

## **Cyberspace Committee Outline of Survey Topics**

### Electronic Contracting

Model and Uniform Contract Laws, such as the UETA, ESIGN, CSIG, the EU E-Commerce Directive, and the EU Directive on Consumer Rights

Obtaining Assent: Contract Formation for Browsewrap, Clickwrap, and Other Online Contracts

Automated Contracting

### Licensing and Internet Content

Structuring and Drafting Website Terms and Conditions

ISP Service Agreements

Software as a Service: On-Demand, Rental and Application Service Provider Agreements

Internet Licenses: Content, Access and Development

Licensing Pre-Existing Content for Use Online: Music, Literary Works, Video, Software and User Generated Content

Drafting Internet Content and Development Licenses

Website Development and Hosting Agreements

Website Cross-Promotion and Cooperation: Co-Branding, Widget and Linking Agreements

Choice of Law/Jurisdictional Issues

Website Owner and Service Provider Liability for User Generated Content and User Misconduct

### Intellectual Property

Copyrights

Trademarks and Unfair Competition

Misappropriation

Right of Publicity

Business Method Patents

Rights in Internet Domain Names (including ACPA, UDRP, and URS)

Employer Rights in the Creation and Protection of Internet-Related Intellectual Property

Secured Transactions in Intellectual Property

### Conduct and Regulation of Internet Commerce

Online Financial Transactions and Payment Mechanisms:

Consumer Electronic Payments

Business Electronic Payments

E-Business Lending and Bankruptcy

Online Gambling

Online Securities Law

Search Engines

Taxation of Electronic Commerce

Antitrust Restrictions on the Conduct of Electronic Commerce

State and Local Regulation of the Internet

Best Practices for U.S. and Global Companies in Evaluating Global E-Commerce Regulations and Operating Internationally

Unsolicited Commercial Email

Third-Party Liability for Online Conduct

Assessing and Limiting Liability Through Policies, Procedures and Website Audits

Export Controls

Regulation of Access, Interoperability and Services  
Social Media  
Cloud Computing  
Telecommunications

#### Employment Issues

Electronic Communications in the Workplace  
Use of Social Media by Employees  
Bring Your Own Device  
Insurance and Electronic Commerce Risks  
Records Management  
Assessing and Limiting Liability Through Policies, Procedures and Website Audits

#### Data Analytics, Privacy and Security Topics

Data Privacy  
Data Breaches  
Securities and Banking Regulation  
Computer Security  
Internet, Network and Data Security  
Data Aggregation and Informatics  
Biometrics and Biological Data Collection  
GPS/Geolocation Privacy  
Computer Fraud and Abuse Act  
Electronic Communications Privacy Act  
Detecting and Retrieving Stolen Corporate Data  
Criminal and Related Civil Remedies for Software and Digital Information Theft  
Crimes Directed at Computer Networks and Users: Viruses and Malicious Code, Service Disabling Attacks  
and Threats Transmitted by Email Crimes Directed at Computer Networks and Users  
Identity Theft  
Use of Email in Attorney-Client Communications  
Email and Other Electronic Communications in Litigation and in Corporate and Employer Policies  
Ethical Considerations for Lawyers Online  
Online Behavioral Advertising  
Children's Privacy (COPPA and State Laws)

#### Internet Governance

ICANN

#### Internet Speech, Defamation, and Online Torts

Social Networks, Blogs, Wiki and UGC Sites  
Defamation, Torts and the Good Samaritan Exemption  
Tort and Related Liability for Hacking, Cracking, Computer Viruses, Disabling Devices and Other Network  
Disruptions  
E-Commerce and the Rights of Free Speech, Press and Expression in Cyberspace  
Child Pornography and Obscenity  
Laws Regulating Non-Obscene Adult Content Directed at Children  
U.S. Jurisdiction, Venue and Procedure in Obscenity and Other Internet Crime Cases

Consumer Protection Online

Advertising Disclosures

Endorsements

Advertorials and Native Advertising

Resolution of Disputes

Personal Jurisdiction in Cyberspace

Internet ADR/Online Dispute Resolution

Electronic Discovery and Evidence