

Readings and References

Selected passages from the following sources will be assigned throughout the semester. It is recommended that students scan [City of Bits](#), by William Mitchell, and the Identity Management White Paper (linked directly below) prior to the first scheduled class period.

FOUNDATIONAL READINGS

Overview:

[City of Bits](#), W Mitchell

[Identity Management White Paper](#), E-Commerce Coordinating Council, D Greenwood, Chair

[Anonymity And Encryption In Internet Commerce](#), D Greenwood

[Authentication and Identity Management: Information Age Policy Considerations](#), D Greenwood

[Risk Management is Where the Money Is](#), D Geer

[Electronic Commerce Legislation: From Written on Paper and Signed in Ink to Electronic Records and Online Authentication](#), D Greenwood and R Campbell

[EXPLORING VIRTUAL LEGAL PRESENCE: THE PRESENT AND THE PROMISE](#), J Natale (Note: Virtual Legal Presence is A Concept Coined at MIT's ECAP: <http://ecitizen.mit.edu>).

Public Key Crypto Related:

[Risk and Trust Management Techniques for an "Open But Bounded" Public Key Infrastructure](#), D Greenwood

[Guidelines for Constructing Policies Governing the Use of Identity-Based Public Key Certificates](#) (Parts B and D only), By the NACHA Internet Council Certification Authority Rating and Trust (CARAT) Task Force, D Greenwood, Chair

[PKI Must Evolve or Die: Reasons Why the "Infrastructure" Approach Failed](#), D Greenwood

[Compilation of Resources Regarding Difficulty With PKI](#), D Greenwood

Goals of eGovernment, Role of eCitizen and Role of eNotary:

[Online Government in Massachusetts](#), (Part I and Appendix E only) Online Government Task Force, D Greenwood, Chair

[eConfidence in World Commerce: The Role of the Notary](#), D Greenwood

[Beyond Empowerment: Building a Company of Citizens](#), B Manville & J Ober, Harvard Business Review Article, Jan 1, 2003, [Abstract](#):

Code is Law

Human Laws, Coded Conditions (from City of Bits), William Mitchell, MIT Press
http://mitpress2.mit.edu/e-books/City_of_Bits/Soft_Cities/HumanLawsCodedConditionals.html

Code and Other Laws of Cyberspace, [Lawrence Lessig](#), Basic Books
<http://code-is-law.org/excerpts.html>

What Larry Doesn't Get: Code, Law, and Liberty in Cyberspace
http://eon.law.harvard.edu/ilaw/Contract/Post_Full.html

Code is Law: Public Sector eCitizen Context, OpenGov Project Notes
<http://www.contractxml.org/ecap2002/spring/OpenGov.htm>

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IDENTITY CONTROL VS. IDENTITY LIBERTY:

AIR TRAVEL REFERENCE POINT

Airline Passenger Security Screening: New Technologies and Implementation Issues (1996), National Research Council, [Chapter 7: Legal Issues](#)

Gilmore v. Ashcroft -- FAA ID Challenge ("[free to travel](#)" page, [faq](#))

Missing, Wanted, Mistaken, Stolen and Fraudulent Identities in the News

[Missing: RELATIVES SEARCH FOR CHILDREN LOST IN HOLOCAUST](#)

[FBI Seeks Five Men; One Suspect Is "Mistaken"; Identities Discovered Stolen](#)

Joe Millionaire – [Isn't](#)

Identity Theft: [Military](#), [eBay](#) and [Credit Cards](#)

IDENTITY REPUTATION: KARMA CHAMELEON

Slashdot Moderation Explanation: Karma Popularized

<http://slashdot.org/moderation.shtml>

Reputation, By Any Name . . .

Rich community functionality: [the magic of "karma"](#)

LEGAL SOURCES:

Digital Identity: Legal Underpinnings

[Complexities of U.S. Law and Gypsy Identity](#), ANNE SUTHERLAND

[The Demeaning of Identity and Personhood in National Identification Systems](#), Richard Sobel

[TAKING THE FEAR OUT OF ELECTRONIC SURVEILLANCE IN THE NEW AGE OF TERROR](#), Aaron Nance

[SYMPOSIUM TRUST RELATIONSHIPS PART 1 OF 2: TRUSTING AND NON-TRUSTING ON THE INTERNET](#), Tamar Frankel

Domain Names, Agency and Identity

[INTERNET DOMAIN NAMES, CYBERSQUATTING, AND THE RIGHT OF PUBLICITY: WHERE DOES THE RIGHT BELONG IN CYBERSPACE?](#)

Christina M. Lemmon

[DOMAIN NAMES: THE SPECIAL CASE OF PERSONAL NAMES](#), Tamarah Belczyk

[WHOSE WHO? THE CASE FOR A KANTIAN RIGHT OF PUBLICITY](#), Alice Haemmerli

[ARE TRADITIONAL AGENCY PRINCIPLES EFFECTIVE FOR INTERNET TRANSACTIONS, GIVEN THE LACK OF PERSONAL INTERACTION?](#)

Nancy R. Furnari

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Identity in Digital Space Defined by Intellectual Property

[Exorcising the Specter of a "Pay-Per-Use" Society: Toward Preserving Fair Use and the Public Domain in the Digital Age](#), John R. Therien

[LECTURE: SEVENTH ANNUAL TENZER LECTURE 1999* SOFTWARE AS DISCOURSE: THE POWER OF INTELLECTUAL PROPERTY IN DIGITAL ARCHITECTURE](#), Brian F. Fitzgerald

[SYMPOSIUM -- INFORMATION AND ELECTRONIC COMMERCE LAW: COMPARATIVE PERSPECTIVE: Digital Property: The Ultimate Boundary?](#)
Brian F. Fitzgerald

[TRESPASS TO CHATTELS IN THE AGE OF THE INTERNET](#), R. Clifton Merrell

Basic Legal Infrastructure

Rules for Running Meetings:

Robert's Rules of Order Revised, Public Domain Version
<http://www.constitution.org/rror/rror--00.htm>

Rules Governing Specific Transactions

Financial Services: [Gramm-Leach-Bliley Act](#)

Health Care: HIPAA [Administrative Simplification Regulations](#)

Protection of Children:

[SYMPOSIUM ONLINE ACTIVITIES & THEIR IMPACT ON THE LEGAL PROFESSION: A SYNOPSIS OF THE CHILDREN'S ONLINE PRIVACY PROTECTION ACT](#), Nancy L. Savitt

[Dot-Kids Federal Legislation](#), Washington Post

Business/Government: Uniform Electronic Transactions Act and E-Signatures in Global and National Commerce Act

Federal Law: E-Signatures in Global and National Commerce Act (ESIGN)

General rule of validity
<http://www4.law.cornell.edu/uscode/15/7001.html>

Exemption to preemption
<http://www4.law.cornell.edu/uscode/15/7002.html>

Specific exceptions

<http://www4.law.cornell.edu/uscode/15/7003.html>

Applicability to Federal and State governments

<http://www4.law.cornell.edu/uscode/15/7004.html>

Definitions

<http://www4.law.cornell.edu/uscode/15/7006.html>

Uniform Electronic Transactions Act (UETA)

Entire Statute and Drafting Notes

<http://www.law.upenn.edu/bll/ulc/fnact99/1990s/ueta99.htm>

ESIGN/UETA Discussion

[The Electronic Signatures Act: Preempting State Law by Legislating Contradictory Technology Standards](#), Allison W. Freedman

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Legal Systems for Dealing With Jurisdiction, Dispute Resolution

[American Bar Association's Jurisdiction Report](#), ABA Cyberlaw Committee

[ARTICLE: MANAGING REGULATORY JURISDICTION: CROSS-BORDER ONLINE FINANCIAL SERVICES AND THE EUROPEAN UNION SINGLE MARKET FOR INFORMATION SOCIETY SERVICES](#), Chris Reed

[INTERNET MEETS OBI-WAN KENOBI IN THE COURT OF NEXT RESORT](#), Susan Nauss Exon

[A NORMATIVE REGULATORY FRAMEWORK FOR COMPUTER MATCHING](#), ROGER A. CLARKE

[INTERNATIONAL BUSINESS LAW: E-COMMERCE AND THE IMPACT OF GLOBALIZATION ON THE LAW: Panel Remarks: Professional Responsibility in a Global World: A Lawyer's Role Redefined in the Age of the Virtual Practice](#), Jeffrey M. Aresty and Peter D. Lepsch