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INTELLECTUAL PROPERTY AND INFORMATION LAW
Schools of Information (SI 519) and Public Policy (PUBPOL 688)
Fall 2008

WRITING ASSIGNMENT #1

Please choose two of the topics below. The *total for these two responses* should be 4-8 pages, double-spaced, normal margins, in 12-point font. You should refer to the reading in the course materials, where appropriate, in your responses (although you are not limited to only researching and citing course materials).

Here are some of the things I look for in papers:

Organization: It is helpful to be organized. If your structure supports your overall propositions, it makes your perspectives easier to identify and potentially more persuasive. Feel free to use bullet-point lists to concisely convey points.

Key questions/issues: You should be sure to address the most difficult and important issues or questions. Also, make sure you actually answer the question you choose.

Analysis: Go beyond merely describing issues, cases, laws, etc. Apply the laws, precedents, etc. It is helpful to take a point of view and to draw your own conclusions. Go beyond merely asserting your propositions and opinions; you should back them up with logical arguments and evidence to persuade your reader. This is one of the keys to legal reasoning.

Citations/Bibliography: Citations and/or a bibliography are helpful in providing context and evidence. The precise format of the citations is not as critical as their inclusion (in the text, in footnotes, or at the end of the paper).

Style and Editing: The organization and presentation of a written argument are important. Clear, succinct prose is best. Typos and grammatical errors can distract from your main points (as I have doubtless proved to you on numerous occasions in my handouts).

I want to review these papers anonymously. Do ***not*** include your name, for instance, in the headers or footers. A cover page with your name, however, is a good idea as I'll code and remove the cover pages before evaluating the papers. Please work independently.

Feel free to be creative with the assignment—there is not a single “right answer” to these questions. **This assignment is due on Monday, October 21st, 2008 by 5pm.** .

1. Does it make sense for the First Amendment, and regulations about expression, to be media-neutral? Does the nature of the Internet/cyberspace necessitate re-thinking of assumptions from past history and cases? (*See, e.g., Ashcroft v. ACLU; Junger case*)
2. What are the pro's and con's of anonymity on the Internet. In what situations should anonymity be restricted (either through technology or the law) and why. (*See David Sobel article*)
3. In what ways does “blogging” challenge our current assumptions and norms concerning the First Amendment and intellectual property laws.
4. What do you think the fundamental purpose of copyright law is, or ought to be? To what extent does current federal copyright law serve that purpose?

5. Should the rise of the Internet affect how we view or treat intellectual property? Why or why not? (You may focus on one type of IP, or address several types individually or jointly.)
6. Formulate a new intellectual property protection for software that would replace software copyright and patent protection. Include specifics on how people would obtain such protection, its duration, the rights included in the new “property” right, and how it would be constitutional.
7. Eliminate the availability of one of, or all of, patent, copyright, or trademark protection and analyze the impact of the absence of such protection. Consider focusing on the specific impact to a career you might be pursuing.