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Ian C. Ballon

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The updated new edition offers an unparalleled reference and practical resource. Organized into five sectioned volumes, the 59 chapters cover:

- Sources of Internet Law and Practice
- Intellectual Property
- Licenses and Contracts
- Privacy, Security and Advertising
- The Conduct and Regulation of E-Commerce
- Internet Speech, Defamation, Online Torts and the Good Samaritan Exemption
- Obscenity, Pornography, Adult Entertainment and the Protection of Children
- Theft of Digital Information and Related Internet Crimes
- Liability of Internet Sites and Services (Including Social Networks and Blogs)
- Civil Jurisdiction and Litigation

Distinguishing Features

- ◆ Clear, well written and with a practical perspective based on how issues actually play out in court (not available anywhere else)
- ◆ Exhaustive analysis of circuit splits and changes in the law combined with a common sense, practical approach for resolving legal issues, doing deals, documenting transactions and litigating and winning disputes
- ◆ Covers laws specific to the Internet and explains how the laws of the physical world apply to internet and mobile transactions and liability risks
- ◆ Addresses both law and best practices
- ◆ Comprehensive treatment of intellectual property, data privacy and mobile and Internet security breach law

Key Features of E-Commerce & Internet Law

- ◆ Trends and circuit splits in security breach and data privacy class action suits and their impact on companies seeking to mitigate their risks
- ◆ The most comprehensive analysis of the TCPA's application to text messaging and its impact on litigation found anywhere (including a full explanation of potential inconsistencies in past FCC Orders governing what constitutes an ATDS)
- ◆ Complete analysis of the Cybersecurity Information Sharing Act (CISA) and Defend Trade Secrets Act (DTSA) and their impact on screen scraping and database protection, cybersecurity information sharing and trade secret protection, privacy obligations and the impact that Terms of Use and other internet and mobile contracts may have in limiting the broad exemption from liability otherwise available under CISA
- ◆ The only treatise to provide comprehensive treatment of the secondary liability of Internet, mobile and cloud site owners and service providers for user content and misconduct under state and federal law
- ◆ Understanding the laws governing SEO and SEM and their impact on e-commerce vendors, including major developments involving internet advertising and sponsored link law
- ◆ Separating myth from reality in drafting Terms of Service agreements and Privacy Policies and understanding seemingly conflicting case law governing online and mobile contract formation, the enforcement of arbitration provisions and California and New Jersey consumer protection laws affecting TOUs
- ◆ Understanding copyright and Lanham Act fair use, patentable subject matter, right of publicity laws governing the use of celebrity images and attributes, initial interest confusion, software copyrightability, damages in internet and mobile cases, screen scraping and database protection, the use of icons in mobile marketing, and the applicability and scope of federal and state safe harbors and exemptions
- ◆ How to enforce judgments against foreign domain name registrants
- ◆ Valuing domain name registrations
- ◆ Compelling the disclosure of the identity of anonymous and pseudonymous tortfeasors and infringers
- ◆ Comprehensive, current and freshly revised analysis of the Digital Millennium Copyright Act and the Communications Decency Act (including case law construing these statutes)
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Volume 1

Part I. Sources of Internet Law and Practice: A Framework for Developing New Law

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 6. Trademark, Service Mark, Trade Name and Trade Dress Protection in Cyberspace
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ABOUT THE AUTHOR

IAN C. BALLON

Ian Ballon is Co-Chair of Greenberg Traurig LLP's Global Intellectual Property and Technology Practice Group and is a litigator based in the firm's Silicon Valley and Los Angeles offices. He defends data privacy, security breach, TCPA, and other Internet and mobile class action suits and litigates copyright, trademark, patent, trade secret, right of publicity, database and other intellectual property suits, including disputes involving Internet-related safe harbors and exemptions.



Mr. Ballon was the recipient of the 2010 Vanguard Award from the State Bar of California's Intellectual Property Law Section. He also has been recognized by *The Los Angeles and San Francisco Daily Journal* as one of the Top 75 Intellectual Property litigators and Top 100 lawyers in California.

Mr. Ballon was named as the Lawyer of the Year for information technology law in the 2016 and 2013 editions of *The Best Lawyers in America* and is listed in Legal 500 U.S., The Best Lawyers in America (in the areas of information technology and intellectual property) and Chambers and Partners USA Guide in the areas of privacy and data security and information technology. He also serves as Executive Director of Stanford University Law School's Center for E-Commerce in Palo Alto.

Mr. Ballon received his B.A. *magna cum laude* from Tufts University, his J.D. *with honors* from George Washington University Law School and an LLM in international and comparative law from Georgetown University Law Center. He also holds the C.I.P.P./U.S. certification from the International Association of Privacy Professionals (IAPP).

In addition to *E-Commerce and Internet Law: Treatise with Forms 2d edition*, Mr. Ballon is the author of *The Complete CAN-SPAM Act Handbook* (West 2008) and *The Complete State Security Breach Notification Compliance Handbook* (West 2009), published by Thomson West (www.IanBallon.net).

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Contributing authors: Parry Aftab, Ed Chansky, Francoise Gilbert, Tucker McCrady, Josh Raskin, Tom Smedinghoff and Emilio Varanini.

NEW AND IMPORTANT FEATURES FOR 2017

- > Understanding the 9th circuit's "duty to warn" exception to the CDA and the interplay between the CDA, Defend Trade Secrets Act (DTSA), Cyberspace Information Security Act (CISA) and FREE SPEECH Act
- > Comparing "but for" and proximate cause analysis under the CDA and DMCA
- > The most extensive and sophisticated analysis of standing in security breach cases available anywhere – explaining circuit splits and trends in the law that would not be apparent if you merely lined up the leading cases and tried to distinguish them based on their facts
- > A complete analysis of the new federal Defend Trade Secrets Act, including areas where state trade secret laws may provide greater remedies
- > An exhaustive look at the DMCA, its legislative history and case law construing it
- > New liability exemptions for service providers and others under the Cybersecurity Information Sharing Act and Defend Trade Secrets Act
- > ECPA limitations on the discovery in civil litigation of the contents of internet, mobile and social media communications, both in the U.S. and overseas
- > Innovative, transactional analysis of state security breach notification laws, security breach class action suits and standing in security breach, data privacy and TCPA litigation
- > Exhaustive analysis of case law, trends and circuit splits under the VPPA, TCPA, ECPA, CFAA and other federal statutes governing internet and mobile communications
- > The extent to which sponsored link and Lanham Act case law may impact a website's own search practices
- > New strategies for database protection and ethical screen scraping
- > Understanding the new US-EU Privacy Shield (by Francoise Gilbert)
- > Updated analysis of state security breach laws in the 48 states that have them (including new California laws) and in D.C., Puerto Rico and Guam—analyzed holistically the way a practitioner would, rather than merely by chart or graph
- > Mobile, Internet and Social Media contests and promotions (updated by Ed Chansky)
- > Evaluating the trade-off between civil and criminal remedies when both are available for information theft
- > Compelling the disclosure of the identity of anonymous and pseudonymous infringers and tortfeasors, consistent with ECPA and state privacy laws
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