

Course: Innovation, Technology & the Law (Advanced Analysis of Global and Comparative Law)	Term: 3
	Number of Credits: 4
	Language: English
Instructor: Nicola Lucchi	
Office hours: [day of the week, hours, office number]	
Email: [email address]	

Course Description
<p>The course aims to analyse how the scientific and technological revolution is profoundly affecting legal systems both on general aspects and on specific legal topics by changing principles, concepts and values of contemporary legal order. In this framework, the course is intended to scrutinize the relationship between science, technology and law through the analysis of the changing nature of the law in the face of emerging challenges in this sector. Subjects include: Digital contracts, Intermediary Liability, Cyber Speech, New Technology & Human rights, Scientific Innovation and technology transfer, Privacy and Data Protection. The objective is - through the analysis of case studies - to understand how these new phenomena can be seen as elements capable of altering the structure of "traditional rights" or may simply require a new perspective in which to view them.</p>

Prerequisites
<p>Students must possess a basic knowledge of the general principles and the fundamental institutions of private law, European Union law and constitutional law.</p>

Methodology
<p>1) The learning method includes a combination of lecture, discussion, and problem-solving. Students are stimulated to participate to discussions and learning activities. Lectures assist students in acquiring rigorous theoretical knowledge while seminars will assist students to integrate classroom learning and theory with practice. In particular, during the seminars, students will discuss and present their homework assignment.</p> <p>2) On completion of the course the students will be able to:</p> <ol style="list-style-type: none"> 1. explain the central and basic themes within the field of law in the digital and technological context 2. solve and evaluate issues where relevant law can be applied. 3. explain the interplay between digital activities and regulatory rules. 4. explain the legal challenges and the opportunities created by the digital economy and technological innovations 5. analyze and address legal and ethical issues affecting increased technology use 6. Independently identify and analyze specific problems related to the field of law in the digital context. 7. Independently evaluate and interpret relevant law issues 8. critically review relevant legal texts. 9. independently and critically make assessments in the legal field.

- 3) Students are expected to attend all the lectures and seminars as these are designed to provide foundations as well as to stimulate new thoughts, which can be particularly rewarding for the final exam. Students are expected to attend all classes regularly, with a minimum of 80% attendance.
- 4) Workload: students are expected to spend 6-8 hours per week in the preparation of the classes, and the completion of individual/group assignments. They are also expected to spend around 25 hours in writing their final essay.

Assignments and Evaluation

The examination combines group assignments and a final individual written exam. Assignments represent the 50% of the final course grade. The remaining 50% is represented by the written final exam. To pass the course you need to - in accordance with this course syllabus - pass the written exam on this course.

The following table provides an overview of all the relevant assignments and examinations:

Examinations	Details	Points	Minimum required to pass
Seminar1+Assignment1	Group assignment	20	12
Seminar2+Assignment2	Group assignment	15	9
Seminar3+Assignment3	Group assignment	15	9
Final Written Exam	Individual "take-home" written exam (essay type)	50	30
Total points		100	60

Final exam (Essay type): Students will select one of the subjects discussed during the course doing some additional research in order to write down a final essay on the topic. Approaches used in writing the final essay may include, among others, a comparative law perspective, a descriptive or normative view of a particular issue, a case study, an historical or a sociological approach.

Length of essays: approximately 5,000-7,000 words (10-12 pages). If needed, students may write more pages, however it is recommended to provide only clear and concise thoughts avoiding unnecessary information.

These general guidelines are intended to be a guide rather than an absolute standard. References and sources should be adequately cited through footnotes. A bibliography at the end of the paper listing the sources used in the development of the paper is considered appropriate.

If a student fails an entire module, he/she is required to re-sit the assessments, either by re-submitting the assignment or by re-sitting the final exam. The form of the assessment will be decided according to the existing module guidelines and the

decisions of the lecturer.

Schedule and Work Plan

SESSION 1: [date]

Introduction to Law, Science and Technology: Regulating the Digital Environment

Lecture

Readings assigned:

Jasanoff, Sheila. "Governing Innovation." Seminar-597. May 2009

Available at http://www.india-seminar.com/2009/597/597_sheila_jasanoff.htm

Readings assigned:

Andrew Murray, Information Technology Law: The Law and Society, 4th Edition, OUP (2019) (chapter 4)

Lawrence Lessig, The Law of the Horse: What Cyberlaw Might Teach, 113. HARV. L. REV. 501 (1999) available at <https://cyber.harvard.edu/works/lessig/finalhls.pdf>

SESSION 2: [date]

Human Rights-Based Approach to Science, Technology and Development

Lecture

Readings assigned:

How are today's biggest tech trends affecting our human rights? Available at <https://www.weforum.org/agenda/2017/12/how-are-today-s-biggest-tech-trends-affecting-human-rights/>

Shaver, Lea Bishop, The Right to Science and Culture (March 6, 2009). Wisconsin Law Review 2010, no. 1 121-184 . Available at SSRN: <https://ssrn.com/abstract=1354788> or <http://dx.doi.org/10.2139/ssrn.1354788>

Helper, Laurence, Human Rights and Intellectual Property: Conflict or Coexistence?. Minnesota Journal of Law, Science & Technology, Vol. 5, p. 47, 2003; Loyola-LA Legal Studies Paper No. 2003-27; Princeton Law and Public Affairs Working Paper No. 04-003. Available at SSRN: <https://ssrn.com/abstract=459120> or <http://dx.doi.org/10.2139/ssrn.459120>

Nemitz, Paul Friedrich, Constitutional Democracy and Technology in the age of Artificial Intelligence (August 18, 2018). DOI 10.1098/RSTA.2018.0089 - Royal Society Philosophical Transactions A. Available at SSRN: <https://ssrn.com/abstract=3234336> or

<http://dx.doi.org/10.2139/ssrn.3234336>

SESSION 3: [date]

Patents, scientific innovation and essential public knowledge assets

Lecture

Readings assigned:

Andrew Murray, Information Technology Law: The Law and Society, 4 Edition, OUP (2019) (chapter 8.1.2)

Garret Hardin, The tragedy of the commons, 162 Science, 1243 (1968)

Michael A. Heller & Rebecca S. Eisenberg, Can Patents Deter Innovation? The Anticommons in Biomedical Research, 280 Science, 698 (1998)

SESSION 4: [date]

Online contracts, Privacy, Consumer protection and Big Data (1/2)

Lecture

Readings assigned:

Michiel Rhoen: "Beyond Consent: Improving Data Protection Through Consumer Protection Law," Internet Policy Review, volume 5, number 1, 2016 (available at <https://policyreview.info/articles/analysis/beyond-consent-improving-data-protection-through-consumer-protection-law>)

Lena Ulbricht, "Big data: big power shifts?" Internet Policy Review, volume 5, number 1, 2016 (available at <https://policyreview.info/articles/analysis/big-data-big-power-shifts>)

Andrew Murray, Information Technology Law: The Law and Society, 4 Edition, OUP (2019) (chapters 16, 18, 22, 23)

SESSION 5: [date]

Online contracts, Privacy, Consumer protection and Big Data (2/2)

Lecture

Readings assigned:

Andrew Murray, Information Technology Law: The Law and Society, 4 Edition, OUP (2019) (chapters 22, 23)

Kimberly Houser & W. Gregory Voss, GDPR: The End of Google and Facebook or a New Paradigm in Data Privacy? 25 Rich. J. L. & Tech. 1, (2018)

SESSION 6: [date]

Information Age and the 'Digital Dilemma'

Lecture

Readings assigned:

National Research Council, The Digital Dilemma 2000, Executive Summary, Available at <https://www.nap.edu/read/9601/chapter/2#7>

Nicola Lucchi, Intellectual Property Rights in Digital Media: A Comparative Analysis of Legal Protection, Technological Measures and New Business Models Under E.U. And U.S. Law. Buffalo Law Review, Vol. 53, No. 4, Fall 2005. Available at SSRN: <https://ssrn.com/abstract=723321>

SESSION 7: [date]

Analysis and Discussion of a real case: "The Social Network" - movie

Seminar/Assignment 1

SESSION 8: [date]

Analysis and Discussion of a real case: "The Social Network" - discussion

Seminar/Assignment 1

SESSION 9: [date]

Online content and the EU Digital Single Market

Lecture

Readings assigned:

Andrew Murray, Information Technology Law: The Law and Society, 4 Edition, OUP (2019) (chapters 22, 23)

Giuseppe Mazziotti, Copyright in the EU Digital Single Market (June 27, 2013). CEPS Task Force Reports (2013). Available at SSRN: <https://ssrn.com/abstract=2307855>

Giuseppe Mazziotti, Is geo-blocking a real cause for concern in Europe?, (2015). EUI Department of Law Research Paper No. 2015/43. Available at SSRN: <https://ssrn.com/abstract=2728675>

SESSION 10: [date]

Assignment on Digital Contracts and Data Protection

Seminar/Assignment 2

Readings assigned:

Andrew Murray, Information Technology Law: The Law and Society, 4 Edition, OUP (2019) (chapters 18, 22, 23)

SESSION 11: [date]

Cyber speech & intermediary liability

Lecture

Readings assigned:

Andrew Murray, Information Technology Law: The Law and Society, 4 Edition, OUP (2019) (chapters 5, 7)

SESSION 12: [date]

The Net Delusion

Seminar/Assignment 3

Readings assigned:

Evgeny Morozov, The Net Delusion: The Dark Side of Internet Freedom (2011) (passim)

Bibliography/List of readings and materials

- Andrew Murray, Information Technology Law: The Law and Society, 4 Edition, OUP (2019)
- Jasanoff, Sheila. "Governing Innovation." Seminar-597. May 2009 Available at http://www.india-seminar.com/2009/597/597_sheila_jasanoff.htm
- Michiel Rhoen: "Beyond Consent: Improving Data Protection Through Consumer Protection Law," Internet Policy Review, volume 5, number 1, 2016 (available at <https://policyreview.info/articles/analysis/beyond-consent-improving-data-protection-through-consumer-protection-law>)
- Lena Ulbricht, "Big data: big power shifts?" Internet Policy Review, volume 5, number 1, 2016 (available at <https://policyreview.info/articles/analysis/big-data-big-power-shifts>)
- Kimberly Houser & W. Gregory Voss, GDPR: The End of Google and Facebook or a New Paradigm in Data Privacy? 25 Rich. J. L. & Tech. 1, (2018)
- Giuseppe Mazziotti, Copyright in the EU Digital Single Market (June 27, 2013). CEPS Task Force Reports (2013). Available at SSRN: <https://ssrn.com/abstract=2307855>
- Giuseppe Mazziotti, Is geo-blocking a real cause for concern in Europe?, (2015). EUI Department of Law Research Paper No. 2015/43. Available at SSRN: <https://ssrn.com/abstract=2728675>

- National Research Council, The Digital Dilemma 2000, Executive Summary, Available at <https://www.nap.edu/read/9601/chapter/2#7>
- Nicola Lucchi, Intellectual Property Rights in Digital Media: A Comparative Analysis of Legal Protection, Technological Measures and New Business Models Under E.U. And U.S. Law. Buffalo Law Review, Vol. 53, No. 4, Fall 2005. Available at SSRN: <https://ssrn.com/abstract=723321>
- Garret Hardin, The tragedy of the commons, 162 Science, 1243 (1968)
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- Evgeny Morozov, The Net Delusion: The Dark Side of Internet Freedom (2011) (passim)
- How are today's biggest tech trends affecting our human rights? Available at <https://www.weforum.org/agenda/2017/12/how-are-today-s-biggest-tech-trends-affecting-human-rights/>
- Shaver, Lea Bishop, The Right to Science and Culture (March 6, 2009). Wisconsin Law Review 2010, no. 1 121-184 . Available at SSRN: <https://ssrn.com/abstract=1354788> or <http://dx.doi.org/10.2139/ssrn.1354788>
- Helfer, Laurence, Human Rights and Intellectual Property: Conflict or Coexistence?. Minnesota Journal of Law, Science & Technology, Vol. 5, p. 47, 2003; Loyola-LA Legal Studies Paper No. 2003-27; Princeton Law and Public Affairs Working Paper No. 04-003. Available at SSRN: <https://ssrn.com/abstract=459120> or <http://dx.doi.org/10.2139/ssrn.459120>
- Nemitz, Paul Friedrich, Constitutional Democracy and Technology in the age of Artificial Intelligence (August 18, 2018). DOI 10.1098/RSTA.2018.0089 - Royal Society Philosophical Transactions A. Available at SSRN: <https://ssrn.com/abstract=3234336> or <http://dx.doi.org/10.2139/ssrn.3234336>
- Jasanoff, Sheila. "Governing Innovation." Seminar-597. May 2009- Available at http://www.india-seminar.com/2009/597/597_sheila_jasanoff.htm
- Lawrence Lessig, The Law of the Horse: What Cyberlaw Might Teach, 113. HARV. L. REV. 501 (1999) available at <https://cyber.harvard.edu/works/lessig/finalhls.pdf>