Masters of Law and Technology

Why this degree?

Technology plays an ever-growing role in our economy, society and political discourse. Rapid innovations in data gathering and analysis, machine learning and digital technology are transforming our social interactions, economic markets, civic institutions – almost every part of our lives. The laws and policy frameworks related to technology are therefore increasingly relevant, and not just to lawyers. Journalists, product developers, entrepreneurs, policy advisors, civil society advocates and others seek specialized, current, sophisticated knowledge of how the law and technology relate to each other. Georgetown’s Master of Law and Technology (MLT) program provides a unique opportunity to understand this quickly evolving area of law.

Why Georgetown?

Home to the nation’s leading academic program in technology law and policy, Georgetown Law is the ideal place for this groundbreaking program. We offer more than 70 tech law courses and have 19 full-time faculty teaching in the cluster.

Representative coursework

- Foundations of American Law (required)
- Digital Law & Policy (required)
- Information Privacy Law
- Big Ideas in Technology (and What They Mean): AI to the Cloud
- Governing Emerging Technologies
- Policing in the 21st Century: Law Enforcement, Technology & Surveillance
- Competition Policy Challenges in Tech

Application forms and other information on requirements, deadlines and processes are available now on the Graduate Admissions section (https://www.law.georgetown.edu/admissions-aid/graduate-admissions/llm-degree-programs/m-s-l) of Georgetown Law’s website.

Learn more about Georgetown’s offerings in tech law and policy at The Institute for Tech Law & Policy (https://www.georgetowntechnet.org).

Contact Information

Please address any questions concerning admissions, including questions relating to admissions criteria, admissions testing, transcripts, letters of recommendation, and financial aid, to the Office of Graduate Admissions (https://www.law.georgetown.edu/admissions-aid/graduate-admissions).

You can also learn more about the program, including how to apply to it, by watching this recording (https://georgetown.zoom.us/rec/play/HSfRU7f3cHrtotOu7AYk9LinxBixmL2eS8DEmMfCH8PVa1ydfJeicC0gMu7kODrzxdtawi7QGywkhJxZVz1qLTth5TVbj_tsi?startTime=1607013126000) of an information session that was held on December 3, 2020.

For inquiries related to the program, including the program’s courses and curricular requirements, please contact the Office of Graduate and International Programs at (http://curriculum.law.georgetown.edu/llm/llm-programs-non-lawyers/masters-law-technology/llmadvising@georgetown.edu)awgradprog@georgetown.edu (lawgradprog@georgetown.edu).

Search Master of Law and Technology Courses (http://curriculum.law.georgetown.edu/course-search/?program=program_113)

LAW 025 000 Administrative Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20025%20v00)
J.D. Course (cross-listed) | 3 credit hours
This course considers the constitutional, statutory, and other legal limitations on what government agencies can do and how they can do it. What constraints govern the power of agencies to make law, decide cases involving private parties, and investigate citizens? How much "due process" must government agencies give citizens whose lives they affect; what limits has Congress imposed on the procedures for agency decision making, and to what extent can people call on courts to check what they regard as abuses of governmental power? These are among the questions addressed in the course, which draws together problems ranging from the legitimacy of New Deal institutions to the dramatic procedural innovations of recent federal administrations and problems created by renewed Congressional interest in the details of agency decision making.

Recommended: For Professor Nager’s section: Prior or concurrent enrollment in Constitutional Law I: The Federal System.

Mutually Excluded Courses: Students may not receive credit for both this course and the first-year elective by the same name or the first-year course, Government Processes.

LAW 025 v08 Administrative Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20025%20v08)
J.D. Course | 3 credit hours
Virtually all areas of law today involve a substantial element of administrative law. This course introduces you to the role of administrative agencies and how law and political factors shape their powers and work. This includes materials on how they are empowered and constrained by the Constitution, Congress, presidents, and the courts. We also study ways in which agencies generate law and develop policies. This class coverage includes, among other topics, materials on citizens’ abilities to petition, shape, and litigate over agency actions; changing views of presidents’ roles and powers over agencies; and statutory factors and doctrine shaping judicial review of agency law interpretation, reasoning, responsiveness, policy shifts, and engagement with science and facts.

Mutually Excluded Courses: Students may not receive credit for both this course and the first-year elective by the same name or the first-year course, Government Processes.
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 recuring 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 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 or Antitrust Law: A Survey from the Sherman Act of 1890 to Today's Progressive Movement.

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 or Antitrust Law: A Survey from the Sherman Act of 1890 to Today's Progressive Movement.

LAW 038 v03 Antitrust Law: A Survey from the Sherman Act of 1890 to Today's Progressive Movement (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20038%20v03)
J.D. Course (cross-listed) | 3 credit hours
This class will serve as a basic survey and introduction to U.S. antitrust law, but with as much focus on the historical evolution of antitrust policy objectives as on antitrust case law. The course readings will therefore include historical analyses, scholarly commentaries, proposed legislation, and contemporary advocacy material from policy activists in addition to a narrowed selection of traditional case law. The objective of this course will be not just to learn the basics of antitrust doctrine but to understand and assess contemporary critiques and proposed policy responses to the current state of that doctrine.

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

LAW 040 v01 Advanced Patent Law Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20040%20v01)
J.D. Seminar (cross-listed) | 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 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,
ity 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 1040 v01 Civ Tech: Digital Tools and Access to Justice
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201040%20v01)
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) 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 (l (lawexp@law.georgetown.edu)lawexp
(axexp@law.georgetown.edu)@law.georgetown.edu
(rst@law.georgetown.edu)), Professor Rostain
(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 3078 v00 Commercial Space Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203078%20v00)
LL.M Seminar (cross-listed) | 2 credit hours
This course will provide an overview of U.S. domestic legal regimes that govern commercial spaceflight activities, including those managed by the Federal Aviation Administration, Federal Communications Commission, Department of Commerce, U.S. Defense Department and State Department. The course will examine existing regulations and statutes as well as current discussions about changes to policy and law to address the evolving nature of the space industry and U.S. national space priorities. Examples include the proposed Space Force, space traffic management, and oversight of non-traditional commercial activities in light of international treaty obligations.

Recommended: Prior or concurrent enrollment in administrative law, regulatory law or international law.

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**

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 to successfully 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 skills. 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 via Zoom ([https://www.law.georgetown.edu/wp-content/uploads/2021/08/Online_Class_21_Students.pdf](https://www.law.georgetown.edu/wp-content/uploads/2021/08/Online_Class_21_Students.pdf)). **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) 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.

**LAW 1499 v00 Computer Programming for Lawyers: Intermediate**

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) by Thursday, July 15, 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.
Franchising 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 1615 v00 Cryptocurrencies, Initial Coin Offerings and the Law Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201615%20v00)
J.D. Seminar | 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 briefly touch on “Initial Coin Offerings” ("ICOs")—fundraises by startups identifying technology-based problems and proposing the sale or financing of technology-based solutions. The primary focus will be on the US financial services regulators and their evolving treatment and regulatory approaches to digital assets beginning in 2013 up to the present.
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; Securities Regulation of Financial Institutions and the Securities Markets; or The Law of Money Seminar.

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 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.

**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.

**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.

**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 3144 v00 Federal Advocacy in Technology Law and Policy** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203144%20v00)

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

Students who take this course will better understand stakeholder politics; federal legislative, regulatory, and enforcement processes; and the advocacy skills needed to achieve policy outcomes in the interrelated fields of technology, telecommunications, and media (“TTM”). Students will gain hands-on experience practicing technology advocacy. The course first reviews key issues in technology policy and advocacy, such as competition, content moderation, net neutrality, privacy, AI & bias, and cybersecurity.

Armed with the basics of current technology policy issues, students then learn advocacy tools to “make” technology policy. Students will review and draft collateral materials used for technology policy advocacy, including white papers, talking points, comments, “op/eds,” earned media coverage, and more, gaining an appreciation for the differences from, and complementary relationship with, traditional legal materials and legal practice. Students will be introduced to the legislative process (committee hearings and markups, bicameral action, budget procedure); independent agency rulemaking and adjudication (comments, ex parte presentations, Administration and congressional input); relevant enforcement proceedings (Department of Justice and Federal Trade Commission merger review); and related advocacy in the courts (amicus briefs).

This is a skill-intensive course with writing assignments, workshops, presentations, peer support, and simulations. It will have a final assessment with a written and oral component. There are no prerequisite courses required. Classes will incorporate pre-class preparations and in-class skill-building exercises.

**Mutually Excluded Courses:** Students may not receive credit for both this course and Technology Policy and Practice.
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 phenomena 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
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 3121 v00 Foundations of American Law in the Digital Age
LL.M Seminar | 2 credit hours
This course introduces students in the Masters of Technology Law and Policy degree program to the dynamics of the law school classroom and surveys key concepts from the first-year law-school curriculum that are relevant to upper-level technology-related courses. The format of this course will be a combination of Socratic-style questioning, lecture, and discussion.

Mutually Excluded Courses: Students may not receive credit for both this course and Foundations of American Law or Introduction to U.S. Legal Systems.

Note: This course will be graded on a pass/fail basis and is a required course for the Masters of Law and Technology (MLT) degree. This course is only open to students pursuing the MLT degree. This course is graded on a pass/fail basis.

This course will meet Monday through Thursday, August 16 - August 26, from 10:00 a.m. to 12:30 p.m. This course will also meet for two additional sessions later in the fall semester, days and times to be announced. Attendance at all class sessions 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. 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.

LAW 196 v03 Free Press
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.


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 2037 v00 Health Information Technology and the Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%202037%20v00)
LL.M Seminar (cross-listed) | 2 credit hours
Health care decision-making and innovation are increasingly driven and made possibly by vast stores of data. The importance of data has created an inevitable push-pull dynamic between concerns for confidentiality and demands for medical progress and cost containment. Data is both a privacy risk and a tremendous asset. This course will explore the legal and ethical issues at the intersection of health information, including where data comes from, how it is and should be protected, how it can be used, and risks to its integrity and security. In doing so, this course will cover a range of topics including health information privacy, future use of data assets, and conflicts of interest.
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 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.

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

Recommended: Prior or concurrent enrollment in a basic antitrust course.
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 v05 Information Privacy Law (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://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 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 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 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, including on the Covid-19 waiver, if approved. 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 devote a session to Covid-19 and infectious disease pandemics. 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. 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 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 3130 v00 Investigating Transnational Criminal Organizations & Cyber Threats to National Security (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203130%20v00)

LL.M Course (cross-listed) | 2 credit hours
As a rule, investigating and prosecuting cybercrime is fraught with challenges. Ephemeral electronic evidence, international evidence-gathering obstacles, and anonymizing technologies can frustrate conventional law enforcement investigative techniques. Recently, distinctions between traditional cybercrimes and crimes committed by foreign actors with national security objectives have eroded, thereby increasing investigative challenges: cybercriminals and national security cyber actors now both steal information for personal financial gain; nation-states have enlisted criminal organizations to act as their proxies to cyber attacks against United States companies; and the tradecraft used by some nation-state actors includes tools commonly used by cybercriminals, such as "botnets" and ransomware. The intersection between conventional cybercrimes and national security crimes with a cyber nexus raises novel legal and policy questions involving the extraterritoriality of criminal statutes, the application of international data privacy regulations, and the boundaries of international legal cooperation. Furthermore, the burgeoning role of private actors, like cybersecurity firms, in data breach response and cyber threat intelligence gathering contribute to confusion over how cybercrime should be investigated.

This course will take a practical look at how U.S. federal law enforcement pursues investigations and prosecutions of sophisticated cyber threat actors using investigative and prosecutorial criminal tools that at times are augmented by national security authorities. It will furnish a background in criminal statutes that are the bedrock of electronic evidence gathering (e.g., the Wiretap Act, 18 U.S.C. § 2510 et seq.; the Stored Communications Act, 18 U.S.C. § 2701 et seq.; and the Pen Register/Trap and Trace Act, 18 U.S.C. § 3121 et seq.); the substantive laws used to indict cyber actors (e.g., the Computer Fraud and Abuse Act, 18 U.S.C. § 1030); the constitutional questions raised by surveillance techniques used to gather domestic evidence against international actors; and national security issues that prosecutors confront when handling hybrid criminal cases (e.g., discovery issues associated with the use of national security authorities). Students in this class will learn how a federal case against transnational cybercriminals and national security cyber actors is built and the legal landmines that can surface while gathering evidence in "cyberspace."

No technical background is required to take this course, but you will be taught the basics of Internet technology to better understand how technology affects the application of certain criminal laws.

Strongly Recommended: Criminal Justice, Criminal Law, or Criminal Procedure; Courses in technology-related subjects
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 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 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 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 972 v03 National Security Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20972%20v03)
J.D. Course (cross-listed) | 2 credit hours

This introductory, survey course will explore national security law as developed from the U.S. Constitution, relevant federal statutes, case law, and historical experience, as well as from principles and influences of international law and foreign relations. It will cover key components of, and debates over, the Federal Government’s exercise of national security authorities, including: decisions to use force and how to employ it; detention and interrogation of combatants; collection, protection, and sharing of intelligence; military and civilian prosecutions for national security-related criminal charges, including terrorism, espionage, export control, and state-sponsored cybercrimes; civil litigation involving national security interests and concerns; protection of homeland security; and economic aspects of national security policy. Themes of the course will include: (1) the separation of powers among the three branches of the Federal Government, and appropriate roles for these branches in the conduct of national security activities; (2) the interplay between international law and domestic law; (3) textual, historical, and functional modes of legal argument as applied to national security issues; and (4) the evolution of modern warfare and its implications for relevant legal regimes.

Course Goals/Student Learning Outcomes:

This course will provide students with exposure to the broad reach of modern national security law in the United States, and the many as-yet unresolved and knotty legal, policy, practical, and moral issues that arise as the Government strives to protect national security, while preserving the generally free and open society that most U.S. persons expect. Students will examine with a critical eye the justifications offered for, and scope of, security-based governmental actions, while considering practical alternatives and results.

The student learning outcomes will be the following:

1. Analyze current and emerging issues in national security law, and understand the policy arguments underlying the balance of ensuring security and protecting individual rights
2. Assess the justifications offered for, and scope of, security-based governmental actions
3. Examine the effects that national security measures have on individual rights of U.S. citizens and non-citizens, and on U.S. institutions, norms, and governance.

Mutually Excluded Courses: Students may not receive credit for this course and the graduate course by the same name.

Note: LL.M. STUDENTS: THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL. Priority will be given to LL.M. students in the National Security program. Students must submit a resume/CV and a statement of interest in the course to Professor Huntley (Todd.Huntley@law.georgetown.edu) by 3:00 p.m. on Monday, July 5, 2021. After the July 5 application deadline, students will be admitted into open seats on a rolling basis.
LAW 1429 v00 Patent Appeals at the Federal Circuit
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 332 v04 Patent Law
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
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
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 387 v01 Patent Prosecution Practice and Strategy
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.
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.

This 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 otherwise indicated) is attendance at all seminars and fieldwork placements.
LAW 1520 v00 Race to Risk Assessment ([http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201520%20v00](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 940 v00 Securities Law and the Internet ([http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20940%20v00](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 1746 v00 Social Media Law Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201746%20v00)
J.D. Seminar (cross-listed) | 2-3 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.

Does the government have the right to remove content from these sites? Can it require the same of private actors? What should the role of the platforms themselves be in light of the enormous political, social, and economic implications of restricting—or failing to restrict—online speech and association? 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 cabled 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, Fortnight, 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?

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

This course begins with a deep dive into technology and the business of social media before turning to First Amendment doctrine and contemporary social media cases. It then looks at issues related to misinformation and disinformation and electoral manipulation, with a particular emphasis on Russian and Chinese practices in regard to social media.

The course mixes traditional lecture background with Socratic exchange and intense debates. Students taking it for 2 credits (either p/f or for credit) will draft 8 1-page, weekly response essays for the readings.
LAW 1630 v00 Strategic Responses to Data Breach: "We've Been Hacked!"

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

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.
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 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.
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 altogether. 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 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 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 (algo bots) 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 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 for 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 (cross-listed) | 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)

Recommended: Information Privacy Law.

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 November 10.
Masters of Law and Technology

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.


Note: Gamers wanted!