

Law and the Internet of Things

2-Credit Experimental Course: Law and the Internet of Things

Course Description: The course examines legal issues that arise in the context of the internet of things (“IoT”). Topics covered include data security/privacy, intellectual property (including data ownership), monetization of data, regulation (e.g., State of California, FTC and EU), product liability, automated contracts, IoT advocacy (e.g., Industrial Internet Consortium, API Days, AllSeen Alliance, One M2M) application program interfaces and ethical issues involved in data collection and sharing. Students will be asked to consider the problems presented from a public policy perspective and the perspective of a client who would like to participate in commerce related to the IoT.

Prerequisites: None

Course Structure: This course will be taught in modules that consist of one to three 60 minute class sessions. The instructors will be from both UDSL and the legal department of Emerson Electric. The course will occur both at UDSL and at the Helix Innovation Center operated by Emerson. The course will follow a traditional seminar format; however, interspersed throughout the course are three practicums. In the practicums, students will go to the Helix and work on real-world problems related to the IoT.

This course would be offered to 2Ls and 3Ls and capped at 30 students. The course may be offered for the first time during the Fall 2016 semester.

Required Text: No required text, see sample syllabus below for assigned readings

Grading: Option A

--Paper 50% of the final grade

--Class Participation 10% of the final grade

--Weekly Blog Posts 10% of the final grade

--Practicum 30% of the final grade (students, while working in groups of three to four, will be required to resolve three practical problems assigned throughout the semester).

Course Rationale: In a nutshell, IoT is a system of sensors, CPUs, and wireless radio connected to the Internet. By 2020, it is expected that there will be over 200 billion connected sensor devices to include wearables, telephone devices, internet connected homes, and autonomous cars. These devices will communicate with each other and individuals. While these connected devices will provide a multitude of social and individual benefits, they also raise a host of legal issues. For example, who owns the information generated by the data? How can this data be used? Are the sensors secured? Who is liable if there is a breach? Are consumers aware of the legal implications raised by the collection of such information? What laws or regulations are currently in existence to regulate this subject area? This course will assist law students in answering these questions.

Sample Syllabus

Module 1: Course introduction and tour of the Helix

Module 2: Background and Interoperability

1. Kelsey Clubb, Lisa Kirch, and Nital Patwa, *The Ethics, Privacy, and Legal Issues around the Internet of Things*
2. Jacob Morgan, *A Simple Explanation of 'the Internet of Things'* Forbes (May 13, 2014)
3. Julie Brill, *Internet of Things: Building Trust and Maximizing Benefits Through Consumer Control*, 83 FORDHAM L. REV. 205 (2014)
4. Stephanie Sharron and Nikita Tuckett, *The Internet of Things Interoperability, Industry Standards and Related IP Licensing Approaches*, Socially Aware Blog (Feb 2, 2016)
5. John Gudgel, *Objects of Concern? Risks, Rewards and Regulation in the "Internet of Things,"* SSRN (Apr. 29, 2014)

Module 3: Practicum I at the Helix

Module 4: Security

1. Breach Notification Rule
2. FTC Staff Report, *Internet of Things: Privacy and Security in a Connected World*, (January 2015)
3. Report by U.S. Senator Markey, *Tracking and Hacking Security and Privacy Gaps Put American Drivers at Risk* (Feb 2015)

Module 5: Privacy

1. Meg Leta Jones, *Privacy Without Screens and the Internet of Other People's Things*, 51 Idaho L. Rev. 639 (2015)
2. Adam Thierer, *The Internet of Things and Wearable Technology: Addressing Privacy and Security Concerns Without Derailing Innovation*, 21 RICH. J. L. and TECH 6 (2015)
3. Spy Car Act of 2015
4. Christin McMeley, *Protecting Consumer Privacy and Information in the Age of Internet of Things*, 29-FALL Antitrust 71 (2014)

Module 6: Regulatory Framework

1. Fair Credit Reporting Act
2. Fair Information Practice Principles
3. Health Insurance and Portability and Accountability Act
4. Children's Online Privacy Protection Act

Module 7: Practicum II at the Helix

Module 8: Contracts and Software Licensing

1. Irina Manta and David S. Olson, *Hello Barbie: First They Will Monitor, Then They Will Discriminate Against You. Perfectly.*, 67 ALA. L. REV. 135 (2105)
2. Guido Noto La Diega and Ian Walden, *Contracting for the Internet of Things: Looking into the Nest*, SSRN (Feb. 1, 2016)

Module 9: Ownership and Intellectual Property

1. Christina Mulligan, *The Cost of Personal Property Servitudes: Lessons from the Internet of Things*, 50 GA. L. REV. XXXX (2015)
2. Lily Hay Newman, *Who Owns the Software in the Car You Bought?*, SLATE (May 22, 2015)
3. Tim Fernholz, *US Copyright Rules Made It Easier for Volkswagen to Cheat*, QUARTZ (Sep. 22, 2015)
4. W. Keith Robinson, *Patent Law Challenges for the Internet of Things*, 15 Wake Forest Journal of Business and IP 657 (2015)

Module 10: Liability and Consumer Protection

1. H. Michael O'Brien, *The Internet of Things: The Inevitable Collision with Product Liability, Part I* (Feb. 2, 2015) and *II* (July 15, 2015)
2. William Bierce, *Managing Liability from the Internet of Things*, National Law Journal (Oct. 5, 2015)
3. *Cahen, et al. v. Toyota Motor Corporation, et al.*, U.S. District Court of Northern California, San Francisco Division, Civil Action No. 4:2015cv01104
4. Lon Berk and Paul Moura, *Coverage Risks in the Age of the Internet of Things*, LAW 360 (Jan 3, 2014)
5. Bryant Walker Smith, *Proximity-Driven Liability*, 102 GEO. L.J. 1777 (2014)
6. Natali Helberger, *Profiling and Targeting Consumers in the Internet of Things--A New Challenge for Consumer Law*, SSRN (Feb. 6, 2016)

Module 11: Reform Proposals and the Future of IoT

1. Scott R. Peppet, *Regulating the Internet of Things*, 93 Tex. L. Rev. 85 (2014)
2. Tim O'Reilly, *Silicon Valley is Massively Underestimating the Impact of the IoT* (April 20, 2015)
3. The U.S. Senate Committee on Commerce, Science and Transportation Hearing, "The Connected World: Examining the Internet of Things" (February 11, 2015)

4. Brett Frischman, *Will the "Internet of Things" Result in Predictable People*, Cardozo Law
5. Ellen P. Goodman, *The Atomic Age of Data: Policies for the Internet of Things*, ASPEN INSTITUTE, 2015

Module 12: International Perspective

1. Giulio Corraggio and Kate Lucente, *The Internet of Things: EU vs. US Guidance*, 20 No. 6 *Cyberspace Lawyer* NL 7 (2015)
2. Joachim Scherer and Caroline Heinickel, *Regulating Machine-to-Machine Applications and Services in the Internet of Things*, 2 *Eur. Networks L. and Reg. Q.* 141 (2014)
3. EU Article 29 Working Party (Opinion 8/2014)

Module 13: Practicum III at the the Helix