This seminar will explore the extent to which the criminal law is or should be used to protect against the non-consensual appropriation of information, including information protected by copyrights, trademarks, and trade secrets. This exploration will involve thinking about the nature of intellectual property rights, the effects of criminalization on incentives to innovate and on access to knowledge, and the costs and benefits of using the institutions of criminal enforcement instead of, or in addition to, civil liability.

Course materials: Course materials (other than hyperlinked-materials) are posted on NYU Classes under Resources/Readings. Please read the posted versions rather than downloading different ones.

Writing requirements: Students are required to write a research paper. Each student must submit a thesis statement of the topic (including a preliminary bibliography), a first draft, and a final paper. Papers fulfilling the substantial writing requirement must be approximately 30-40 pages. Other papers may be approximately 20-25 pages. You are free to pursue a topic of your own choosing that is within the scope of the seminar.

Submission dates: Your topic choice is due September 26. The thesis statement (including preliminary bibliography) is due October 17. The first draft is due November 7; the final paper is due December 21. Please submit everything by email to me and to Nicole Arzt. No extensions will be given.

Grades: The first draft will count for 20 percent of the grade; the final draft will count for 50 percent. The remainder of the grade will be based on participation and performance in the seminar.

Administrator for the course: Ms. Nicole Arzt (VH 336; nicole.arzt@nyu.edu) will be the administrator for the course.
SEMINAR CLASS SCHEDULE

Class 1: September 5
Topic 1—Introduction: The Criminal Law Frame and Intellectual Property

Class 2: September 12
Topic 2—Insider Trading: Bad Acts vs Incentives to Get and Use Information

Class 3: September 19
Topic 3—Hacking: Improper Access to Computers

Class 4: September 26
Topic 4—Economic Espionage and the Intellectual Property Frame

Class 5: October 3
Topic 5—Copyright and Trademark Crime

Class 6: October 10
Thesis statement preparation (no class meeting)

Class 7: October 17
Guest Speaker: Brian Levine, Senior Counsel, US Department of Justice, Computer Crime and Intellectual Property Section

Class 8: October 24
Topic 6—Sanctions

Class 9: October 31
Topic 7—International and Procedural Issues

Class 10: November 7
Student Presentations

Class 11: November 14
Student Presentations

Class 12: November 21
Student Presentations

Class 13: November 28
Student Presentations

Class 14: December 5
Student Presentations