

Book Reviews

CyberLaw- The Law of the Internet

by Jonathan Rosenoer

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Internet is a fascinating world, under continuous change, in the front of a phenomenon which influences the future of our society. Today, Internet is the scene of enormous economic, financial and political interests. People are interested not only in the efficient use and continuous developing of Information and Internet Technologies but they want to develop a legal context for these domains. Last years proved revolutionary in what concerns commercial and personal use of Internet technologies. As Internet becomes less the toy of the PC cowboys and more ubiquitous in the daily life of millions of people, a new breed of lawyers is trying to adapt the laws into effect to the electronic frontier. It has come to be a legal turmoil as cases whose subjects range from the privacy of e-mail, the use of electronic bulletin boards to distributed software, the use and licence of cryptographic software, spread of pornography and pedophilia, the copyright in software production, etc. Computer crimes have been tried at court, a new law has been written to match the new concepts.

This book provides a comprehensive guide to the new legal issues, which have arisen as a result of the explosive growth of the Internet and World Wide Web. Along with discussing the underlying legal principles applied in this area, Jonathan Rosenoer includes extensive coverage of pertinent case laws and their implication for future legal developments. The book is a potted history of the significant legal events, from the founding of Electronic Frontier Foundation through the 1996 telecommunications Act. Lawyers, company administrators and professionals whose livelihoods depend on the Internet will find this one of the most extended references in this domain. The book covers the main topics of the field: copyright and trademark issues, defamation, privacy, liability, electronic contracts, taxation, the ethics of Internet. Jonathan Rosenoer has developed at Stanford

University *CyberLaw* and *CyberLex*, two free educational services on computer law for computer users. Major computer user groups have published both for a number of years. The book analyses some of the most significant cases presented by these two educational services.

The book consists of *sixteen chapters*, containing a glossary, a consistent bibliography and an index of terms too.

Chapter 1, Copyright, brings in the front key notions in this field like exclusive rights, subject of copyright, formalities, infringement, source of risk, Web sites copyright, e-mail, posting, software rental fair use. The author examines some new proposals of the US Government in the law of intellectual propriety. The Chapter has a full Appendix, with some of the famous cases judged by American courts.

Chapter 2, Trademark, analyses this notion that has the purpose to identify the source of an informatics good or service. In essence, trademark laws protect against confusion in the marketplace resulting from conflicting use of similar words, symbols, look of products. In on-line systems and the Internet, trademark claims have been raised over the posting of unauthorized copies of copyrighted materials. In the Appendix of this Chapter, the author discusses some famous trademark suits.

Chapter 3, Defamation, explains this concept and the most important limitations of the libel claims, developed by various courts and grounded on the First Amendment. The essence of libel is the publication of a false, defamatory and unprivileged statement to a third person, even if this subject is not expressly disclosed. Using various case studies, the author examines the limitations and defenses of libel actions. The Appendix analyses some problems concerning the on-line defamation.

Chapter 4, Privacy, analyses the most important laws in this area (Electronic Communications Privacy Act of 1986; Privacy Protection Act of 1980; Privacy Act of 1974;

Fair Credit Reporting Act of 1970; Telephone Consumer Protection Act of 1991 etc.) but also some interesting case studies (see Appendix).

Chapter 5, *Duty of Care*, explains the following topics: Negligence; Negligent Misstatement; Equipment Malfunctions; Contractual Limitations of Liability.

Chapter 6, *Criminal Liability*, discusses about new prosecutions and defenses that challenge a legal system that could not anticipate the development of cyberspace. The author explains topics such as extortion, threats, sexual exploitation of children, obscene & indecent transmissions, stalking by analyzing the Computer Fraud & Abuse Act and a many meaningful cases (Appendix).

Chapter 7, *Procedural Issues*, explains some very important problems such as jurisdiction (the power of a court to judge a particular case), venue and conflicts of law (in order to establish what state's law shall be applied).

Chapter 8, *Electronic Contracts & Digital Signatures*, discusses whether the electronics agreements or signatures are enforceable. The author analyses the problems raised by communications transmitted through a potentially hostile environment and by encryption that is used to protect against alteration, interception or impersonation of the purported originator. The Appendix contains an interesting approach of the electronic commerce.

Chapter 9, *Misappropriation of Information*, analyses the risk of taking somebody else's information, assembled with an investment of time, effort and money, and using it for commercial purposes without paying any compensation to the author.

Chapter 10, *Civil Rights*, examines an interesting case regarding a violation of civil rights laws by a journalism teacher who established gender-segregated bulletin boards.

Chapter 11, *Tax*, discusses about the fact that on-line providers should take into consideration various state tax laws that might apply, in addition to the federal tax code, when structuring a new business.

Chapter 12, *Records & Evidence*, exposes the risks posed by the storage of multiple copies of data, especially by the employees of major companies.

Chapter 13, *Ethics*, talks about the rules that attorney Internet sites should comply with (no false or misleading ads, no dramatizations, no self-laudatory illustrations, no comparisons with other lawyers, etc.).

Chapter 14, *A Context: Legal Developments, Late 1990 to 1996*, analyses the most interesting cases that were brought to justice in this period of time.

Chapter 15, *Glossary*, contains a useful list of abbreviation terms.

Chapter 16, *Recommended Reading*, presents a helpful bibliography list.

The book is ended with a comprehensive list of terms.

To summarize, this book is for business people and lawyers who work in the field of information and Internet technologies. It is intended to provide a picture of legal landscape as it now exists, along with an additional information to enable that the reader more fully evaluates new developments and what their impact may be in the field of the law of cyberspace.

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