Just as there are technological network layers, there are regulatory layers: What is the proper regulatory layer for any particular technology or activity—the nation, the region, or the globe, or even city or state? In an era of unprecedented technological change, how we choose to regulate technology is more important than ever.

**Note:** This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

**LAW 1434 v00 Governing Automated Decisions** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201434%20v00>)

J.D. Seminar | 2-3 credit hours

Many important decisions historically made by people are now made by computers. Software influences people's life chances in a growing range of contexts, impacts access to basic rights, and mediates core mechanisms of justice. Algorithms control access to welfare and healthcare benefits, target citizens or neighborhoods for police scrutiny, inform bail and sentencing decisions, select taxpayers for IRS audit, and grant or deny immigration visas, among a growing list of other key decisions.

The legal standards and accountability mechanisms to govern decisions like these have not kept pace with changing technology. In this seminar, we will explore how automated decisions are made, the unique governance challenges that they pose, and the emerging suite of legal and policy responses to these new challenges. We will focus on automated decisions that wield state power, because it is in these decisions that the unmet need for public understanding, and democratic governance, is most acute.

**Note:** This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

**LAW 1403 v00 Hot Topics in Antitrust** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201403%20v00>)

J.D. Seminar (cross-listed) | 2 credit hours

Antitrust is dynamic. In regulating business strategy, competition law is only as effective as its understanding of each industry's idiosyncrasies. Novel business practices reflect changing technologies, market conditions, and strategies. Antitrust lawyers do not simply master doctrine. Fluent in the basic principles of antitrust law and economics, they understand industry conditions and the enforcement agencies' agendas. Above all, they stay abreast of cutting-edge developments in the law.

This seminar bestows that understanding. We will discuss today's most hotly debated antitrust questions, explore how foreign jurisdictions' competition laws and enforcement ideals deviate from U.S. practice, and delve into the industry-specific issues that arise in fields ranging from healthcare to wireless technology.

Major points of focus include the evolving relationship between antitrust law and intellectual-property rights. We shall discuss post-Actavis issues in the pay-for-delay space, including no-authorized-generic promises by pioneer-drug manufacturers and whether the continuation of infringement litigation immunizes a reverse payment. Outside of the life sciences, urgent questions involve antitrust limits on IP aggregation by patent-assertion entities and practicing firms. Further, when does a "privateering" agreement between a practicing entity and a PAE implicate competition law? Does the owner of a standard-essential patent violate antitrust law in seeking to enjoin a technology user despite its prior assurance to license on reasonable and nondiscriminatory terms? We shall also address antitrust limits on patent licensing and refusals to deal. Agency guidelines overseas, such as in China, and enforcement actions in Asia more broadly hint at the direction of international antitrust in this area.

In the larger field of antitrust and technology, some commentators argue that big data and privacy may implicate competition policy. In 2016, Germany's Federal Cartel Office accused Facebook of abusing its dominance based on privacy and big-data theories. Do those allegations hold water? A recurring problem in antitrust, which has emerged anew in the pharmaceutical industry, is predatory innovation. A separate development goes to the nature of actionable conspiracies where the lines between vertical and horizontal agreements become blurred. The Apple e-Books saga, which came to an end in March 2016 when the Supreme Court denied cert., has important repercussions for the law in this space. We shall also address the ongoing debate about the reach of Section 5 of the FTC Act, which allows the FTC to reach beyond the Sherman Act to condemn unfair methods of competition. The FTC's controversial 2015 statement of enforcement principles on Section 5 features here, and we shall ask whether it makes sense that the Justice Department and FTC can subject firms to distinct liability standards. We shall touch on pending legislation, the SMARTER Act, which touches upon those issues. A critical antitrust issue that remains unresolved is the scope of Noerr-Pennington immunity. Finally, we will discuss contemporary issues in healthcare-merger oversight.

**Recommended:** Prior or concurrent enrollment in a basic antitrust course.

**LAW 3118 v00 Information Operations in the Cyber Age: Law and Policy** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203118%20v00>)

LL.M Seminar | 2 credit hours

Russian interference in the 2016 U.S. election, the spread of misinformation related to the COVID-19 pandemic, and the threat of deep fakes have all increased government – and public – attention on the national security threats posed by both State and non-State actors use of information and disinformation. Whether referred to as propaganda, psychological operations, influence operations, or information warfare, States have used information to further their national security interests for many years.

While these activities are not new, cyber capabilities and modern communications technologies have increased both their reach and effectiveness. The use of data to micro-target audiences via social media, leveraging hacked and leaked information, the dissemination of non and misattributed messages to a mass audience, and the potential use of deep fakes all challenge current policy approaches and existing legal norms. This class will examine the U.S. domestic legal and policy issues, as well as the International legal issues, arising from the use of information and disinformation as an instrument of national power.

**Learning Objectives**

The learning objectives for the course are for students to:

1. Become familiar with how States use information as an instrument of national power, to include past use of propaganda and modern use of disinformation.
2. Appreciate how cyber capabilities have transformed the use of information by States, and the increased threats to national security posed by these activities.
3. Gain an understanding of the domestic and international law governing State informational activities, including the limitations faced by the US Government imposed by the Constitution and US federal law.
4. Understand the role of, and rules applicable to, private actors in monitoring and controlling online communication.
5. Understand how to analyze the different information activities and the applicable legal regimes.

**Recommended:** International Law course

**LAW 342 v02 Information Privacy Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20342%20v02>)

J.D. Course (cross-listed) | 2 credit hours

This course examines "information privacy," an individual's right to control his or her personal information held by others. The aim of the course is to understand how courts and the Congress seek to protect information privacy as new technologies and new institutional practices emerge. The course traces the origins of the right to information privacy in American law, through Constitutional law, tort law, and modern statutory law. Case studies of landmark privacy legislation illustrate how expectations of privacy are translated into legal frameworks. The course looks at recent controversies involving domestic surveillance, identification systems, social network sites, DNA databases, locational privacy, and drones. The course also considers the impact of the European data protection law, new business practices and investigative techniques, and the availability of cryptography and other Privacy Enhancing Technologies on the future of privacy law in the United States. Guest speakers include leading privacy officials from government and practitioners from the private sector. More information is available at the Privacy Law and Society website.

**Note:** Students may not withdraw from this class after the add/drop period ends without the permission of the professor.

**LAW 342 v03 Information Privacy Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20342%20v03>)

J.D. Course (cross-listed) | 3 credit hours

This course provides an introduction to information privacy law both on the books and on the ground. Topics covered include the constitutional, common law, and consumer protection foundations of U.S. information privacy law; the European approach to privacy and data protection; the "life cycle of data," with particular regard to regulatory issues and new challenges posed by algorithmic and/or data-driven practices; and sectoral privacy regimes in national security, employment, health, education, finance, and communications.

Learning goals for this course: Critical mastery of the existing doctrinal, statutory, regulatory, and policy landscapes and the complex interrelationships among them; critical mastery of the privacy compliance considerations that confront both private- and public-sector organizations; awareness of international differences in the treatment of information privacy issues and some comparative exposure to European information privacy and data protection law in particular.

**LAW 342 v04 Information Privacy Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20342%20v04>)

J.D. Course (cross-listed) | 3 credit hours

This course provides an introduction to information privacy law both on the books and on the ground. Topics covered include the common law, constitutional, and statutory foundations of U.S. information privacy law; information privacy compliance, enforcement, and regulatory practice; international approaches to information privacy law; philosophical bases for privacy protection; and "privacy by design."

In addition to the final take-home exam, there might be a mid-term take-home exam.

**LAW 342 v05 Information Privacy Law** ([http://](http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20342%20v05)

[curriculum.law.georgetown.edu/course-search/?keyword=LAW%20342%20v05](http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20342%20v05))

J.D. Course (cross-listed) | 3 credit hours

This course serves as an introduction to the field of "information privacy law." The goal of the course is to equip students with the vocabulary, legal toolkit, and conceptual knowledge to enter the this rapidly-expanding area of law as a practitioner, an academic, or something in between. The course will trace the development and meanings of privacy in American law from the famous 1890 Harvard Law Review article "The Right to Privacy" by Samuel Warren and Louis Brandeis to the modern problems of privacy in the information age. Particular emphasis will be placed upon modern policy problems involving privacy, including privacy and the media, Fourth Amendment law, health privacy, Internet privacy, FTC regulation, emerging technologies, the problems caused by government and private-sector databases, and the prospects of federal privacy reform in 2021. The focus of the course is on US law, but we will necessarily examine the internationalization of the field, including the European General Data Protection Regulation (GDPR) and the "Right to Be Forgotten." Attendance and participation are essential.

**Note:** Please note that laptop computers are not permitted in class.

**LAW 1294 v00 Information Technology and Modern Litigation** ([http://](http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201294%20v00)

[curriculum.law.georgetown.edu/course-search/?keyword=LAW%201294%20v00](http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201294%20v00))

J.D. Seminar (cross-listed) | 2 credit hours

This course builds upon the reality that what a lawyer must know about the influence information technology has had on litigation cuts across the traditional boundaries between law school courses and will deal universally with the impact information technology has had on the management and trial of criminal, civil and administrative cases.

The course will deal with all the topics usually encompassed in so-called e-discovery, such as the meet and confer responsibility, format of production, claw back of privileged information, Rule 502 of the Federal Rules of Evidence, and preservation and sanctions. There will be a particular emphasis on the science of technology assisted review and its relationship to the reasonableness search and the implicit certification a lawyer makes under Rule 26(g) the Federal Rules of Civil Procedure by producing electronically stored information in response to a demand for it.

Throughout the course there will be practical exercises such as mock meet and confer or drafting and responding to a letter demanding the preservation of electronically stored information. The course will attempt to equip students with the practical ability to handle a case involving electronically stored information from its conception to trial.

Finally, the course will deal with the often ignored implications of electronically stored information for criminal cases. The manner in which law enforcement gathers information will be examined with a heavy emphasis on the constitutional implications of the collection of large amounts of data by law enforcement.

**Prerequisite:** Civil Procedure (or Legal Process and Society).

**Recommended:** Prior or concurrent enrollment in Evidence.

**LAW 295 v00 Information Technology Transactions: Strategy, Negotiations and Drafting** ([http://](http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20295%20v00)

[curriculum.law.georgetown.edu/course-search/?keyword=LAW%20295%20v00](http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20295%20v00))

J.D. Seminar | 3 credit hours

This class will consider commercial transactions structured around the transfer of information technology ("IT"), focusing primarily upon the software industry and data-centric businesses. Whereas traditional curricula have approached this subject matter as a species of intellectual property licensing, this course will emphasize the multi-disciplinary approach that tech lawyers must adopt in order to represent tech clients effectively, drawing upon, *inter alia*, contract law, commercial law/UCC and intellectual property law (but also from corporate law, consumer protection law, privacy law, antitrust, bankruptcy, accounting, export regulation and several international accords). The class is organized around archetypal models of commercial IT transfer; with each such model, students will study the interplay among statutory, regulatory and case law frameworks (as well as industry standard practices) that are relevant to shaping and structuring particular tech deals. At a practical level, key contractual provisions and negotiation strategies will be explored, and class assignments will include contract negotiation and drafting exercises.

**Recommended:** A basic intellectual property course or Copyright Law.

**Mutually Excluded Courses:** Students may not receive credit for both this course and Advanced Legal Writing: Intellectual Property and Technology Transactions.

**LAW 1670 v00 Intellectual Property and Information Policy Clinic**

(<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201670%20v00>)

J.D. Clinic | 9 credit hours

The Intellectual Property and Information Policy (iPIP) Clinic is Georgetown's newest clinic. The Clinic focuses on strategic counseling for individuals, non-profit organizations, and consumer groups engaged with intellectual property and information policy matters from a public interest perspective. Clinic matters will vary, but each will present cutting-edge or novel questions while also operating as effective teaching vehicles. The Clinic will not engage in litigation, but there may be opportunities to work on amicus briefs. Students do not need any technical background to participate in the Clinic.

The Clinic emphasizes creative, collaborative thinking and reflective lawyering. Students do not need to have any background in engineering or technology law. Through the seminar, students can expect to learn about how substantive intellectual property law (including copyright, trademark, trade secret, and patent) and information policy (such as privacy, right of publicity, Communications Decency Act § 230, Freedom of Information Acts, the Computer Fraud and Abuse Act) intersects with social justice movements, both historically and currently.

For registration-specific supplemental materials, please see the Intellectual Property and Information Policy Clinic PDF (<https://www.law.georgetown.edu/wp-content/uploads/2021/03/iPIP-Info-Sheet-2021-2022.pdf>).

For more information about clinic registration generally, please see the Clinic Registration Handbook (<https://www.law.georgetown.edu/wp-content/uploads/2021/04/Clinic-Registration-Handbook-2021-2022-updated-4.9.2021.pdf>).

**Mutually Excluded Courses:** Students may not concurrently enroll in this clinic and an externship or a practicum course.



**LAW 233 v01 Intellectual Property and Medicines** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20233%20v01>)

J.D. Seminar (cross-listed) | 2-3 credit hours

This course examines the special legal and policy issues arising from the use of intellectual property rights in the pharmaceutical and biotechnology fields. The course will cover: (1) U.S. case law impacting intellectual property, patents, trademarks and copyrights in the pharmaceutical and biotechnological arts; (2) the interplay of the regulatory approval process for therapeutic and diagnostic products with intellectual property rights; (3) the Hatch-Waxman Act and its impact on how patent rights for pharmaceuticals are procured and enforced; and (4) major legislative developments affecting the use of intellectual property rights in the drug, biotechnology and medical device fields, such as the Biologics Price Competition and Innovation Act of 2009 and the America Invents Act of 2011. Other topics may be included depending on current judicial or legislative developments. A background in biologics or pharmaceuticals is not required, although completion of a basic patent law or a food and drug law course is recommended.

Students will have the option of taking this course for either two or three credits. The three credit option will require a paper that satisfies the upperclass legal writing requirement in compliance with Law Center regulations. The two credit option will require completion of several shorter legal writing samples on student-selected or assigned topics.

**Strongly Recommended:** Prior or concurrent enrollment in a basic patent law course or food and drug law course is highly recommended.

**Note:** This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

**LAW 1295 v00 Intellectual Property Appellate Advocacy** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201295%20v00>)

J.D. Seminar | 2 credit hours

This course combines the study of appellate advocacy with the study of substantive intellectual property law. After an initial introduction to the principles of appellate advocacy and an overview of patent, trademark law and copyright law we will conduct four in-depth case studies (four classroom hours each), of recent Supreme Court and en banc Federal Circuit cases in the areas of patent, trademark and copyright law. For each case, we will study the underlying substantive law and precedent, and how the advocates used that law to make their case, both in writing and at oral argument. Then, with the benefit of hindsight (provided by the decision in the case), we will discuss what the advocates could have done better. The remaining three or four class periods will be devoted to student presentations. Each student will be required to do a case study of a Supreme Court or en banc Federal Circuit case (chosen from a list provided by the faculty), present that study to the class, and then present 15 minutes of oral argument on behalf of the losing side to the class. The case study should be submitted as a draft prior to the class presentation, and in final form by the paper deadline announced by the Office of the Registrar.

**Prerequisite:** At least one course in Patent Law or Copyright Law, or instructors' approval.

**LAW 1471 v00 Intellectual Property for Start-ups** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201471%20v00>)

J.D. Course | 1 credit hour

This course focuses on key concepts of intellectual property law as they pertain to the start-up business environment. We initially cover the basics of patent, trademark, copyright, and trade secret law. We discuss stages of a start-up business cycle and evaluate intellectual property goals relevant to each stage. We review best practices and common mistakes of start-ups in intellectual property. The course also focuses on client communication skills, including the clear articulation of complex intellectual property problems to a start-up client.

**Note:** This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

**ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS.** Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. This course will not fulfill the prerequisite for advanced courses that require prior enrollment in a course in intellectual property.

**LAW 226 v00 Intellectual Property in World Trade** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20226%20v00>)

J.D. Course (cross-listed) | 3 credit hours

The knowledge, technological inventions, creative works and accumulated experience and expertise of the professional workforce increasingly drives the global economy. Unlike physical capital, this intellectual capital cannot readily be confined to the territorial setting of its origin. The development of cohesive norms to protect intellectual properties on a global basis has thus proven to be an enormous challenge. This course considers this effort by addressing the core international agreements governing intellectual property; norms and norm-making in the international intellectual property rights system; dispute settlement and the enforcement of rights; and tensions arising between intellectual property rights and distinct legal and cultural values.

**Mutually Excluded Courses:** Students may not receive credit for this course and International Intellectual Property and Development and the graduate course, International Protection of Intellectual Property Through the WTO.



**LAW 293 v01 Intellectual Property Litigation: Pretrial Skills** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20293%20v01>)

J.D. Seminar | 2 credit hours

The objective of this course is to help students develop the skills necessary to handle intellectual property (patent/trademark/copyright) disputes in the federal courts and administrative agencies. By focusing on pretrial activities, the course provides the opportunity to examine a dispute from its beginning, including the types of investigations and filings that are made and consideration of alternative forums, through discovery and the filing of a summary judgment motion. By covering this period of the litigation cycle, students will have the opportunity to develop both written and oral skills necessary for a trial lawyer. The emphasis on the pretrial aspects of a case is beneficial because most new associates spend far more time in their first few years dealing with these aspects of litigation than they do participating in actual trials. The course includes practice in drafting pleadings, discovery and motions, as well as the opportunity to hone oral skills through taking discovery depositions. Because this course focuses on pretrial activities, it also is a good companion course to the patent trial advocacy course, which focuses on the trial phase of a proceeding.

**Prerequisite:** Civil Procedure (or Legal Process and Society) and Evidence.

**Mutually Excluded Courses:** Students may not receive credit for both this course and Civil Litigation Practice or Civil Litigation Practice: From the Complaint to the Courthouse Steps.

**LAW 1451 v00 International Intellectual Property and Development** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201451%20v00>)

J.D. Course (cross-listed) | 3 credit hours

Intellectual property is increasingly a global phenomenon, as creators seek to distribute their work and inventions across borders, while consumers seek access to creative products and innovations, from books to life-saving medicines. The scope of intellectual property rights set out in international treaties and national laws affect innovation and creativity worldwide. Exceptions to intellectual property rights determine rights to critique and learn. At stake in the balance between rights and exceptions are access to medicines and to knowledge. In an age driven by both technology and fashion, intellectual property is central to the global economy. This course will examine international trade law, national customs law, intermediary liability rules, claims for rights in traditional knowledge and genetic resources, protections for geographical indications, technology transfer, and intellectual property piracy. The central question will be: how can international intellectual property law be designed to help the world's poor?

**Mutually Excluded Courses:** Students may not receive credit for this course and Intellectual Property in World Trade.

**LAW 820 v01 International Protection of Intellectual Property Through the WTO** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20820%20v01>)

LL.M Course | 2 credit hours

This course deals with international protection of intellectual property through the World Trade Organization (WTO) and the WTO agreements which cover intellectual property: the TRIPS Agreement, The Paris Convention and the Berne Convention. The course will also cover the General Agreement on Tariffs and Trade (GATT) and the Dispute Settlement Understanding, which are essential in enforcing these agreements.

The course examines in detail the relevant U.S. law and how the extraterritorial application of these laws effects international enforcement of intellectual property. These laws are Section 337 of the Tariff Act of 1930 which prohibits the importation of articles into the United States which infringe U.S. patents, trademarks, or copyrights, and Section 301 of the Trade Act of 1974 which allows retaliation against foreign countries which impose unjustifiable or unreasonable restrictions against U.S. commerce.

The main WTO cases in intellectual property will be read and analyzed. These will include the cases on Sections 337 and 301, which have limited the United States' ability to unilaterally affect intellectual property law. Other cases will include the U.S. – Cuba Havana Club case, the Indian Pharmaceutical case, the Internet Gaming case, the U.S. Musical Copyright case, the European Geographical Indication (GI) case, the Canada Pharmaceutical patent case, and the China Intellectual Property Violation case. The course will study the Doha Agreement, which allows the compulsory licensing of pharmaceutical patents to fight pandemic diseases particularly HIV/AIDS. Finally, the course will review any significant changes in trade law or existing trade agreements, particularly as relates to intellectual property, that may occur under the Trump administration

**Mutually Excluded Courses:** Students may not receive credit for both this course and Intellectual Property in World Trade (LAWG/J-226).

**LAW 708 v00 International Trade, Intellectual Property Rights, & Public Health** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20708%20v00>)

LL.M Seminar (cross-listed) | 2 credit hours

This course will cover the interface between the intellectual property rights, international trade and public health, focusing in particular on the WTO TRIPS Agreement and subsequent decisions. It will provide an introduction to the provisions of WTO agreements relevant to public health (other than TRIPS), and to the law and economics relating to IPRs and public health; it will cover the provisions of the TRIPS Agreement relevant to public health, and discuss the relevant disputes settled in the WTO. It will examine the background, content and implications of the Doha Declaration on the TRIPS Agreement and Public Health and of the subsequent TRIPS amendment implementing compulsory licensing for exports. It will also discuss the relevance of bilateral or regional free trade area agreements to the subject.

The course would study relevant national/regional implementing legislation, for example on compulsory licenses, and discuss use of the WTO export compulsory license provisions, namely the Rwanda-Canada case. In addition to the final paper, students will be graded on class participation, individual presentations and group exercises, an example of the last being a hypothetical case study of exports, with students taking up the role of legal advisors based in either the importing country or the exporting country.

Finally, the course will also cover recent work on trade, intellectual property and public health in other intergovernmental organizations, in particular in the World Health Organization.

**Recommended:** Coursework in International Trade, Intellectual Property Rights, or Public Health.

**LAW 251 v00 Internet Copyright Legislation Seminar** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20251%20v00>)

J.D. Seminar | 2 credit hours

This course examines the increasingly contentious legislative battles concerning copyright, in the context of ongoing debates about reforms to U.S. copyright law. Initiated in part by a 2013 speech by the Register of Copyrights referring to "The Next Great Copyright Act," Congress has held 20 hearings, and government agencies have conducted numerous proceedings, held hearings, and issued reports.

The course has three objectives. First, the course will familiarize students with the process by which modern copyright law is enacted: the development of a legislative strategy, the formation of competing coalitions, the search for political allies, the drafting of legislation, the negotiation of compromises. Second, the course will attempt to provide the students with a critical perspective on IP policymaking via legislation, particularly in contrast to the more familiar process of case law evolution. Third, the course will provide students with an in-depth substantive understanding of several of today's most significant copyright issues, underscoring the conflicts inherent in IP policy. These three objectives are interrelated; one can best understand a legal doctrine if one understands how the doctrine evolved. Although the course will focus on copyright legislation related to the Internet, comparisons will be made to patent and trademark legislation. Students will participate in classroom simulations and write several short advocacy papers relating to legislation discussed in the course. Grading will be based on classroom participation and the papers. Students may take the course on a pass/fail basis.

**Recommended:** Prior or concurrent registration in at least one course in intellectual property law is suggested, but not required.

**LAW 611 v11 Internet Defamation Simulation: Alternative Dispute Resolution in a Transnational Dispute** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20611%20v11>)

J.D. Seminar | 1 credit hour

This Week One simulation course is designed to introduce you to some of the issues that arise in transnational disputes and the skills employed by lawyers in representing clients in the context of an international dispute resolution proceeding. The course uses a single problem involving an article on a California news website alleging that a French plaintiff used his wine export business to launder money for organized crime figures in Russia and Italy. The French plaintiff has alleged that he was defamed by the article, and the parties, which also include a U.S.-based web hosting service, have agreed to resolve the dispute through an international arbitration proceeding.

Students will be assigned roles and will work in teams, representing one of the three parties to the dispute. They will begin the week by conducting client interviews to ascertain the facts from their client's perspective. After debriefing on the client interview process, students will prepare for a simulated international arbitration hearing in which each student will argue whether French or United States (or some other) law should govern the dispute. Upperclass teaching fellows, in the role of arbitrators for the dispute, will render a decision on the choice of law issue, and students will then prepare for and represent their clients in a mediation session to try to settle the case on the merits.

The assigned readings and classroom sessions during the week are designed to prepare students to engage in the simulated client interview, arbitration hearing, and mediation session. The materials and classes will introduce the theory and doctrine governing components of defamation law in several jurisdictions, limitations on liability for Internet Service Providers under U.S. and French law, choice of law theory and methodology, and techniques for preparing for arguments, interviewing clients, and conducting mediation sessions.

**Note:** FIRST-YEAR WEEK ONE COURSE: This course will meet on the following days: Monday, January 6, 2020, through Thursday, January 9, 2020. This course is mandatory pass/fail, and does NOT count against the 7-credit pass/fail limit for J.D. students.

This optional, elective course is for first-year J.D. students only, who are enrolled through a lottery process. ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information, see the Week One website (<https://www.law.georgetown.edu/experiential-learning/simulations/first-year-week-one-simulations>). Due to the intensive nature of the course, the small-group, team, and individual work that is involved, and the preparation that is necessary to ensure a positive student experience, students who wish to drop the course after they have accepted a seat must drop by **Monday, December 2, at 3:00 p.m.** After that point, permission to drop from the course professor and Assistant Dean for Experiential Learning is required. Students who are enrolled but do not attend the first class session will be withdrawn from the course.

**LAW 1626 v00 Internet Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201626%20v00>)

J.D. Course | 3 credit hours

Everything we do, we do at least some aspect of it online. From commerce to speech, internet companies intermediate our daily activities. In the process, internet companies are changing how we live. Is the internet a free speech zone protected by the U.S. Constitution's First Amendment, or does it heed hate speech or political speech regulations from abroad? Can copyright law survive the worldwide copying machine of the internet? Is privacy dead when corporations know where you are and what you are doing nearly 24/7? Focusing on U.S. case law and statutes, this course examines the evolving law regulating internet enterprises.

**Mutually Excluded Courses:** Students may not receive credit for this course and Digital Law & Policy (CCTP-658-01), which is offered by the Communications, Culture & Technology department on the Main Campus.

**LAW 1644 v00 Investigating Crime in the Darknet** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201644%20v00>)

J.D. Seminar | 1 credit hour

In recent years, several high-profile criminal investigations and prosecutions have focused on activity taking place in the Darknet, the name for websites and services protected by encryption and other technology designed to make the tracking of individual conduct difficult if not impossible. The Darknet houses legitimate and laudable speech and conduct, but it also harbors criminal activity, from the distribution of child pornography to the sale of illicit drugs and weapons. The technical design of the Darknet has posed many types of significant challenges to law enforcement investigators and prosecutors: technological, bureaucratic, and legal. The legal challenges cover the gamut, placing pressure on prior interpretations of statutes, the Constitution, international law, and the Federal Rules.

In this simulation course, students play the role of law enforcement investigators, prosecutors, and defense lawyers, investigating and litigating many of the novel issues that the Darknet raises. The goal for the simulation will be to help students gain insights and strategies for dealing with the clash between technology and criminal investigation and prosecution generally, so the lessons should apply to other technologies, such as the Internet of Things, celltower simulators, and facial recognition.

This course will meet on two consecutive Saturdays, March 30 and April 6. For the first Saturday, the class will meet for eight hours, excluding breaks, and focus on the technology behind the Darknet, culminating in the preparation of a search warrant application and affidavit and the presentation of these materials to a magistrate judge. At the end of the first day, each student will be assigned the role of prosecutor or defense counsel and will spend the intervening week writing a motion or opposition motion to suppress the information obtained from the Darknet pursuant to the warrant.

During the second Saturday, the class will meet for five hours, excluding breaks, preparing an expert witness for the suppression hearing, examining the witness on the stand, and participating in oral argument before a judge.

**Note:** ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class.

A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.

**LAW 1400 v00 Law and Business of Television** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201400%20v00>)

J.D. Seminar (cross-listed) | 2 credit hours

An in-depth study of television industry legal concepts, contracts, business structures and economic models, focusing on the role of the attorney in the development and production of television programs; the relationships among attorneys, agents and entertainment executives that govern television; the legal issues innate in the of development and production of television programs; and topics involving the distribution of television product in ancillary markets (such as digital media and the role of so-called "backend" profit accounting). Class will focus both on academic and theoretical underpinnings of legal and business concepts as well as practical practitioner/clinical points-of-view (including negotiations).

**Recommended:** Entertainment Law and Copyright Law are recommended, but not required.

**LAW 1087 v00 Law and Entrepreneurship Practicum** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201087%20v00>) (Fieldwork Practicum)

J.D. Practicum | 5 credit hours

In fieldwork practicum courses, students participate in weekly seminars and conduct related fieldwork at outside organizations. This fieldwork practicum course explores the role of lawyer as counsel to social and business entrepreneurs engaged in early-stage ventures. Students will participate in a two hour/week seminar and carry out 15 hours/week of fieldwork at the law firm Foley & Lardner.

**SEMINAR:** The two-hour/week seminar functions like a Social Innovation Incubator. Students will work on one or two social impact concepts presented by the professor and inspired by his community economic development and empowerment work in the DC region. Working in small collaborative groups, students will learn how social impact ventures differ from and are similar to the more conventional for profit ventures they encounter in the practicum's fieldwork component. The seminar compliments the legal focus of the fieldwork experience with exposure to the business or entrepreneurial side of the Law & Entrepreneurship equation, particularly as it relates to social impact entrepreneurship. Topics covered include: the mindset and goals of the social impact entrepreneur; choice of entity and business structure for social impact work; nonprofit vs. for profit governance issues; public, private social sector partnerships. The bulk of the semester will focus on aspects of the social impact business plan; how to draft compelling mission, vision, values and goals statements for the social impact venture; understanding the value-add of the social impact venture's product and/or service through market research and analysis; project budgeting, funding and financial projections; scaling and growing the social impact venture.

**FIELDWORK:** In the 15 hour/week field placement, students will work at and be supervised by attorneys at the law firm Foley & Lardner. In this role, students will research issues and advise student entrepreneurs affiliated with the Georgetown Entrepreneurship Initiative, as well as various private ventures and community empowerment and economic development initiatives in the DC area. Students will typically develop a portfolio of three-five projects across the semester.

**Prerequisite:** J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

**Mutually Excluded Courses:** Students may not concurrently enroll in this practicum and an externship or a clinic or another practicum course.

**Note:** This course will be offered during both the Fall 2021 and Spring 2022 semesters. Students will be permitted to enroll in the course for only one semester, i.e., Fall 2021 OR Spring 2022.

THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL. Please email Professor Anthony Cook ([cooka@georgetown.edu](mailto:cooka@georgetown.edu)) by 5:00 pm on Wednesday, June 9, 2021 for the fall course and Wednesday, October 6, 2021 for the spring course expressing your interest in taking the practicum. This course is suitable for evening students who can commit to attending class and working 15 hours/week, during business hours, on site at Foley & Lardner. This is a five credit course. Two credits will be awarded for the two-hour weekly seminar. Three credits will be awarded for 15 hours of supervised fieldwork per week, for a minimum of 11 weeks, to be scheduled with the faculty. The fieldwork must be completed during normal business hours. The two-credit seminar portion of this practicum will be graded. The fieldwork credits are mandatory pass/fail. Students will be allowed to take another course pass/fail in the same semester as the fieldwork. Students who enroll in this course will be automatically enrolled in both the seminar and fieldwork components and may not take either component separately. After Add/

**LAW 199 v03 Law and Regulation of Drugs, Biologics and Devices** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20199%20v03>)

J.D. Course (cross-listed) | 3 credit hours

This course explores the legal, regulatory and policy issues that shape the research, development, and commercialization of drugs, biologics, and medical devices in the United States. We will consider the history and role of federal regulation of medical technologies; legal and ethical issues in the development and testing of new therapies; managing incentives for innovation, including patent, regulatory and data exclusivity; tort liability and its function in the regulation of the life sciences industry; and other issues. We will explore these issues using real-world examples, including the government and industry response to the COVID-19 pandemic.

**Recommended:** Prior or concurrent enrollment in Administrative Law.

**Note:** This is a required course for the Food and Drug Law Certificate.

**LAW 2010 v01 Law and Regulation of Global Health Technologies** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%202010%20v01>)

LL.M Seminar (cross-listed) | 2 credit hours

Technological advances in diagnostics and therapeutics have the potential to revolutionize health care and improve the lives of millions of people. However, many of these technologies remain out of reach to those who need them, particularly the poor in low- and middle-income countries.

With increased investment and global attention over the last decade, there has been tremendous progress in building a pipeline of candidate medical technologies to meet the health needs of the world's poorest people. This course will explore the legal, regulatory and policy issues that are shaping the research, development, and delivery of those drugs, vaccines, and diagnostics. Part I of the course will provide an overview of the burden of neglected diseases in low- and middle-income countries and the new institutions and initiatives that have arisen to address that burden. Part II will examine the incentives for global health innovation, including intellectual property management, regulatory and tax incentives, and prizes and advance market commitments. Part III will consider the role of national and international regulation, international clinical trials and the globalization of research, and World Health Organization's policy processes for ensuring drug and vaccine safety and recommending their use. Part IV of the course will explore the legal, regulatory and policy issues that arise in the delivery and use of global health technologies, particularly supply chain contracting, drug resistance, and post-market surveillance in low- and middle-income countries.



**LAW 267 v04 Law of Cyberspace** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20267%20v04>)

J.D. Course (cross-listed) | 3 credit hours

This course examines legal and policy issues arising from the Internet, with an emphasis on three broad areas: (1) the impact of the Internet on traditional legal causes of action; (2) government regulation of the Internet; (3) international aspects of the Internet and the interplay among United States and foreign jurisdictions.

Specific areas that will be examined within this framework include: constitutional issues raised by cyberspace speech and content; privacy issues; torts occurring in cyberspace; contract and other issues related to cyberspace commerce; and the protection of intellectual property in cyberspace.

Course readings rely primarily on cases, pleadings, statutes, and regulations. However, short articles and commentaries will also be used for background and supplementary information. There are no prerequisites for the course, and a computer background is not necessary.

**LAW 1289 v00 Law of Robots** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201289%20v00>)

J.D. Seminar (cross-listed) | 2 credit hours

Robots, artificial intelligence, and autonomous systems have long been the realm of science fiction, but they are increasingly a part of contemporary life as well. Computers fly airplanes, play Jeopardy, drive cars, trade stocks, and fight in wars. Autonomous systems are no longer a thing of the future, but a fact of modern life, and Moore's Law suggests that these changes will increase not incrementally, but exponentially. This course will examine whether or when we need a Law of Robots to regulate these autonomous agents, or where it is more appropriate to reason by analogy and regulate these systems by existing statute, regulation, or common law. The course will examine emerging issues across the spectrum of tort law, property law, copyright law, the laws of war, laws of agency, criminal law, and international law. The class will not be a survey of existing law, but instead an examination of how to regulate emerging issues in law – how to extrapolate and reason by analogy, in robotics and beyond. Paper required.

**Recommended:** Property (or Property in Time), Torts (or Bargain, Exchange and Liability), Copyright Law, and Criminal Law.

**LAW 1616 v00 Legal and Policy Aspects of Countering Terrorist Recruiting and Online Propaganda in the Digital Age Seminar** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201616%20v00>)

J.D. Seminar (cross-listed) | 2 credit hours

Rapidly evolving technological advances over the past decade have created powerful mechanisms to instantly and directly reach billions of information consumers around the world. Although the latest information revolution has fostered tremendous progress by connecting people in every corner of the planet, it has also been accompanied by governmental and non-governmental efforts to spread propaganda, particularly through social media platforms. This course will review the legal and policy aspects of addressing these challenges, focusing on the rise of terrorist recruiting and other organized online propaganda efforts.

As governments intensify their extensive counterterrorism initiatives, terrorist recruiting continues to evolve and poses a more complex threat than perhaps at any time in history. Terrorists no longer require in-person recruiting to spread their ideology and to inspire attacks in other countries. Domestic and international extremist groups have become more adept at using online platforms and other tools to “crowd source” their recruiting in a decentralized attempt to attract and inspire disaffected individuals by exploiting grievances and offering a sense of purpose, belonging, adventure, and obligation. At the same time, governments and other organizations are themselves using social media platforms to reach audiences in their countries and around the world. They have done so not only to increase public support for their political leaders, but also to attempt to impact public debates on major issues, influence policy formulation, and even to sow discord between groups domestically and abroad. These propaganda efforts have raised questions about whether social media companies, governments, and international organizations should play a larger role in determining how such information is disseminated, and how they can implement solutions without undermining freedom of expression and other legal protections.

In addressing online propaganda, this course will focus on legal and policy challenges and strategies in three main areas: (1) assessing and countering methods to spread propaganda online, including terrorists' efforts to recruit followers and to inspire attacks; (2) examining innovative NGO and private sector cooperation in developing counter-propaganda initiatives; and (3) utilizing existing law enforcement tools and crafting new governmental and non-governmental prevention and intervention programs to disengage, redirect, and rehabilitate those who are radicalized online.

**LAW 1215 v00 Legal Delivery System in Transition: Changes, Challenges, New Models and Opportunities** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201215%20v00>)

J.D. Seminar | 1 credit hour

The legal market is undergoing a radical transformation. Several key factors driving change are: (1) financial convulsions following the 2008 economic crisis; (2) global change in legal regulation; (3) information technology; and (4) "unbundling" of legal services. New legal service delivery models are emerging in response.

This course will examine the reasons for and responses to change in the legal vertical market. Professor Mark Cohen, CEO of Legal Mosaic, a Legal Business Consulting Firm, and a Co-Founder and former Managing Director of Clearspire, acknowledged widely as a highly innovative and disruptive law firm and legal service provider, is in the vanguard of that change. He also has a weekly column in Bloomberg Big Law Business. His first-hand knowledge of the marketplace, coupled with readings, class discussion, and individual reflection of students, is intended to identify opportunities open to those who understand the new landscape and who can reposition themselves to navigate its topography by drawing upon their skills and passions.

**Note:** This class will meet for two days of intensive sessions on the following dates in the Fall 2016 semester: 10/1 and 10/2 from 9:00 a.m. - 4:30 p.m.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety.

A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.

**LAW 611 v13 Legal Innovation: Designing Human-Centered Solutions to Challenges in Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20611%20v13>)

J.D. Seminar | 1 credit hour

This Week One, project-based simulation course is designed for students who want to learn methods and processes to create new and effective solutions to challenges in the legal industry. Working in teams of four, students will re-imagine how we can deliver some aspect of legal services. To do this, we will bring together principles from design thinking, business strategy, and behavioral science.

Some examples of legal design challenges that teams may take on:

*How might we reduce the rate of default in landlord-tenant court?*

*How might lawyers in firms improve the billing process for clients?*

*How might we improve the likelihood that consumers will read, understand, and respond to a product recall notice?*

*How might we help qualifying pro se litigants take advantage of free filing policies in D.C. Superior Court?*

Over four fast-paced, intense days, teams will: map out and study the problem, sketch out competing ideas, turn your ideas into testable prototypes, and validate the key elements you will need if your idea is going to work. At the end of Week One, you will pitch your proposed solution to a key influencer in the legal industry.

**Note:** This course is mandatory pass/fail, and does NOT count against the 7-credit pass/fail limit for J.D. students.

This optional, elective course is for first-year J.D. students only, who will enroll via the Live Registration process. ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information, please see the Week One website (<https://www.law.georgetown.edu/experiential-learning/simulations/first-year-week-one-simulations>). Due to the intensive nature of the course, the small-group, team, and individual work that is involved, and the preparation that is necessary to ensure a positive student experience, students who wish to drop the course after they have accepted a seat must drop by **Monday, November 30, 2020 at 3:00 p.m.** After that point, students must receive permission from both the course professor and Assistant Dean for Experiential Education to drop the course. Permission will only be granted when remaining enrolled in the course would cause significant hardship for the student. Students who are enrolled but do not attend the first class session will be withdrawn from the course.

**LAW 372 v02 Music Law Seminar: Changing Landscapes in the Music Industry and the Law that Governs It** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20372%20v02>)

J.D. Seminar | 2-3 credit hours

This course will engage in an in-depth exploration of legal issues that arise in the music industry and the complex ways in which the law has shaped the evolution of the industry and the industry has shaped the development of the law. We will begin with a historical unit that traces the manner in which copyright and other laws affected the development of the music industry (and vice versa) in the 20th century. Our second main unit will cover a cross-section of the current legal issues faced by the music industry and the business practices that have been and are being developed to address those legal issues, and a third main unit will focus on contractual issues that arise in recording and music publishing deals.

While some of the specific issues covered may vary in light of ongoing developments in the law and music industry business practices, as well as student interest within the class, some of the possible topics of discussion and analysis include the distinct “bundles” of rights in music and how the industry developed to exploit them; music licensing and statutory royalty regimes; illegal Internet downloading, its effect on the industry, and the industry’s response; the changing power relationships among the players in the industry and the contractual and legal issues that emerge from those changing relationships; deregulation and the effects of horizontal and vertical integration in the industry; new distribution models and new models of consumption for music and how the law is developing to accommodate them; the changing conceptions of what it means to “own” music in light of technological innovations in the industry; payola prohibitions and their impact on the industry; the future of performance royalties for sound recordings; and legislative developments affecting the music industry.

Students will be graded based upon their class participation and submission of a paper for the course; the nature of the paper(s) assigned will depend upon whether students are taking the course for 3 credits to satisfy the Writing Requirement or for 2 credits.

Learning goals for this course:

This course is designed to be a discussion-based seminar in which we explore issues of music law and policy from both historical and forward-looking perspectives. During the course of the semester, we expect that you will:

- Gain an understanding of how the music industry is structured and how the law has impacted that structure
- Become familiar with and be able to recognize legal themes and issues that have recurred throughout the history of the music industry in the United States
- Be able to identify potential contractual and legal issues that arise when new technology is introduced for reproducing, distributing, and/or performing music
- Develop in-depth knowledge and critical analysis of a narrow area of music law or policy in connection with the paper(s) written for the course
- Enhance legal research skills by researching and critically analyzing materials relating to current legal issues in the music industry
- Learn how to produce a piece of scholarly writing (whether the longer version required for the Writing Requirement or a shorter version required for students taking the course for 2 credits)
- Gain an introductory understanding of issues that arise in negotiating contracts in the music industry
- Become comfortable raising questions and debating issues in a collegial setting

**LAW 1031 v00 National Security Crisis Law I** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201031%20v00>)

J.D. Course (cross-listed) | 5 credit hours

National Security Crisis Law is a nationally-recognized class, and the capstone course for the J.D./LL.M. in National Security Law at Georgetown. It examines the law as it is written and as it is applied. The course will be equally helpful to students who go into other fields, as it emphasizes leadership and examines how cognitive biases, institutional cultures, and formal and informal social networks influence lawyers’ ability to perform effectively under pressure. The course takes into account both conventional and non-conventional threats, such as terrorist use of biological weapons, cyber attacks, and the detonation of radiological dispersal devices, to examine the constitutional, statutory, and administrative contours of the government’s response. In lieu of an examination, students will take part in a week-long simulation, during which they will assume positions within the federal Executive Branch, as well as state and local government. Students will have the opportunity to meet with lawyers who practice in the field, to help to prepare for their roles. Students will be assigned sim-classified and sim-unclassified email accounts, and provided with access to the Video News Network and AP Wire, through which they will receive information about a series of events as they unfold. A Control Team, made up of approximately 50 professors and attorneys from practice, will respond to the student decision-making. For the final two days of the week, students will be present in person at the law school. During the 2018-2019 year, the final exercise will be both national and inter-national, involving students from top national security law schools across the United States and Canada. Enrollment is limited to 30 students.

**Prerequisite:** Constitutional Law I: The Federal System (or Democracy and Coercion). Prior or concurrent enrollment in either Constitutional Law II: Individual Rights and Freedom, Criminal Justice or Criminal Procedure.

**Note:** In Spring 2019, this course will meet three days a week on Mondays, Wednesdays and Fridays, 9:00 a.m. - 11:00 a.m. This course will also meet on a few Wednesdays from 3:30 p.m. - 5:30 p.m. Dates to be announced. There will also be an all-day crisis simulation exercise in this course held on a Friday and Saturday. Attendance at the simulation exercise is mandatory. Students may not withdraw from this class after the add/drop period ends without the permission of the professor. The course can be taken either pass/fail or for a grade.

**LAW 1429 v00 Patent Appeals at the Federal Circuit** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201429%20v00>)

J.D. Seminar | 3 credit hours

This seminar will teach you the mechanics, strategy, and process of filing, briefing, and arguing a patent appeal before the United States Court of Appeals for the Federal Circuit, from the initial notice of appeal through requests for rehearing. We will also provide an in-depth look at the Court, common issues that arise during appeals, and best practices for crafting effective briefs and presenting oral argument. In lieu of an exam, each student will write an appellate brief and present an oral argument before a panel of appellate judges and/or practitioners, for an invaluable hands-on opportunity to practice the skills and theories we discuss. As part of the process, we will meet with you one-on-one to provide feedback on your draft briefs, which will total between 6,500 and 7,500 words and are intended to fulfill the upper-level writing requirement.

**Prerequisite:** Patent Law; Civil Procedure or Legal Process and Society.

**Note:** Students may not withdraw from this class after the add/drop period ends without the permission of the professor.

**LAW 1665 v00 Patent Enforcement in Europe: Practice and Strategy** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201665%20v00>)

J.D. Course (cross-listed) | 1 credit hour

Many of the high profile patent cases conducted in Germany concerned European Patents held by US companies (e.g. Qualcomm vs. Apple, Microsoft vs. Google/Motorola, Eli Lilly vs. Ratiopharm, Stada et al.). It is standard procedure for US companies to litigate their European Patents in Germany as the most important venue for patent infringement lawsuits in Europe.

This course is designed to help students advise US clients when they consider filing patent infringement lawsuits in Europe or when they have to defend against allegations of patent infringement on German territory. At the end of the course, students will have acquired a basic understanding of patent litigation in Europe. This course provides an opportunity for students to understand all phases of a patent trial in Germany and before the Unified Patent Court (UPC). It combines elements of lecture and case studies, whereby the focus is laid on case studies.

Initially the course will provide an introduction to the principles of European patent law. A focus will be placed on patent infringement and nullity proceedings regarding European Patents in Germany. Especially the implications of the German bifurcation principle will be explored.

In the second part, the course will conduct an in-depth case study of a recent patent infringement case which has been tried in Germany. The strategies of German attorneys both in the first instance and on appeal level will be explored. The case study will focus on the strategies of German attorneys acting on behalf of patent holders and/or patent infringers. Issues of material law (literal patent infringement, infringement under the doctrine of equivalence) as well as procedural law (venue, enforcement) will be covered.

In the following, the law relating to the enforcement of standard-essential patents (SEP) in Europe as established by the European Court of Justice and as applied by the national courts will be explained.

The second case study will explore the enforcement of standard-essential patents. Depending on whether the Unified Patent Court Agreement will enter into force (a decision can be expected in the course of the year 2019), a law suit will be considered either before the UPC or a German court. The differences between litigation in Germany and before the UPC will be analyzed and the strategic consequences will be discussed.

Given the range of competencies covered and type of work assigned, this course is recommended for students who intend to practice patent law.

**Prerequisite:** Patent Law.

**Note:** WEEK ONE COURSE. This course will meet for one week only, on the following days: Monday, January 6, 2020, through Friday, January 10, 2020, 9:00 a.m. - 11:35 a.m. The course will have a take-home exam that must be completed during the week of January 17th through January 24th, 2020. This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety will result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain

**LAW 332 v04 Patent Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20332%20v04>)

J.D. Course (cross-listed) | 3 credit hours

The patent law is a regime of private regulation, initiated by individual inventors and resulting in proprietary interests in an increasingly ambitious range of human endeavor. This course provides a thorough review of the requisites of patentability, including eligible subject matter, utility, novelty, nonobviousness and disclosure. It then turns to patent enforcement issues, including claim interpretation, the doctrine of equivalents and remedies. Most inventors seek to obtain proprietary rights in multiple jurisdictions, so the course includes considerable coverage of comparative and international patent law. A traditional technological background is neither required nor recommended as a prerequisite to enroll in this course.

**LAW 332 v05 Patent Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20332%20v05>)

J.D. Course (cross-listed) | 3 credit hours

This course is designed for those who intend to specialize in the intellectual property field. It includes an analysis of trade secret law, inventorship and ownership of inventions, subject matter eligible for patenting, requirements for valid and enforceable patents, patent claim construction and direct and indirect patent infringement. The Advanced Patent Law Seminar is recommended to complete the student's overview of patent law.

**Recommended:** A scientific or engineering background is helpful, but not a requirement.

**LAW 333 v02 Patent Licensing** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20333%20v02>)

J.D. Course (cross-listed) | 2 credit hours

Patent licenses achieve different business objectives in a range of settings. This seminar first covers patent licensing and related agreements in establishing a company's intellectual property from start-up through later growth phases. We then probe the role of patent licensing to transfer technology in and out of a company or university and in relations with others in the marketplace. We examine the elements of a patent license in detail. Limits on patent licensing and practice imposed by supply chain considerations, antitrust law, misuse, and connections with settlements are analyzed. Finally, we look at legal principles and strategies that impact patent licensing in several sectors of a knowledge-based economy. These sectors include biotechnology, software, standards setting, and patent assertion entities in the secondary IP market. We look at patent licensing in current open innovation and IP-enabled business models too. Guest speakers will also be drawn upon for specific topics. Students will complete an in-class negotiation and license drafting assignment. A cumulative final take-home exam will be given.

**Recommended:** Prior or concurrent enrollment in Patent Law.

**LAW 333 v01 Patent Licensing Seminar** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20333%20v01>)

J.D. Seminar (cross-listed) | 2 credit hours

Patent licenses achieve different business objectives in a range of settings. This seminar first covers patent licensing and related agreements in establishing a company's intellectual property from start-up through later growth phases. We then probe the role of patent licensing to transfer technology in and out of a company or university and in relations with others in the marketplace. We examine the elements of a patent license in detail. Limits on patent licensing and practice imposed by supply chain considerations, antitrust law, misuse, and connections with settlements are analyzed. Finally, we look at legal principles and strategies that impact patent licensing in several sectors of a knowledge-based economy. These sectors include biotechnology, software, standards setting, and patent assertion entities in the secondary IP market. We look at patent licensing in current open innovation and IP-enabled business models too. Guest speakers will also be drawn upon for specific topics. Students will complete an in-class negotiation and license drafting assignment. A cumulative final take-home exam will be given.

**Recommended:** Prior or concurrent enrollment in Patent Law.

**LAW 387 v01 Patent Prosecution Practice and Strategy** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20387%20v01>)

J.D. Seminar (cross-listed) | 2 credit hours

This skills and writing course will focus on the practical and strategic aspects of patent preparation and prosecution before the United States Patent and Trademark Office, and the effects of prosecution decisions on patent enforceability. Claim drafting and responding to Office Actions with an eye towards enforcement will be a primary focus, and both will be addressed with short practical writing assignments. Coverage of the appeal process will include preparing a final written Appeal Brief (in compliance with 37 CFR § 41.37) and making oral arguments before a mock panel of Administrative Law Judges. Among other topics, the strategic use of the post issuance reissue, reexamination and post-grant review procedures, especially in anticipation of litigation, will also be addressed. Given the range of competencies covered and type of work assigned, this course is recommended for students who intend to practice patent or IP law.

**Prerequisite:** Patent Law.



**LAW 334 v00 Patent Trial Practice** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20334%20v00>)

J.D. Seminar (cross-listed) | 3 credit hours

This course introduces students to the elements of a typical patent trial through mock trial experiences and classroom demonstration and discussion. Topics to be covered include: developing a persuasive and comprehensive theme for your case; opening statements; direct and cross examination techniques; impeachment and rehabilitation of witnesses; qualifying and examining expert witnesses; laying the proper foundation for the introduction of evidence and using exhibits in examination to help present technical information; closing arguments; and preparing for and presenting arguments at Markman Hearings. The course will also introduce students to the use of current computer graphics and information technology in trial. The course will be taught using hypothetical fact patterns common to patent litigation. During the semester students will receive individual feedback on their individual performances.

**Prerequisite:** Evidence; Patent Law.

**Mutually Excluded Courses:** Students may not receive credit for both this course and Trial Practice or Trial Practice and Applied Evidence.

**LAW 1360 v00 Policing in the 21st Century: Law Enforcement, Technology and Surveillance** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201360%20v00>)

J.D. Seminar | 2 credit hours

This seminar will explore the intersection of contemporary surveillance practices with the need to safeguard civil liberties, and investigate how new technologies are being used to manage and control populations of people, in particular racial and religious minorities and immigrant communities. The course will place special emphasis on the evolving right to privacy in an increasingly cyber- and technology-oriented world, the expansion of government surveillance during the Obama and Trump administrations, and the implications of new law enforcement technologies on civil liberty protections. Our texts will include a variety of sources ranging from case law, legal scholarship, government manuals and congressional testimony to congressional letters, TED Talks, and digital publications.

We will investigate a variety of electronic and non-electronic forms of surveillance, including social media monitoring, stop and frisk, license plate readers, drones, suspicious activity reporting, predictive policing, countering violent extremism programs, and NSA data collection. Throughout the course, we will specifically discuss how these technologies can be used to stifle dissent and protest.

We will discuss how judges and legislators have responded to these surveillance technologies, and pay special attention to the legal tools, doctrines, and defenses available to the government in surveillance-related matters. We will simultaneously investigate the different avenues through which today's surveillance practices can be challenged, including lobbying, litigation, and private industry innovation. Specific reforms that will be discussed include encryption, informed consent, body cameras, diversity, community policing, and abolition.

**Recommended:** Prior or concurrent enrollment in Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

**LAW 1315 v00 Privacy Legislation: Law and Technology** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201315%20v00>) (Project-Based Practicum)

J.D. Practicum | 5 credit hours

**Cross-Listed:** JD and MLT Programs

In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of their professor. This project-based practicum course will focus on privacy policy. Students will participate in a two hour/week seminar and carry out 15 hours/week of project work under the direction of the course professor.

**SEMINAR:** The aim of this practicum is to have law students and Master of Law and Technology (MLT) students jointly explore in-depth current issues in privacy policy and to propose policy solutions in the form of legislation that could be adopted by state governments. Our goal is to foster an environment that permits law students interested in a career at the intersection of law and technology to work with technology students on current issues of real gravity to (a) become literate in the technology that drives privacy issues; (b) learn to work with experts from different disciplines; and to (c) learn to work collaboratively with technologists on issues with important technological dimensions.

**PROJECT WORK:** The practicum will pair law students and MLT students in interdisciplinary teams, each likely consisting of two law students and one MLT student.

Each team will be assigned a specific question of public policy, and over the course of the semester the team will be responsible for preparing a detailed legal assessment of the policy question, the technological frameworks and challenges associated with the policy question, and formulating policy and technological recommendations to address the question in the form of draft state legislation. Among the kinds of questions that students may be asked to address are the following: (a) new, invasive forms of workplace and employee tracking; (b) commercial and police use of face recognition technology; and (c) state efforts to severely restrict flows of local and state government data to Immigration and Customs Enforcement (ICE).

**Prerequisite:** J.D. students must complete the required first-year program prior to enrolling (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

**Strongly Recommended:** Information Privacy Law with either Professor Julie Cohen, Professor Paul Ohm or Professor Marc Rotenberg.

**Mutually Excluded Courses:** Students may not concurrently enroll in this practicum course and a clinic or another practicum course. Students may concurrently enroll in this practicum course and an externship.

**Note:** This practicum may be suitable for evening students who can commit to attending class and participating in 15 hours/week of project work.

This is a five-credit course. Two credits will be awarded for the two-hour weekly seminar and three credits will be awarded for approximately 15 hours of project work per week, for a minimum of 11 weeks. Both the seminar and the project work will be graded. Students who enroll in this course will be automatically enrolled in both the seminar and project components and may not take either component separately. After Add/Drop, a student who wishes to withdraw from a practicum course must obtain permission from the faculty member and the Assistant Dean for Experiential Education. The Assistant Dean will grant such withdrawal requests only when remaining enrolled in the practicum would cause significant hardship for the student. A student who is granted permission to withdraw will be withdrawn from both the seminar and project components. Default attendance rule for all practicum courses (unless

**LAW 611 v03 Privacy, Civil Liberties and Face Recognition: Legislating Privacy Protections for 21st Century Tracking Technology** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20611%20v03>)

J.D. Course | 1 credit hour

For decades, American law enforcement has tracked our technology – our phones, our cars, and our computers. The latest generation of law enforcement technology tracks our *bodies*. And unlike fingerprint technology – the legacy biometric of law enforcement – the latest generation of biometric technology can be captured remotely and in secret. At the center of that drive is face recognition technology. Recently the FBI revealed that it had access to a network of 411 million photos, roughly a third of which are drawn from state driver's license photo databases. Meanwhile, private companies are not sitting on the sidelines. Instead, major brick-and-mortar retailers like Wal-Mart are deploying face recognition technology to identify shoplifters, “complainers,” and “known litigious individuals” the moment they set foot inside a store. At the same time, enterprising app developers are bringing this ability to identify anyone with the touch of a button to the hands of private citizens. Despite the advanced deployment, the Supreme Court has yet to recognize a right to privacy in public – and only two of fifty states regulate commercial use of face recognition. If there was ever a time to pass legislation to regulate face recognition, it is now. This Week One simulation will teach students the nuts and bolts of privacy advocacy – with a focus *not* in the courtroom, but in Congress and in state legislatures around the country. Students will learn about how face recognition technology works and how it is being deployed by both law enforcement and commercial actors. Then, they will debate the evolving Fourth Amendment doctrine around tracking in public and develop amendments to existing state legislation to regulate commercial use. Once the students have established a familiarity with the law and the technology, the core challenge of the course will begin – students will draft legislation and legislative amendments and engage in a prolonged negotiation that mirrors the actual legislative process. In addition to teaching students the law and technology surrounding face recognition, students will learn legislative drafting, strategy, and presentation skills. They will also work collaboratively in teams to complete a time-consuming and complex challenge.

**Note:** FIRST-YEAR WEEK ONE COURSE: This course will meet on the following days: Monday, January 8, 2018, through Thursday, January 11, 2018. This course is mandatory pass/fail, and does NOT count against the 7-credit pass/fail limit for J.D. students.

This optional, elective course is for first-year J.D. students only, who are enrolled through a lottery process. ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information see the Week One website (<http://www.law.georgetown.edu/go/weekone>). Due to the intensive nature of the course, the small-group, team, and individual work that is involved, and the preparation that is necessary to ensure a positive student experience, students who wish to drop the course after they have accepted a seat must drop by **Friday, December 1, at 3:00 p.m.** After that point, permission from the course professor and Assistant Dean for Experiential Learning is required.

**LAW 361 v10 Professional Responsibility: The American Legal Profession in the 21st Century: Technology, Markets, and Regulation** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20361%20v10>)

J.D. Course | 2 credit hours

This class considers lawyers' professional responsibilities through the lens of legal practice in the 21st Century. During the last decade, economic forces and the emergence of new technologies have roiled the legal services market. With the recent recession, individual and corporate clients have rejected traditional models of service delivery. In response, more entrepreneurial lawyers have developed new organizational structures and business models to serve clients more efficiently. In the meantime, new digital technologies have emerged that in some instances enhance the effectiveness of legal representation and in others risk displacing lawyers altogether. This course, which satisfies the professional responsibility requirement, explores what these trends mean for the regulation of lawyers and law as a profession.

**Note:** Laptop use is not permitted.

**LAW 1520 v00 Race to Risk Assessment** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201520%20v00>)

J.D. Seminar | 2-3 credit hours

This seminar will examine how the law historically and contemporaneously constructs race in America, focusing in particular on the way race has been used (and abused) in the criminal justice system in supposedly scientific methods for measuring risk. We will begin the seminar by examining the explicit constructions of race, including naturalization cases from the 19th and 20th centuries, as well as more notable cases, such as *Dred Scott* and *Plessy*, involving restrictions on the rights of enslaved and formerly enslaved Black Americans. We will then turn our attention to constructions of race in the wake of *Brown v. Board of Education*, particularly the rise of 'colorblind' interpretations of the Equal Protection Clause, which limit legal interventions and remedies to incidents of intentional racist acts, rather than facilitating remedies to address systemic manifestations of racial hierarchy.

In the second half of the seminar, we will turn our attention to the criminal justice system and how the colorblind doctrine has facilitated the use of crime as a proxy for race. Specifically, we will examine how risk assessments—predictions of a defendant's future dangerousness or risk to public safety—can participate in and obfuscate continued constructions of race under the law, and efforts at the local, state, and national levels to ensure these predictions do not replicate the biases we have come to associate with our system of criminal justice.

#### Learning Objectives:

Students will learn how the courts have traditionally been called upon to define race, how these constructions persist into the present, and how interpretations of the Constitution as 'colorblind' can obfuscate courts' continued role and involvement in these constructions. By turning our attention to the criminal justice system, students will be able to assess the nexus between the colorblind rhetoric of the courts and mass incarceration. Students will leave the seminar with substantive knowledge of: the federal Bail Reform Acts of 1966 and 1984, the responsibility of judges to "predict" whether people charged with crimes are a risk to public safety, and increasing concerns from the public regarding the role such predictions play in continued constructions of race.

Beyond the knowledge gained from exploration of the aforementioned laws and cases, students should depart the seminar with a healthy skepticism of the law as inherently neutral or unbiased. Further, through robust class discussion and satisfaction of the writing requirement, students will sharpen their analytical skills, as well as their ability to clearly and concisely articulate themselves in verbal and written formats.

**Note:** This course requires a paper. Students must register for the 3 credit section of this course if they wish to write a paper fulfilling the J.D. Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

**LAW 1019 v02 Renewable Energy, Internet, Uber: Bringing Competition to Historically Monopolistic Industries** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201019%20v02>) (Project-Based Practicum)

J.D. Practicum | 5 credit hours

This course addresses regulatory efforts to bring competition to markets historically dominated by regulated monopolies, particularly in the electricity, gas, telecommunications and local transportation industries. Students will participate in a two hour/week seminar and carry out roughly 15 hours/week of project work for an outside client (usually a regulatory agency), under the direction of the course professor.

SEMINAR: In the field of public utility regulation, lawyers operate at the intersection of multiple *professions* (economics, finance, accounting, management, engineering and politics); *jurisdictions* (50 states and several federal agencies); and *ideologies* (e.g., private vs. public ownership, government intervention vs. "free market"). Regardless of the industry or era, public utility regulation has three common elements: its *mission* (to align corporate behavior with the public interest), its *body of law* (ranging from state law on monopoly franchises to federal constitutional protection of shareholder investment), and its *flexibility* (accommodating monopolistic and competitive market structures).

Today's policymakers are stretching traditional public utility law to address frontier problems, such as climate change (Should we require utilities and their customers to reduce and "green" energy production and consumption?); universal service (Should we bring broadband to every home?); homeland security (How vulnerable is utility infrastructure?); and privacy (Can regulators induce changes in personal energy consumption without expose personal consumption data?). A constant is state-federal tension over jurisdiction (e.g., Which aspects of utility service are "national," requiring uniformity; and which are "local," warranting state experimentation?). The public utility field employs thousands of lawyers in diverse roles.

The seminar component will cover (a) the backbone law (state and federal enabling statutes, constitutional law, antitrust law, contract and tort law, administrative law); and (b) the array of formal and informal procedures (notices of inquiry, rulemakings, contested cases, deliberative decision-making, appellate review) available to decision-makers and parties seeking to influence them.

PROJECT-WORK: Each student will work with a senior decision-maker or advisor within a state or federal regulatory agency, or a public interest group, to solve a frontier policy problem in utility regulation. Past projects have involved electric vehicles, solar energy deployment, broadband investment, revocation of public utility franchises, data privacy, wireline telephone rate structures, and service quality standards in a developing country's natural gas industry. Besides researching and solving substantive issues for the client, student papers and class discussions will address the lawyer's role in (a) integrating multiple professional disciplines; (b) maneuvering within multiple jurisdictions and fora; and (c) assessing and improving regulatory agencies' performance.

**Prerequisite:** J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

**Mutually Excluded Courses:** Students may not concurrently enroll in this practicum course and a clinic or another practicum course. Students may concurrently enroll in this practicum course and an externship.

**Note:** This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email Louis Fine ([fine@law.georgetown.edu](mailto:fine@law.georgetown.edu)) to request admission.

This practicum course is suitable for evening students who can commit to attending the weekly seminars and participating in 15 hours of project

**LAW 940 v00 Securities Law and the Internet** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20940%20v00>)

LL.M Course (cross-listed) | 2 credit hours

The Internet has become more important than ever to today's investors. Similar to the change ATM machines brought to retail banking, the Internet has now given Investors the ability to trade without human interaction. Over the last several decades this change has dramatically reduced transaction costs (commission and time), but securities regulators must constantly play catch up. Consequently, in the area of securities, investments, finance and commerce, the Internet can often seem akin to the Wild West, with the pioneers and entrepreneurs struggling within an uncharted territory of the securities laws. This course focuses on four important areas of concern for the securities lawyer: offerings conducted over the Internet, including via more opaque SPAC vehicles, and the impact of the 2012 JOBS Act; trading facilities and market centers operating over the Internet and the increasingly dark market; giving investment advice over the Internet and the importance of social media; and SEC Enforcement issues and the Internet. This course covers the nuts and bolts of the securities laws in each of the areas, and then applies existing statutes, rules and regulations to ongoing Internet activities.

**Prerequisite:** Securities Regulation.

**Note:** NOTE FOR THE SUMMER 2021 SECTION: One of the professors has committed to teaching this course from the classroom on campus. Students may participate in-person or remotely.

**LAW 1173 v00 Social Enterprise and Nonprofit Law Clinic** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201173%20v00>)

J.D. Clinic | 9 credit hours

Please see the Social Enterprise and Nonprofit Law Clinic website (<https://www.law.georgetown.edu/experiential-learning/clinics/social-enterprise-and-nonprofit-clinic>) for more detailed information about the clinic.

For registration-specific supplemental materials, please see the Social Enterprise and Nonprofit Law Clinic PDF (<https://www.law.georgetown.edu/wp-content/uploads/2021/03/SENL-Info-Sheet-2021-2022.pdf>).

For information about clinic registration generally, please see the Clinic Registration Handbook (<https://www.law.georgetown.edu/wp-content/uploads/2021/04/Clinic-Registration-Handbook-2021-2022-updated-4.9.2021.pdf>).

**Mutually Excluded Courses:** Students may not concurrently enroll in this clinic and an externship or a practicum course.

**LAW 1314 v00 Social Enterprise, Impact Investing, and the Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201314%20v00>)

J.D. Seminar | 2 credit hours

This class is for entrepreneurial-minded students who wish to pursue legal careers to drive social impact whether they enter into private practice or pursue public interest legal jobs. This class explores the nexus of social enterprise, impact investing, and the law (formerly called Social Entrepreneurship and the Law), including what role the three traditional sectors of society (nonprofit, government and private) can play, individually and together, in addressing the world's most pressing problems.

Traditionally, the public has relied on the government to tackle society's major social issues. Eventually, the nonprofit sector began to play a larger role where the government was either unable or unwilling to take action. But today, there is a growing recognition that no one sector alone can address today's most pressing problems. Now, the private sector is beginning to play an even larger role by applying market-based solutions to address traditional social problems at greater scale and sustainability, such as economic inequality, climate change, and access to basic resources like clean water and energy.

Social enterprise and impact investing – driven by social entrepreneurship – represent two areas where the traditional lines between the traditional sectors are increasingly blurred. Social entrepreneurs are individuals who develop innovative solutions to some of the world's most pressing social and development problems. They often form social enterprises, which can be either for-profit or nonprofit entities that advance a double- or triple- bottom line approach (i.e., the pursuit of a profit, social and/or environmental objective). They also need to raise capital, often through impact investments, to grow their organizations. Through this course, we will explore the unique legal challenges and opportunities that social entrepreneurs and social enterprises typically encounter. We will also focus on the role that lawyers can play in advancing social change.

The topics we will cover include an analysis of the traditional role of the nonprofit sector and its limitations, the evolution of traditional for-profit legal forms and the use of tandem structures (the combination of both a nonprofit and for-profit entity), potential unintended consequences of relying on the private sector to provide traditional public goods, and the provision of and access to capital beyond traditional grants, including impact investing, blended finance, and pay-for-results structures.

### Learning Objectives

This course will provide you with the analytical and communication (oral and written) skills as an attorney to effectively counsel social enterprises and to analyze the role of the law as a powerful tool to help social entrepreneurs achieve their objectives.

This course will utilize skill-building exercises in each class so that you have the opportunity to:

- improve written (final research paper) and oral (class participation) communication skills critical to good lawyering;
- apply the relevant laws and regulations that you have learned in other core law school courses to the specific legal challenges faced by social enterprises;
- exercise a multidisciplinary approach and understand how to apply existing bodies of law in different ways that address the unique needs of social enterprises;
- explore and critically examine the role of the law in social innovation; and
- become thought leaders in this emerging area to encourage further legal innovation and legal entrepreneurship within your law firm or



**LAW 1746 v00 Social Media Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201746%20v00>)

J.D. Seminar (cross-listed) | 3 credit hours

Overview:

Never before have so many individuals had such a tremendous opportunity to access information, to engage with others, and to express their views on a global scale. Simultaneously, 24/7 online access means that actors can more easily manipulate networks, foment hatred, reach audiences poised to engage in violence, and spread false information. Platforms seemingly protected by the First Amendment, moreover, can be used to undermine and destabilize democratic systems and to radicalize and recruit adherents to violent causes. The risks to national security could be profound.

Yet does this give the government the right to remove content from these sites? And what should the role of private actors be, in light of the enormous political, social, and economic implications of restricting—or failing to restrict—online speech and association? What options are there for dealing with false or misleading information? What are the risks posed by the different courses of action? How should we think about even traditional areas of the law, such as antitrust, when agreement among social media providers results in effective de-platforming of certain individuals and views? What are the privacy implications of micro-targeting and social media evolution in the advertising and marketing arena? And what happens when effective targeting is moved to a political realm?

The issue is far from static: technology is catapulting social media forward at warp speed. 5G and 6G networks will make it possible to deploy online experiences previously cabined to science fiction. A number of apps such as Snapchat, have integrated real time digital overlay features, as augmented reality (AR) blends the digital and 3-Dimensional world. Apple has deployed Quick Look AR that allows customers to “see” products in AR, interact with others, and buy the products directly. Users already can build virtual worlds, in games such as Minecraft, Roblox, Fortnite, and Second Life. Niantic is now taking it to the next level, developing what it calls full-world AR, leveraging Pokemon GO to crowdsource data to generate 3D space. Google glasses and Facebook Smart Glasses transform AR to a feature of daily 3D interaction. These devices allow companies to collect engagement metrics and to use them to further target users.

The move to virtual reality will be even more profound. Patents have been filed for collecting biopotential signals, tracking muscle and eye movements to re-create individuals’ expressions and actions in an online environment. Others allow users to feel digital images in a 3D world, integrating the experience. The recording of what is done in the VR allows users to share the experience with others, even as hardware attached to other users will be able to mimic the experiences of the original user. How should we think about brain computing and online actions in light of criminal law?

How should we think about social media in light of the current constitutional, statutory, and regulatory environment?

This course begins with the origins of the First Amendment, examines its evolution, and raises some of the most pressing questions today that come out of a doctrine utterly unprepared for the digital age. The course mixes traditional lecture background with Socratic exchange and intense debates.

Learning outcomes:

As a result of taking the course, students will be able to:

- articulate the opportunities and risks presented by social media;
- ascertain ways in which online platforms challenge our traditional

**LAW 406 v00 Space Law Seminar** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20406%20v00>)

J.D. Seminar (cross-listed) | 3 credit hours

This seminar addresses the international and domestic laws governing outer space. Class discussion will include issues such as: liability for damage caused by space objects, use of outer space resources, rescue of astronauts and return of objects launched into outer space, environmental issues in outer space, and other more specific topics such as NASA and the International Space Station, commercial space operations, U.S. Government agencies involved in outer space, and the role of the United Nations in outer space.

**Recommended:** Prior or concurrent enrollment in International Law I.

**LAW 406 v01 Space Law Seminar** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20406%20v01>)

LL.M Seminar (cross-listed) | 2 credit hours

This course will provide an overview of U.S. domestic and international law applicable to spaceflight activities. The focus will be on domestic licensing procedures and international treaty interpretation for launches, reentries, and other spaceflight activities.

**Recommended:** Prior or concurrent enrollment in International Law I.

**LAW 417 v09 Sports Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20417%20v09>)

J.D. Course (cross-listed) | 3 credit hours

Sports law is hard. A sports lawyer knows something about torts, contracts, antitrust, labor law, intellectual property, and telecommunications/internet law. A sports lawyer’s practice consists of litigation, transactional work, and regulatory work. A sports lawyer knows the law, legal strategy, and ethics. A sports lawyer is incredibly specialized in her knowledge and, yet, winning and losing comes down to good lawyering.

Sports lawyering is not what you saw in the movie *Jerry Maguire*. The agent-player relationship is just a tiny fraction of sports lawyering. This class seeks to broaden the concept of sports law to anything related to the business, law, and regulation of sport.

Be prepared to learn a lot of antitrust and labor law and a lot of doctrine. But also be prepared to look at many issues in the national news – from Tom Brady’s suspension for deflating footballs to the NLRB’s ruling that Northwestern football players cannot unionize – through the lens of the law. The issues are hot off the presses (or [espn.com](http://espn.com), [deadspin.com](http://deadspin.com), or [si.com](http://si.com)). The class will be a lot of fun. Where else do you get to talk about sports in class, argue cases and issues, and learn some black letter law while you are doing it?

This class will combine doctrinal concepts with how to be a real sports lawyer by arguing cases, either pending or already decided, in class. Each student will be assigned a five-minute oral argument to introduce a case. The class will serve as the judges. *These arguments are mandatory.*

**Recommended:** Antitrust Law (or Antitrust Economics and Law.)



**LAW 1634 v00 Sports, Media and Intellectual Property Law Seminar** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201634%20v00>)

J.D. Seminar | 1 credit hour

This class will explore the interface of sports, media, and intellectual property (IP) from a comparative perspective. Sporting events attract significant public attention, broadcasting rights for the major leagues and tournaments are purchased for vast amounts, and famous athletes frequently commercialize their names and likenesses. The course will examine the central legal aspects of this interface between sports, media and intellectual property law. It will highlight the social attributes of sports and will critically explore their implications for various legal questions. The analysis will concentrate on the legal regime in the United States, with occasional comparisons to equivalent arrangements in Europe, Canada, and Israel.

Discussion will cover a range of cutting-edge topics, such as the nature of broadcasting rights to sporting events and the protection afforded to such rights under various intellectual property laws; media regulation of broadcasting exclusivity and access to sports broadcasts; access to sports highlights; athletes' "right of publicity" in the age of new media; the use of symbols of teams and tournaments; "big data" and sports data analytics, as well as additional technological developments and their implications for this field.

**Note:** This course will meet on Tuesdays and Thursdays, 10:00 a.m. - 12:00 p.m. in Spring 2019 on the following dates: 4/2, 4/4, 4/9, 4/11, 4/16, 4/18, and 4/23.

**LAW 415 v00 Strategic Intelligence and Public Policy Seminar** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20415%20v00>)

J.D. Seminar (cross-listed) | 3 credit hours

This seminar explores several significant legal and policy concerns raised by the conduct of foreign intelligence activities. We will consider the disclosures of Edward Snowden and their impact on the balancing of national security and privacy, the congressional authorization for foreign intelligence surveillance and the operation of the Foreign Intelligence Surveillance Court. We will review the role of Congress and the executive branch in intelligence oversight. We will consider the investigation and prosecution of espionage, using the Aldrich Ames and other recent cases as examples, including the Classified Information Procedures Act and the state secrets privilege. We will examine the authority for, and controls on, covert action and its role in the conduct of foreign policy, and compare the role of military special operations. We will use one class to examine the Law of Armed Conflict and International Humanitarian Law. And we will discuss the problems of cyber-security with a senior corporate officer from a major military industrial company. The class will be structured as an ongoing conversation on these and related topics.

**LAW 1630 v00 Strategic Responses to Data Breach: "We've Been Hacked!"** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201630%20v00>)

J.D. Course (cross-listed) | 2 credit hours

This hands-on course will explore the fast-paced, high-stakes field of data breach response. Data breaches wreak havoc at organizations of all shapes and sizes in both the public and private sectors. From hospitals and financial institutions to military installations and civilian government agencies, entities face sophisticated adversaries and a diverse range of threats. Few organizations are prepared to manage and respond to an incident. This lack of preparation and experience can turn an already high-pressure event into a full-scale crisis.

Legal experts who can provide clients with sound advice and pragmatic guidance are in high demand but there remains a dearth of lawyers with the relevant training and experience to navigate the barrage of issues that surface following an incident. This course examines the full range of challenges and questions that counsel may face, from legal compliance to risk mitigation and reputational damage.

The course will introduce the subject, focusing on the types of breaches organizations may experience and some basic technical issues. The overview is followed by a deep dive into the myriad legal issues that arise. Most notably, we'll explore how different governments regulate breach response activities and the challenging patchwork of requirements. Other issues include: mitigating the risk of liability and potential litigation; coordinating with law enforcement; working with human resources; and examining contractual and other obligations of third parties. The course then turns to a dizzying array of policy and strategic issues: public relations and communications; government affairs; managing the investigation; coordinating with technical teams; assessing risk to potentially impacted individuals; and effective breach notification. Real world scenarios and actual data breaches will be used and referenced throughout the course to illustrate different points. By the end of the course students should be able to enter the job market prepared to develop and execute a comprehensive data breach response strategy.

**Learning Objectives:**

- Understand the legal and regulatory framework that governs data breach response in the United States and other jurisdictions.
- Appreciate the importance of establishing and following clear policies for addressing a data breach.
- Be prepared to pivot back and forth between the legal and practical functions necessary to address a serious incident.
- Be able to manage a data breach response team composed of a range of stakeholders with potentially inconsistent priorities.
- Tailor response strategies to different types of data breaches from a lost laptop or an insider threat to the exfiltration of sensitive data by organized crime.
- Learn how to identify, assess, and mitigate the risk of harm to potentially impacted individuals as well as to the organization itself.
- Become comfortable with making high-stakes decisions in short time frames and with incomplete information.

**LAW 1348 v00 Strategically Managing Intellectual Property: A Study of IP in Business Transactions** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201348%20v00>)

J.D. Seminar (cross-listed) | 3 credit hours

The class will address the need for companies and individual creators to strategically manage their intellectual property assets. Students will study approaches to managing patents, copyrights, trademarks and trade secrets through the spectrum of activities including creation and ownership of intellectual property; its acquisition, sale and license; due diligence and disclosure issues; protection and enforcement of rights; and litigation. The class will cover case law and real world business dynamics and provide students with insights into the role and responsibilities of in-house counsel and outside lawyers in this process. As part of the course, there will be an assignment of a corporate case study project to teams of at least two students. It will involve communication with legal representatives from the companies in the study project who have agreed to be available to the students.

Students will be evaluated based on class attendance and individual class participation; team participation and completion of team written and oral presentations related to the corporate case studies; and written assignments including a final individual paper.

**Learning Objectives:**

By the conclusion of the course, students will have the ability to apply intellectual property law effectively in business situations and also gain experience with some of the skills necessary in counseling business executives, inventors and others about their intellectual property assets.

**Prerequisite:** A basic course in Patent Law, Copyright Law or Trademark and Unfair Competition Law.

**LAW 1706 v00 Surveillance and Civil Rights** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201706%20v00>) (Fieldwork Practicum)

J.D. Practicum | 6 credit hours

The Center on Privacy & Technology at Georgetown Law conducts research and advocacy at the intersection of privacy and civil rights. Center reports have revealed that most American adults are in a police face recognition database; that face recognition technology suffers from race, age, and gender bias; and that ICE is beginning to tap into the biometric networks that police have long exploited. Center advocacy has resulted in multiple states investigating or halting use of face recognition; in ICE dropping plans for an expansive social media monitoring plan; and in Congress halting the use of unaccompanied children's data to find and deport their loved ones.

In this fieldwork based practicum, students will learn the tools of effective research and policy advocacy, and put those tools to use in the Center's projects on biometrics, immigrant surveillance, and potentially other fields. They will work closely with Center staff and, as needed, their partners in civil society and federal and state legislatures.

The projects that the students will likely work on will generally fall into two fields relating to two tranches of research and advocacy:

**Immigrant Surveillance.** The Center advocates against the expansion and lawless nature of surveillance conducted by Immigration and Customs Enforcement and Customs & Border Protection. The students may have an array of projects related to that work, including:

- Writing research papers analyzing congressional oversight into ICE and CBP appropriations.
- Writing research papers identifying policy tools – legislative, executive, and administrative – that policy stakeholders can use to decrease or cut off flows of data to immigration enforcement.
- Conducting targeted outreach to federal and state legislators to urge them to investigate, conduct oversight, and take policy action on this subject.

**Police Face Recognition.** The Center is the nation's leading research institution into the proliferation, use, and misuse of face recognition by law enforcement. The students may have an array of projects related to that work, including:

- Analyzing caselaw on legacy biometrics (fingerprint, DNA) to apply those precedents to face recognition.
- Writing draft legislation to regulate the use of face recognition by law enforcement.
- Conducting targeted outreach to federal and state legislators to urge them to investigate, conduct oversight, and take policy action on this subject.

In the seminar, students will study the following legal, policy, and technical frameworks:

- The Immigration and Nationality Act, the authorizing statutes behind the Department of Homeland Security, and their intersection with federal and state surveillance statutes and caselaw;
- Fourth Amendment protections for geolocation information post-*Carpenter*;
- The tensions between regulating immigrant surveillance and face recognition at different levels of government (local, state, federal); and
- The data-sharing networks and technical systems underlying both face recognition and ICE/CBP surveillance.

And students will develop the following skills:

**LAW 976 v00 Taxation of Intellectual Property** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20976%20v00>)

LL.M Course (cross-listed) | 2 credit hours

This course covers the tax treatment applicable to the development, purchases, sales, transfers, licensing, and valuation of intellectual property (IP), such as patents, trade secrets, trademarks, copyrights, and computer software. It will begin with a brief introduction to the field of intellectual property for those unfamiliar with this area of law, along with the policies behind U.S. and foreign taxation of intellectual property. Specific tax areas then covered will include some or all of the following: the different tax treatment afforded to the development, acquisitions, and transfer of IP; cross-border IP transaction issues; transfer pricing considerations; and considerations relating to other non-federal areas of taxation.

Students should come away from the course with a substantial working knowledge of how IP is integrated into basic and advanced tax transactions, what are the hot areas for IP tax planning, and how to spot issues relating to IP assets in multinational organizational structures.

**Prerequisite:** Corporate Income Tax Law I (or Corporate Taxation (formerly Taxation II)); International Tax (or U.S. International Outbound Tax (formerly: U.S. Taxation of Domestic Persons With Activities Outside of the U.S))

**Note:** NOTE FOR THE SUMMER 2021 SECTION: The professor will teach this course virtually via Zoom. Students may choose to participate from the classroom or via Zoom while the professor is participating remotely. Students who want to participate in person must be in the University's COVID testing protocol (<https://www.law.georgetown.edu/covid-19-updates/message-from-the-dean-covid-health-protocols-enforcement-and-discipline>) and follow all other safety measures.

**LAW 1496 v00 Tech Law Scholars Seminar I** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201496%20v00>)

J.D. Seminar | 0 credit hours

This year-long course introduces Tech Law Scholars in their first year of law school to key institutions and organizations that shape technology law and policy through visitor presentations and site visits to federal agencies, Congress, the Federal Circuit, and private and not-for-profit organizations. Preparation for this class includes reading the assigned material; preparing a short reflection paper, as well as a few questions about the readings or the implications of the readings; and reading the response papers of the other Tech Law Scholars.

**Learning Objectives:**

Exposure to key institutions and organizations that shape technology law and policy; ability to engage on contemporary topics with leaders and experts in the field.

**Note:** This course is open only to first year Technology Law and Policy Scholars.

Enrollment is by professor permission. This course is offered on a mandatory pass/fail basis. This course does not count toward the seven credit pass/fail limit.

**LAW 1516 v00 Tech Law Scholars Seminar II** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201516%20v00>)

J.D. Seminar | 2 credit hours

This year-long seminar is the mandatory second-year course for students in the Technology Law and Policy Scholars program. The seminar takes a deep dive into current ethical, constitutional and policy issues relating to technology through bi-weekly sessions taught by members of Georgetown's technology law faculty.

Student preparation for each session will include readings relevant to that week's class, and submission of a written reflection paper ahead of class that draws on the reading, current events, and/or topics explored over the semester.

**Learning Objectives:**

Exposure to key issues and academic approaches in technology law and policy; ability to engage on contemporary topics with leaders and experts in the field.

**Note:** This course is open only to second year Technology Law and Policy Scholars.

Enrollment is by professor permission. This course is offered on a mandatory pass/fail basis. This course does not count toward the seven credit pass/fail limit. Students may not withdraw from this class after the add/drop period ends without the permission of the professor.

**LAW 1659 v00 Technology (Un)leashed: the Future of National Security Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201659%20v00>)

J.D. Seminar (cross-listed) | 3 credit hours

Traditional ways of thinking about National Security Law have left the United States relatively unprepared for the technological revolution. Private actors control global communications systems, social media, satellites, and currencies, all of which are vulnerable to manipulation. Autonomous systems and vehicles, such as drones and driverless cars, can be weaponized by states or non-state actors to devastating effect. In the interim, Fourth Amendment doctrine's terrestrial ties are failing to address the explosion in personal data generation and its subsequent collection and analysis by government actors—even as myriad questions accompany the application of the Law of Armed Conflict (LOAC) to autonomous weapons systems and the cyber realm.

**Technology (Un)leashed: the Future of National Security Law** focuses on technologies that mark the frontiers of National Security Law, exploring the current state of their development and future trajectory. It provides students with the opportunity to do a deep dive on the related constitutional, statutory, regulatory questions and the implications for international law. For the 2019-20 academic year, the course will examine big data, surveillance law, algorithmic analysis, and the Internet of Things; social media; and automation and artificial intelligence.

The goal is to help students to develop the intellectual flexibility required to understand and respond to the challenges posed by new and emerging technologies; to identify and address related ethical concerns; and to anticipate myriad, related issues and interests so that they can more effectively represent their clients in the future. Readings will be a combination of tech-focused and scientific articles as well as legal source material (case law, statutes, and regulatory measures) and (potential) client-specific information. Grading centers on briefs, meeting preparation, papers laying out proposed solutions, and students' performance in class and on the final exercise.

**Note:** There will be an all-day exercise in this course held on Saturday, April 4, 2020 from 8:30 a.m. - 5:30 p.m.

**LAW 1656 v00 Technology and Election Integrity Seminar** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201656%20v00>)

J.D. Seminar (cross-listed) | 2-3 credit hours

This course will examine the security requirements for voting systems (particularly those used for civil elections in the United States), how various technology designs and implementations meet or fail to meet these requirements, and how such systems can be improved. The course will focus on the implications of various vote-casting technologies ("voting machines") as well as the "backend" election management systems and processes that define ballots, register voters, provision precinct equipment, and count and report vote tallies. While it will not be our main focus, we will also examine the interaction between modern social media and foreign and domestic influence operations aimed at affecting election outcomes.

We will devote particular attention to understanding how the legal framework and historical threat models for elections relate to specific technical requirements, how technical failures can affect election outcomes, and the limitations of various remedies when such failures occur. We will look at a range of formal and informal proposed designs for election systems, specific systems that have been or are currently in active use, and various studies that have been made of these systems and designs. The course will focus on technical security issues, but will also touch on usability, threat modeling, and legal and governance issues.

Our primary reference will be the 2018 National Academies study "Securing the Vote" as well as readings drawn from the technical, legal, and policy literature.

Student papers will focus on some issue at the intersection of technology and voting, depending on the specific background and interests of the student.

**Recommended:** A basic background in computer science and software will be helpful but is not essential.

**Note:** This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

**LAW 1605 v00 Technology and the Free Press Seminar** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201605%20v00>)

J.D. Seminar | 3 credit hours

In the past two decades, technology has dramatically changed the American press. The Internet and mobile devices have revolutionized the creation and consumption of news. The economic structure supporting the press, and newspapers in particular, has crumbled. Readers are finding more of their news through platforms like Google, Facebook, and YouTube. Even though these companies have disavowed the “media” label, they play editorial roles—deciding what speech is allowed into the new public square and even shaping that speech.

These rapid changes lead to numerous legal questions: What is the “free press” in an era when journalists are pushed to amass clicks? Who is a journalist when access to publication technology has been democratized? Are reporter shield laws still relevant when technology allows the government to covertly spy on journalists? Does law have a role to play in combatting so-called “fake news”? Can and should the First Amendment (or other law) protect the press from being squeezed by technology platforms? More generally, what is law’s role in protecting journalists, the press, or the journalistic process? This course aims to encourage deep thinking, discussion, and writing about the answers to these questions.

Among the learning objectives for this course are: developing an understanding of how the law conceives of the press, journalists, and the audience for news; determining what legal questions arise as a result of how technology is impacting the press; creatively considering whether and how law can address these questions; improving legal research techniques as well as the ability to closely read and analyze both scholarly work and legal authorities; developing, organizing, and writing a seminar paper that is not merely descriptive but sets forth a thesis and defends it; and refining the ability to give and receive feedback as we workshop drafts.

**LAW 1395 v00 Technology Colloquium: Edge Technologies** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201395%20v00>)

J.D. Seminar (cross-listed) | 3 credit hours

Edge Technologies, the 2017 Tech Colloquium, will provide students with an opportunity to examine the impact of new and emerging technologies on existing doctrinal, statutory, and regulatory structures. The focus of the course will be on flexibility of mind and creativity in applying the existing regimes to new questions that are coming down the pike. Towards this end, the colloquium will invite twelve technologists and lawyers to come to Georgetown Law, to present on different new and innovative technologies and the related legal concerns. Potential topics include:

- Network Investigative Techniques (law enforcement use of hacking to access suspects’ computers)
- Automated Weapons Systems (a.k.a., “killer robots”)
- Drones 1: from LE to NSL (currently used by LE for surveillance purposes as well as to arrest individuals)
- Drones 2: Private power (currently used for commerce, hunting, delivering contraband & weapons, and stalking)
- 3-D printing
- Remote Identification Techniques (e.g., iris scanning, vascular patterns, hormone sniffing, and gait recognition)
- Synthetic Biology
- Network convergence
- Cloud computing
- Algorithmic data analysis
- Auto-driving cars
- Dark Web & Encryption

**Note:** This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.



**LAW 4000 v00 Technology Law & Policy Investigations Practicum**

(<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%204000%20v00>) (Project-Based Practicum)

LL.M Practicum | 4 credit hours

In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of their professor(s). This project-based practicum course will focus on technology law and policy investigations in collaboration with the *Communications & Technology Law Clinic* and the *Intellectual Property and Information Policy Clinic*. Students will participate in a two hour/week seminar and carry out 10 hours/week of project work under the direction of Professors Barrett and Moy.

**PROJECT WORK:** Master of Law and Technology (M.L.T.) students will work side by side with J.D. students enrolled in the *Communications & Technology Law Clinic (CTLC)* and the *Intellectual Property and Information Policy Clinic (iPIP)* on a range of clinic projects, such as FTC requests for investigation, regulatory comments, FOIA requests, and draft legislation.

Project assignments will provide M.L.T. students with opportunities to use their technology-related skills and expertise to develop and strengthen legal and policy arguments in the clinic projects, while applying and honing the legal knowledge they have acquired in other M.L.T. classes.

Students' work will fall into four broad categories: (i) conducting investigations into products and services that will form the evidentiary basis for clinical legal work; (ii) drafting technical explanations to be embedded in or appended to those legal writings and filings; (iii) answering technical questions for the clinical students as they collaborate on clinical projects; and (iv) reviewing the ultimate products of those collaborations for technical accuracy.

The M.L.T. and clinic students who are paired on the same projects will meet regularly (weekly or more frequently, depending on project needs and timeline).

The projects on which M.L.T. students will work will depend on the projects that the CTLC and iPIP clinics undertake that semester, but generally speaking, the projects will focus on consumer privacy law, communications law, trademark law, copyright law, and FOIA, among others.

**SEMINAR:** In the seminar, M.L.T. students will gain substantive knowledge about privacy, copyright, trademark, and communications law and policy, and hone their abilities to present their ideas effectively to a range of audiences.

Students will learn how to approach legal and policy arguments critically, with an eye to structural impediments to the realization of civil rights and freedoms. Additionally, they will learn how those rights and freedoms are disproportionately less accessible or denied all together. Both clinics have a social justice mission that is reflected in the clinics' projects; the weekly practicum seminar will also focus on the disparities between idealized values and lived reality that tech policy frequently exacerbates for marginalized groups.

The practicum students and the clinic students will occasionally attend the practicum seminar together. In addition, the M.L.T. students will occasionally attend the CTLC seminar. By collaborating with the clinic students, the practicum students will discover the challenges that working in an interdisciplinary environment brings, and improve their ability to make their ideas accessible to a sophisticated audience without technical backgrounds, as well as to the public. They will hone their abilities to triage key legal and policy issues, isolate different audiences for their arguments and frame them accordingly, and present their arguments orally in a compelling way.

**LAW 1698 v00 Technology Law and Policy Colloquium: Data, Algorithms, and Platforms** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201698%20v00>)

J.D. Seminar | 2-3 credit hours

At this colloquium, outside speakers (typically faculty members or researchers from other institutions) will present their current works-in-progress. The focus of this year's colloquium will be the legal and policy issues surrounding the shift to a networked environment organized around data, algorithms, and platforms. The research presented will explore a variety of current topics, such as: information privacy and data protection; competition in the platform economy; algorithmic fairness and transparency; the viral spread of fake news, hate speech, and revenge porn; online content moderation; the Internet of Things; sensor networks; automation and AI; and administrative frameworks for information economy governance. Students are responsible for reading the speakers' papers, preparing short (2-3 page) weekly response memoranda that will be provided to the speakers in advance of the colloquium session, and attending each session prepared to ask at least one question. Students taking the seminar for WR credit additionally will write a 6000-word research paper.

Learning goals for this course: Close reading and critical interrogation of scholarly analysis and policy proposals regarding cutting-edge legal topics; refinement of analytical and writing skills.

**Mutually Excluded Courses:** Students may not receive credit for this course and Technology Law and Policy Colloquium: Information Platforms.

**Note:** FIRST CLASS ATTENDANCE IS MANDATORY. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist.

This seminar requires a paper. J.D. students must register for the 3-credit section of the seminar if they wish to write a paper fulfilling the J.D. Upperclass Legal Writing Requirement. The paper requirements of the 2-credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

**LAW 1457 v00 Technology Law and Policy Colloquium: Information Platforms** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201457%20v00>)

J.D. Seminar | 3 credit hours

At this colloquium, outside speakers (typically faculty members or researchers from other institutions) will present their current works-in-progress. The focus of this year's colloquium will be the legal and policy issues surrounding information platforms. The research presented will explore current issues surrounding the governance and legal regulation of information platforms, including the information privacy concerns that accompany access to platforms; issues relating to fairness and competition in search and advertising; the viral spread of fake news, hate speech, and revenge porn; the scope of the legal immunity that platforms enjoy under section 230 of the Communications Decency Act; and the rise of the gig economy and related regulatory issues. Students are responsible for reading the speakers' papers, preparing short (2-3 page) weekly response memoranda that will be provided to the speakers in advance of the colloquium session, and attending each session prepared to ask at least one question. Students taking the seminar for WR credit additionally will write a 25-page research paper.

Learning goals for this course: Close reading and critical interrogation of scholarly analysis and policy proposals regarding cutting-edge legal topics; refinement of analytical and writing skills.

**Mutually Excluded Courses:** Students may not receive credit for this course and Technology Law and Policy Colloquium: Data, Algorithms, and Platforms.

**Note:** FIRST CLASS ATTENDANCE IS MANDATORY. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist.

Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. This seminar requires a paper. J.D. students must register for the 3-credit section of the seminar if they wish to write a paper fulfilling the J.D. Upperclass Legal Writing Requirement. The paper requirements of the 2-credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

**LAW 1625 v00 Technology Policy and Practice** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201625%20v00>)

J.D. Seminar | 2 credit hours

Discover what it means to "practice" technology policy through an innovative and experiential class using cutting-edge technology issues to teach practical writing, legal, legislative and policy making skills that can be applied to *any* legal and policy matter (e.g., competition, national security, health, tax policy).

Students can expect to leave with an understanding of key technology legal and policy issues and having acquired "skills of the trade" for legislative advocacy, including: persuasive advocacy for policy issues, formation of policy campaigns, legislative strategic planning, drafting of policy documents, and stakeholder politics. Specifically, students will develop practical legal and policy making skills, such as drafting talking points, creating a strategic legislative campaign, and learning the art of an elevator pitch. Students will learn skills that can help them pursue a wide-array of careers, from a law firm to the White House.

There is no prerequisite course required. Each class will incorporate pre-class preparations and an in-class skill building exercise.

**Learning Objectives:**

Goals:

- Receive substantive knowledge of legal issues related to technology
- Develop skills for successful legislative advocacy and policy making with a focus on stakeholder perspectives and tech policy issues
- Develop legislative strategy skills needed for planning and implementing legislative advocacy/policy campaigns
- Develop oral and written skills specific to policy making

Outcomes:

- Students will gain substantive knowledge of technology policy issues.
- Students will develop practical written advocacy skills through drafting advocacy papers, talking points and testimony to Congress.
- Students will develop practical written advocacy skills for drafting testimony from the perspective of a Congressperson or policy maker.
- Students will develop legislative strategy skills - such as how to coalition build, critically review a lobbying strategy plan, evaluate a media plan and other crucial aspects of policy campaign.
- Students will develop oral advocacy skills for delivering prepared testimony to Congress.
- Students will develop oral advocacy skills for delivering an elevator pitch.
- Students will develop oral advocacy skills for preparing and implementing an effective meeting for policy making.

**Mutually Excluded Courses:** Students may not receive credit for both this course and Communications and Technology Policy: Advocacy in the Public Interest (Fieldwork Practicum).

**LAW 1707 v00 The Color of Surveillance Seminar: Law and History**  
(<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201707%20v00>)

J.D. Seminar | 2-3 credit hours

In 2020, the hallmark of surveillance is its ubiquity. Any public discussion of Facebook or the National Security Agency, every edition of the Business or Technology section of any newspaper, all document the inuring, inevitable fact that “everyone is watched.”

At the same time, these discourses also tend to be anodyne, ahistorical, and often blind to the realities of race, class, and power. We talk about pervasive surveillance; we rarely discuss its disparate impact, its human toll, or its perseverance across centuries of American history. And that is a deep history. The migration of the English Separatists we know as Pilgrims, the construction of the Southern slave economy, the settlement of Mormons in the American west, the labor struggles of Appalachian coal miners, the Palmer Raids, the return of Black service members from World War I, the internment of Japanese Americans during World War II, and J. Edgar Hoover’s surveillance of nearly the entire leadership of the 20th century civil rights movement – not to mention the boom in post-9/11 surveillance of Muslim Americans – each of these republic-defining moments reflect an overarching reality: Everyone is watched, but everyone is not watched equally.

This seminar aims to excavate and expose that “color of surveillance.” It will also reckon with its consequence: If surveillance is indelibly marked by disparate impact, must we understand privacy to be not just a civil liberty, but also a civil *right*? If surveillance is a tool used to threaten vulnerable people, should we understand privacy as a shield that lets them survive and thrive? If so, the entirety of the post-9/11 National Security Agency and consumer privacy debates must be reevaluated in light of their near-total absence of considerations of disparate impact.

**Note:** This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

**LAW 3062 v00 The Essentials of FinTech Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203062%20v00>)

LL.M Course (cross-listed) | 2 credit hours

Nowhere have the recent changes wrought by technological innovation been more visible than in the financial industry. Algorithmic robots (algorithms) can scan the equivalent of thousands of pages of information and make trading decisions based on that material in fractions of a second. People who might not be able to afford a human financial advisor can get financial advice from robots by enrolling in a “robo-advisory” service to help manage their investments. Virtual currencies such as Bitcoin and initial token offerings (ICOs) have the potential to revolutionize the financial markets. Financial institutions are taking steps to use blockchains and distributed ledger technologies to clear and settle trades in financial instruments and other transactions in a manner that upends traditional processes in this area. Data about human behavior is being collected and used in ways that had not been imagined only ten or so years ago, from uncovering financial market trends via social media sentiment analysis to discerning the success of commodities businesses by scrutinizing satellite images.

“FinTech” is short for “financial technology,” and the term is broadly used to refer to technologies applied to financial services and within financial institutions. This course explores some of the complex, cutting-edge legal issues that are arising at the intersection of technological innovation, business, finance, and the law. The course will introduce several of the primary FinTech innovations and explore with students if, and how, the relevant laws and regulations apply to these new business models. This course provides a guided tour of the major legal and policy issues in banking, financial market regulation, insurance, business-entity law, and data privacy/protection that have resulted from FinTech innovations. Accordingly, much of the course involves looking at how the existing laws and regulations governing securities, derivatives (including futures and swaps), payment systems, and banking activities apply to innovative financial products and services.

**LAW 1285 v00 The Internet and International Trade Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201285%20v00>)

J.D. Seminar (cross-listed) | 2 credit hours

In 1995, the World Trade Organization was created to “to develop an integrated, more viable and durable multilateral trading system.” It was a major step forward in formalizing the rules and procedures around the global trading system of the late 20th Century and globalization, which at the time was dominated by large multinational corporations moving large shipments of products across international borders. The policies in the General Agreement on Trade and Tariffs (GATT), the General Agreement on Trade in Services (GATS), and regional trade agreements that have followed were largely designed to further this traditional model of trade.

In 1995, the National Science Foundation divested its final piece of its computer science network (NSFNET) marking the official commercialization of the Internet, at the time the Internet had a user base of less than 20 million. The Internet was designed to facilitate communication between individual desktop users sitting on independent networks, and was largely used by academics at the time. The policies that shaped the modern Internet were the creation of national governments and a multi-stakeholder process involving engineers, businesses, non-profits, and government.

In 1995, there was not much thought given to the world of trade intersecting with the burgeoning Internet.

It is more than 20 years later, and the worlds of global trade and the Internet are rapidly overlapping. In 2011-2012, the US census bureau reported that 49.3% of manufacturing trade was conducted through electronic means; McKinsey found that the Internet accounted for 21% of GDP growth in mature economies; and, the Organization for Economic Cooperation and Development (OECD) reported that the only 5.7% of small firms in the EU25 were not accessing the Internet. There is a divergence of opinion, though on whether the Internet is revolutionizing the players, method, and function of international trade. Moreover, despite the increased importance of the Internet to doing business in the modern world, trade policymakers struggle to understand the individual policy issues of the Internet and Internet-enabled commerce.

This class will bring together the divergent worlds of Internet and trade policy. Students will analyze the macro questions around trade through the lens of the Internet revolution. Moreover, students will delve into a number of unique trade issues that are being created as a result of the global Internet. Students will also analyze national laws on the Internet and why they are difficult to globalize. The class will challenge students to understand the unique issues of the Internet, to think about classical trade and development issues in new ways, and to challenge the efficacy of global policy solutions to global Internet problems.

The class will be divided into three parts: Part 1 will provide background on the Internet and trade and will lay out the foundational questions that underlie the rest of the class; Part 2 will delve into a number of specific Internet policy issues through the lens of trade; and Part 3 will be forward looking and will ask students for solutions to difficult policy questions.

**Recommended:** Prior or concurrent enrollment in an international trade law course.

**LAW 3065 v00 The Law and Ethics of Automation, Artificial Intelligence, and Robotics** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203065%20v00>)

LL.M Seminar (cross-listed) | 2 credit hours

Automated systems and artificial intelligence (AI) soon will be like electricity—an ever-present technology that enables many aspects of modern society to function smoothly while operating largely in the background. Internet-connected “smart” refrigerators and kitchen shelves in “smart” homes will order food items automatically, without human direction, when existing supplies are running low. Factories are increasingly becoming completely automated, operated by robots that can work 24-hours a day in the dark. AI even can handle tasks that are currently performed by doctors, attorneys, and human resources executives. For example, computer algorithms can diagnose illnesses in patients and review documents and contracts for legal and regulatory issues. AI systems can select the job applicants that firms call in for interviews, and then use facial recognition technology to analyze video-recordings of the interviews to determine which applicants were enthusiastic, bored, or dishonest. Automated systems already control much of the trading on stock and futures exchanges. Regular people who want investment advice and guidance can use their smartphones to enroll in AI-powered robo-advisory services that adjust investment strategies according to individual risk preferences. Algorithms used by online retailers decide what products to show people based on analysis of both the shopping habits of specific individuals and the behavior patterns of like-minded shoppers. Taxis of the future may very well be self-driving cars that are robot business entities that own themselves.

These radical changes in society will have significant implications for the legal system. Advances in AI will necessitate changes to laws and regulations, and even to how lawyers practice law. In this course, students will examine legal and ethical issues related to automated systems, AI, and robotics, which will involve analysis of topics in agency law, business entity law, contract law, and more.

**LAW 1526 v00 The Law of Autonomous Vehicles** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201526%20v00>)

J.D. Seminar (cross-listed) | 2 credit hours

Autonomous vehicles are roiling industries as diverse as retail, food delivery, trucking, and personal transportation. Although there is a rising consensus that autonomous, networked cars could save tens of thousands of lives, there is a similar consensus that they also will create tens of thousands of accidents that human drivers would not. Although the technology for autonomous vehicles is already on the roads, the law, ethics, and policy governing these machines is late evolving. This course will examine alternatives for regulating autonomous vehicles, including topics such as which parties should bear responsibility for the actions of autonomous vehicles, how theories of responsibility will change over time, as well as the appropriate modes and agencies of regulation. Paper required.

**Recommended:** Property (or Property in Time), Torts (or Bargain, Exchange and Liability), and Criminal Law.

**LAW 1019 v00 The Law of Public Utilities: Bringing Competition to Historically Monopolistic Industries** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201019%20v00>)

J.D. Seminar | 2-3 credit hours

Our major infrastructural industries—electricity, gas, telecommunications, transportation and water—were historically controlled by monopolies. Since the 1980s, efforts to introduce competition into these industries have met obstacles. Battles before legislative bodies, regulatory agencies and courts, at the state and federal levels, have produced a distinct body of law. That body of law—the law of introducing competition into historically monopolistic industries—is the subject of this course.

From the principles learned in the course, students have written papers on such diverse topics as renewable energy, internet, movie production, chicken slaughtering, student loans, pharmaceutical research, Uber, Flint's water crisis, utility corporate form, cloud storage, electric storage, and telemedicine at the VA. Some of these papers have made their way into professional journals or law journals.

Regardless of the industry or era, the regulation of infrastructural monopolies and their competitors has five common elements: its **mission** (to align business performance with the public interest); its **legal principles** (ranging from the state law on exclusive monopoly franchise to federal constitutional protection of shareholder investment); **policy flexibility** (accommodating multiple public purposes, from service reliability to environmental accountability to protection of vulnerable citizens); reliance on multiple **professional disciplines** (law, economics, finance, accounting, management, engineering and politics); and **formal administrative procedures**, such as adjudication and rulemaking.

Today, political challenges are causing policymakers to stretch regulation's core legal principles. Four examples of these challenges are: **climate change** (e.g., To what extent should we make utilities and their customers responsible for "greening" energy production and consumption?); **universal service** (e.g., Should we bring broadband to every home, and at whose cost?); **privacy** (How do regulators induce personal changes in energy consumption while protecting the related data from public exposure?); and **protection of our infrastructure from hackers, terrorists and natural catastrophes**.

Complicating these political challenges are two sources of constant tension: **ideology** (e.g., private vs. public ownership, government intervention vs. "free market"); and **state-federal relations** (e.g., Which aspects of utility service are "national," requiring uniformity; and which are "local," warranting state experimentation?).

This field has many jobs, as new issues emerge and as baby boomers retire. Lawyers play varied roles. They advise clients who are suppliers or customers of regulated services, represent parties before regulatory tribunals, advise those tribunals or their legislative overseers, and challenge or defend those tribunals on judicial review.

**Note:** The 3-credit Writing Requirement section of this course is restricted to J.D. students only. The 2-credit Paper section of this course is restricted to LL.M. students only.

**LAW 1517 v00 The New EU Privacy Law—The GDPR: Background, Development and Consequences** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201517%20v00>)

J.D. Seminar | 1 credit hour

The General Data Protection Regulation of the European Union went into force in May 2018. The GDPR is the most comprehensive privacy law ever enacted and it will have immediate impact on firms and consumers all around the world. This course provides an intensive introduction to the GDPR, drawing on the text of the Regulation, background materials, and related EU law developments. The course explores the development of privacy law in the modern democratic state, assesses the strengths and weaknesses of the Regulation, and examines the challenges ahead for implementation and compliance.

**Learning Objectives:**

The aim of this class is to provide:

- A general understanding of the historical and political circumstances that gave rise to the adoption of the GDPR
- A general understanding of the provisions of the General Data Protection Regulation
- A general understanding of current developments related to the GDPR
- A focused understanding of key provisions in the GDPR, including collective actions, data protection impact assessments, algorithmic transparency, the role of supervisory authorities, and the creation of the European Data Protection Board
- An introduction to related legal frameworks, including the Council of Europe Convention 108 (The "Privacy Convention"), the OECD Privacy Guidelines, and the OECD AI Guidelines
- A brief introduction to regulatory theory, "ratcheting up," and the "California/Brussels effect"
- Authoritative reference materials that will aid students as they undertake future work on the GDPR, including Rotenberg, *Privacy Law Sourcebook*, which includes the text of the GDPR and related material and the web site for Privacy Law and Society - [privacylawandsociety.org](https://privacylawandsociety.org) (<https://privacylawandsociety.org>)

**Recommended:** Information Privacy Law.



**LAW 1327 v00 The Technology of Privacy Seminar** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201327%20v00>)

J.D. Seminar (cross-listed) | 2 credit hours

Information Privacy is one of the most pressing and debated topics in law and policy today. Most of this debate has been spurred by the breakneck pace of changes to technology, and particularly of changes to Internet and mobile technology. Lawyers interested in practicing information privacy law or technology policy more broadly defined need to understand the past, present, and likely future of the technology of privacy, the topic of this course.

This is not a typical law school course. Students will be expected to engage the technology thoroughly, not at arm's length. Some of the class sessions will take place in a computer lab, with each student directly controlling cutting-edge technologies of privacy and privacy invasion, such as tools for encryption, wiretapping, onion routing, facial recognition, and more. Each student will develop a substantial project exploring the intersection of technology and privacy. There are no prerequisites for the course. Students of any technical ability and background are welcome to enroll, but students with some familiarity with computer and network technology will likely find the material easier to master.

**Recommended:** Students are strongly encouraged to have taken or be concurrently enrolled in Information Privacy Law (LAWJ-342).

**LAW 433 v02 Trademark and Unfair Competition** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20433%20v02>)

J.D. Course (cross-listed) | 2 credit hours

This course provides an overview of trademark and unfair competition law. It covers the common law and statutory bases for acquiring and enforcing trademarks, as well as the requirements for federal registration of a mark. The course will closely examine causes of action for trademark infringement, false designation of origin, and trademark dilution, along with related defenses and remedies. Students will be exposed to important aspects of Patent and Trademark Office practice, including the advantages of federal registration and how to proceed in opposition, cancellation, and concurrent use proceedings. This course will examine the potential conflicts between trademark protection and the First Amendment as well as the bases for losing trademark rights. Students will develop mastery of core trademark concepts, including goodwill, consumer confusion, and acquired versus inherent distinctiveness.

**Mutually Excluded Courses:** Students may not receive credit for this course and Trademark and Unfair Competition Law or Trademarks and Brands.

**LAW 433 v00 Trademark and Unfair Competition Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20433%20v00>)

J.D. Course (cross-listed) | 3 credit hours

This course will introduce students to the federal Lanham Act and related common law doctrines designed to protect against consumer confusion and appropriation of commercial goodwill. In addition to the technical requirements for trademark eligibility, registration, and infringement, we will consider the constitutional and economic underpinnings of trademark protection and evaluate current trends toward the "propertization" of trademark law. The course also will include material on the trademark treatment of Internet domain names, metatags, and links.

**Learning Objectives for Professors Madhavi Sunder and Julie Cohen:**

Critical mastery of the existing statutory, doctrinal, and policy landscapes; critical mastery of strategic considerations in trademark and brand licensing and litigation, in technology ventures that implicate trademarks, and in trademark and unfair competition policymaking.

**Mutually Excluded Courses:** Students may not receive credit for both this course and Trademarks and Brands.

**Note:** This course will not meet on Thursday, January 23, Thursday, March 5 and Thursday, April 9. To make up for the cancelled classes, this course will meet from 9:00 a.m. - 11:00 a.m. on the following dates: 3/19, 3/24, 4/2, 4/7, 4/14 and 4/23.

**LAW 433 v01 Trademark and Unfair Competition Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20433%20v01>)

J.D. Course (cross-listed) | 3 credit hours

This course will introduce students to the federal Lanham Act and related common law doctrines designed to protect against consumer confusion and appropriation of commercial goodwill. In addition to the technical requirements for trademark eligibility, registration, and infringement, we will consider the constitutional and economic underpinnings of trademark protection and evaluate current trends toward the "propertization" of trademark law. We will also review and assess the reasons that trademarks can lose protectable status (e.g., becoming generic) and examine best practices in selecting, adopting and enforcing rights in trademarks.

**Learning Objectives:**

By the end of the semester, you should be able to:

- Differentiate between trademark, copyright, patent and trade dress laws;
- Identify what designations can function as trademarks and understand the requirements for trademark protection;
- Assess the degree of protectability of trademarks depending on their distinctiveness;
- Understand the requirement of "use in commerce" for trademark protection, and evaluate whether particular usages of trademarks meet that requirement;
- Grasp the process of obtaining federal registrations for trademarks;
- Analyze whether uses of junior trademarks infringe the rights of owners of senior trademarks (*i.e.*, whether there is a "likelihood of confusion");
- Evaluate whether a trademark is famous, and whether uses of other trademarks constitute dilution of famous marks by either blurring or tarnishment;
- Determine whether a trademark owner has lost its rights in the mark, either through abandonment or "genericide";
- Identify and make arguments concerning defenses to trademark infringement and dilution (e.g., "fair use"); and,
- Articulate the interplay and conflicts between trademark law and the First Amendment.

**Mutually Excluded Courses:** Students may not receive credit for both this course and Trademarks and Brands.

**Note:** J.D. Students: Registration for this course will be open to Evening Division students only during the initial J.D. student registration windows. Full-time Day Division students will be able to add or waitlist this course beginning at 9:30 a.m. ET on Friday, October 29.

**LAW 1466 v00 Trademarks and Brands** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201466%20v00>)

J.D. Course (cross-listed) | 2 credit hours

This course studies basic issues in Trademark Law, including trademark subject matter, the acquisition and loss of trademark rights, infringement, dilution, and trademark defenses, including trademark fair use. The course is an introductory trademark class. Additionally, the course will have a particular emphasis on the role of trademarks in the age of brands, considering how trademark law is being challenged and stretched in response to the rise of brands. Where trademarks have long protected marks that signal the source of a good or service to consumers, increasingly today customers value logos in and of themselves. Starbucks is "everything but the coffee;" it is an experience, an identity, and a place to connect with others. Furthermore, branding is ubiquitous. Every charity, organization, and university seeks to brand itself, that is, to cultivate and trade off its distinct identity. Students will consider whether traditional trademark law is well-suited to protect today's brands.

Grades will be based on class participation and the final exam. Students will take a take-home final exam in March 2018, which will be graded.

No prerequisites.

**Mutually Excluded Courses:** Students may not receive credit for this course and Trademark and Unfair Competition Law.

**Note:** In Spring 2018 this course will meet 1/19-1/21 and 1/26-1/28. On Fridays the course will meet from 10:00 am - 2:00 pm and on Saturdays and Sundays it will meet from 10:00 am - 2:30 pm.

**LAW 780 v01 U.S. and International Customs Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20780%20v01>)

LL.M Course (cross-listed) | 2 credit hours

As international trade and commerce have increased over the years, customs law has become increasingly more internationalized, important and complex. This course will examine and provide a basic introduction to the rules and principles relating to both U.S. and international customs law. This will include an examination of those rules and principles relating to tariff classification, customs valuation, rules of origin, border enforcement of intellectual property rights and regional trading arrangements. International efforts to facilitate trade and to harmonize and simplify customs laws and procedures will also be examined together with international organizations dealing with customs laws and procedures (such as the World Trade Organization and the World Customs Organization).

Customs authorities are the guardians of national borders. The role of customs authorities in combating terrorism and criminal activity and in securing and safeguarding national borders will also be examined.

No prerequisites.

**Mutually Excluded Courses:** Students may not receive credit for both this course and Customs Law.

**LAW 1477 v00 Video Games in the 21st Century: Creativity and Innovation in Action** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201477%20v00>)

J.D. Seminar (cross-listed) | 2 credit hours

This course is devoted to current legal and policy issues specifically relevant to the video game industry, a business sector that generated over \$43 billion in revenue in the United States, and over \$120 billion worldwide, in the last year alone. In class, we will look at video games as both software and audiovisual works and examine how intellectual property, contracts, and the Internet help shape and drive their creation and distribution. Current issues in First Amendment jurisprudence, communications law, international trade, privacy, and the online marketplace will be discussed. A wide range of novel issues associated with new developments in media and technology, (i.e. esports, virtual reality, location-based gaming, and artificial intelligence) will be highlighted. This class will show how video games, which combine innovation with creativity, and are considered subjects of both commerce and art, continue to contribute to American life and culture.

Class participation is critical and counts as 25% of your grade.

**Recommended:** Courses that cover Communications Law, Entertainment Law, and Antitrust.

**Strongly Recommended:** Copyright Law and Constitutional Law II: Individual Rights and Liberties.

**Note:** Gamers wanted!

## Full-Time Faculty

Matt Blaze

Anupam Chander

Julie E. Cohen

Michael Gottesman  
Amanda Levendowski

Paul Ohm

Julia L. Ross

Howard Shelanski

Brad Snyder  
Madhavi Sunder

John R. Thomas