

Faculty of Law – McGill University

Specialized Topics in Law 17: Internet Law (3 credits)

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LAWG 536 Sections 001 and 009
Fall 2019
Wednesdays 2:30 P.M – 5:30 P.M.
NCDH Room 316

WEEK BY WEEK OUTLINE AND READINGS

Please note just for October 30 and following.

Class 8: (October 30)

Note: *Deadline for submitting essay topics, with one paragraph description of the topic and / or table of contents, along with 3 bibliographic references. November 2 deadline is fine too.*

Topic: Forget Me Not? – the Right to Be Forgotten in Europe (and Canada?) and Introduction to European Data Protection

Readings:

Draft OPC Position on Online Reputation, January 28, 2018, <http://bit.ly/2Hu0M39>

***Google Spain SL, Google Inc. v. Agencia Española de Protección de Datos, Mario Costeja González*, CJEU, at <http://curia.europa.eu/juris/celex.jsf?celex=62012CJ0131&lang1=en&type=TXT&ancre=>

***Google Inc. v. Equustek Solutions Inc.*, 2017 SCC 34, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/16701/index.do>

** *General Data Protection Regulation* (“GDPR”) (Regulation 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC), <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0679&from=en>

** *Schrems v. Data Protection Commissioner*, ECLI:EU:C:2015:650, <http://bit.ly/2w8MfaB>

Supplemental Readings:

A.T. v. Globe24h.com, 2017 FC 114 (CanLii), <http://bit.ly/2oalk9l>.

Google Inc. V. Equustek Solutions Inc., U.S. District Court, Northern District of California, 5:17-cv-04207-EJD, <https://www.scribd.com/document/363385175/Equustek-CA>

Directive 95/46/EC of The European Parliament and Of The Council

Eloïse Gratton and Jules Polonetsky, “Droit à l’oubli: Canadian Perspective on the Global ‘Right to be Forgotten’ Debate”, *Colorado Technology Law Journal*, Spring 2017

Class 9: (November 6)

Topic: My Image is My Own – Rights to your image and reputation online and “revenge porn”

Readings:

“Online Reputation – What are they saying about me?” Discussion Paper prepared by the Policy and Research Group of the Office of the Privacy Commissioner of Canada

https://www.priv.gc.ca/media/1810/or_201601_e.pdf

** *Doe 464533 v. N.D.*, 2016 ONSC 541, <http://canlii.ca/t/gn23z>

Doe v. N.D., 2016 ONSC 4920 (CanLII), <http://bit.ly/2oCQxj5>

R. v. A.C., 2017 ONCJ 317, <http://canlii.ca/t/h42q9>

Supplemental Readings

Aubry v Éditions Vice-Versa Inc [1998] 1 S.C.R. 591

Vanderveen v Waterbridge Media Inc., 2017 CanLII 77435 (ON SCSM) <http://bit.ly/2EGzKrJ>

Class 10: (November 13)

Topic 1: SPAM SPAM SPAM EGGS SAUSAGE AND SPAM – When selling you stuff online clashes with your privacy rights

Readings:

Eloïse Gratton, “Personalization, Analytics, and Sponsored Services: The Challenges of Applying PIPEDA to Online Tracking and Profiling Activities”, *Canadian Journal of Law and Technology*, Vol 8, No 2 (2010)

“Canada’s Anti-Spam Law” or “CASL”, S.C. 2010, c. 23, ss. 1-13, 20 at <http://laws-lois.justice.gc.ca/eng/acts/E-1.6/FullText.html>

CASL Regulations <http://fightspam.gc.ca/eic/site/030.nsf/eng/00273.html>

** *Compliance and Enforcement Decision CRTC 2017-65*, <http://www.crtc.gc.ca/eng/archive/2017/2017-65.htm>

Supplemental Readings:

Samuel E. Trosow, “The Internet of Things: Implications for Consumer Privacy under Canadian Law” (working paper)

Topic 2: Is AI smarter than a law student? The legal, privacy and data protection issues relating to artificial intelligence

Guest Speaker: Maître [Danielle Miller Olofsson](#), Chief Privacy and Knowledge Officer BCF LLP; Université de Montréal

Readings:

TBD, but none really

Class 11: (November 20)

Topic 1: Working on a (block)chain gang – The legal ramifications of Cryptocurrency and the Blockchain

Guest speaker: Maître [Jillian Friedman](#), Leader, Blockchain Solutions at National Bank of Canada.

Topic 2: Who wants to sue Facebook? Using Class Action Lawsuits to Protect Data Security and Privacy

Guest speaker: Maître [David Assor](#), Founder, Lex Group

Class 12: (November 27)

Topic 1: Introduction to the substantive law of cybercrime in Canada

Readings:

Treaty Number 185 of the Council of Europe (“Budapest Convention”), <http://bit.ly/2Cy9I3S>

Criminal Code ss. 342.1, 430(1.1)

R. c. Parent, 2012 QCCA 1653, <http://canlii.ca/t/fsrp3>

Mr. Robot, Season 1 Episode 1 (pre-credits sequence), to be shown in class

Topic 2: Totally random practical internet, privacy, and technology law topics that I have dealt with over the years that we haven’t covered in class so far, but I figured you should know the basics of or at least know of their existence. Also finishing up everything I haven’t finished because I am an obsessive completist.