

## CRIME IN THE INFORMATION AGE SPRING 2020 PROFESSOR RAMIREZ

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### *Introduction.*

*Course materials.* The material for this course is Moohr, *The Criminal Law of Intellectual Property and Information* (2<sup>nd</sup> ed. 2015). The book's table of contents outlines the course, and a detailed assignment schedule aids in your preparation for class. You are responsible for all of the assigned reading, including material that we do not discuss in class.

*First day assignment.* Read the introductory chapter, pages 1-14, 18-19, 23-38, and 40-53 in the casebook. Be prepared to discuss the cases and the problem. You should also review the basic principles of criminal law, especially larceny, from your first-year criminal law class. On this first day and throughout the course you are expected to discuss the holdings, their rationale, and issues raised in the assigned material and the problems.

*Assignments.* The subject matter in this course is developing even as this syllabus is being written. Thus, the attached reading assignment schedule may change in response to new developments. I will advise you of such changes through announcements in class and by email.

*Classroom standards.* One characteristic of the case method is that classroom discussion often introduces concepts and information that are not included in assigned readings and may be covered in the final examination. Thus, I strongly advise regular class attendance. According to Law Center, in order to take the final examination, you must have attended 80% of the classes. Do not forget to sign the attendance roll *before* you leave the classroom.

Professional conduct is expected during class. Please be on time, do not leave early, and generally try not to disturb your colleagues or me. Professional conduct precludes any use of your laptops not related to class discussion.

*Evaluation.* Although final grades can reflect contributions to class discussion, your grade is largely determined by performance on a closed-book examination.

Counseling and Psychological Services (CAPS): CAPS can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS ([www.uh.edu/caps](http://www.uh.edu/caps)) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the "Let's Talk" program, a drop-in consultation service

at convenient locations and hours around campus. See:  
[http://www.uh.edu/caps/outreach/lets\\_talk.html](http://www.uh.edu/caps/outreach/lets_talk.html).

*Final Examination.* There is a final exam for this class and it will be scheduled according to the final examination calendar.

## READING ASSIGNMENTS

As noted earlier, reading assignments are subject to change during the semester. I provide notice of changes in the assignments during class and by email.

### **January 13, 2019**

#### **I. Theft, Misappropriation, and Conversion**

- A. Introduction Read:  
Pages 1-14, 18-19  
Discuss: *Turley, Stewart*, and Problem 1A
- B. Theft: Mens Rea and Property Elements  
Read: Pages 23-38  
Discuss: *Brown, Morissette, Kunkin, Brooks*
- C. Unauthorized Use of Property  
Read: Pages 40-53  
Discuss: *Ashworth, McGraw, Lund*

### **January 27, 2019**

- Unauthorized Use of Property-Continued  
Read: Pages 53-56  
Discuss: *Evans*
- D. Civil Misappropriation  
Read: Pages 57-78  
Discuss: *International News Service, St. Andrews Systems, Arroyo (Notes 4)*.
- E. Civil and Criminal Conversion; Plagiarism  
Read: Pages 80-90

Discuss: *Moore*

### **February 3, 2019**

Civil and Criminal Conversion; Plagiarism-Continued

Read: Pages 90-102

Discuss: *Morissette, Girard, Collins*

## **II. Federal Law of Trade Secrets**

A. What Are Trade Secrets? Why Protect Them?

Read: Pages 103-127

Discuss: *Schulenburg, Schalk, Masland, Christopher*

### **February 10, 2019**

Trade Secrets Continued

Read: Pages 128-138

Discuss: *Ruckelshaus, Rockwell*

B. The Economic Espionage Act

Read: Pages 139-166

Discuss: *Hsu II, Aleynikov, Hsu IV*

*United States v. Liew*, 856 F.3d 585 (9<sup>th</sup> Cir. 2017) pages 590-595, 599- (starting with D. Sufficiency of Trade Secrecy Evidence)-603 (read till section E. Counts 10 and 11).

### **February 17, 2019**

The Economic Espionage Act Continued

Read: Pages 167-178

Discuss: *Krumrei, Lange*

C. Policy Implications of the EEA

Read: Pages 179-192

Discuss: *Martin*

## **III. Federal Crimes Involving Confidential Business Information**

A. Mail and Wire Fraud Read:

Read: Pages 399-416

Discuss: *Pereira, Siegel, McNally*

## **February 24, 2019**

### B. Property Fraud and Confidential Information

Read: Pages 434-445

Discuss: *Carpenter, Czubinski*

### C. The TOEFL Cases

Read: Pages 446-452

Discuss: *Hedaithy*

### D. Insider Trading

#### 1. Basic Offenses

Read: Pages 453-474

Discuss: *Chiarella, Dirks, O'Hagan*

## **March 2, 2019**

### 2.Recent Developments

Read: Pages 483-493

Discuss: *Cuban, Dorozhko*

## **IV. Federal Criminal Copyright Infringement**

### A. The Rationale of Copyright Law

Read: Pages 195-204

Discuss: *Feist*

### B. The Basic Crime of Infringement

Read: Pages 216-233

Discuss: *Moran, Cross, Larracuente*

## **March 16, 2019**

### C. Infringement as Theft and Fraud

Read: Pages 233-359

Discuss: *Dowling, Brown, LaMaachia*

- D. The No Electronic Theft Act  
Read: Pages 259-287  
Discuss: *Slater, Grokster*

**March 23, 2019**

- The No Electronic Theft Act Read Continued  
Read: Pages 287-307  
Discuss: *Thomas, Tennenbaum, Dove*

**V. Identity Theft**

- A. What Is Identity Theft?  
Read: Pages 495-511  
Discuss: *Wells, TRW, Della Rose*

**March 30, 2019**

- B. The Federal Offense  
Read: Pages 511-528  
Discuss: *Quinteros, Harrison, Flores-Figueroa*

**VI. The Computer Fraud and Abuse Act**

- A. Damaging Computers  
Read: Pages 539-558  
Discuss: *Pacific Aerospace, Trotter, Mitra, Morris*

**April 6, 2019**

- Damaging Computer Continued  
Read: Pages 559-576  
Discuss: *Drew, Middleton*

- B. Misappropriating Information from Computers  
1. Criminal Actions  
Read: Pages 576-595  
Discuss: *Czubinski, Ivanov, Nosal*

**April 13, 2019**

## 2.Civil Actions

Read: Pages 601-624

Discuss: *Shurgard, NetApp, Inc., P.C.Yonkers*

## C.SPAM

Read: Pages 624-634

Discuss: *Kilbridge*

## D.Hacking

DDos, Trojans/Malware, Social Engineering, Ransomware, Cyberstalking/Online Impersonation, Loss and Restitution, Cryptomining

Read: *Lagos v. United States*, 138 S. Ct. 1684 (2018) Read only 1687-1690.

## April 20, 2019

Phishing

Read: *United States v. Davis*, WL 311335 (9<sup>th</sup> Cir. 2013)

## **VIII. The Dark Web, Privacy, and the Fourth Amendment**

### A. The Dark Web

### B. The Fourth Amendment

#### a. Search and Seizure

#### b. Surveillance

Read:

*United States v. Post*, 997 F.Supp.2d 602 (S.D. Texas 2014)

*United States v. Carpenter*, 138 S. Ct. 2206, 2211 (starting with section labeled Opinion)-2223 (stop at dissent)(2018)

*United States v. Ulbricht*, 858 F.3d 71, 82 (starting with section entitled Background)-84 (stop at section entitled B. Corrupt Agents Force and Bridges), page 94 (starting with section entitled Fourth Amendment Issues-98 (2<sup>nd</sup> Cir. 2017)

Federal Rules of Criminal Procedure 41(b)(6).

Optional Reading:

1. Joshua Bearman “The Untold Story of the Silk Road” WIRED Magazine (2 part article)

<http://www.wired.com/2015/04/silk-road-1/> (Links to an external site.) (Links to an external site.)Links to an external site.

<http://www.wired.com/2015/05/silk-road-2/> (Links to an external site.) (Links to an external site.)Links