E-COMMERCE & INTERNET LAW: TREATISE WITH FORMS 2D 2020

Ian C. Ballon

The Preeminent Internet and Mobile Law Treatise from a Leading Internet Litigator — A 5 Volume-set & On Westlaw!

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Key Features of E-Commerce & Internet Law

♦ Antitrust in the era of techlash
♦ The California Consumer Privacy Act, GDPR, California IoT security statute, state data broker laws, and other privacy and cybersecurity laws
♦ Artificial intelligence & machine learning
♦ Mobile and online contract formation, unconscionability and enforcement of arbitration and class action waiver clauses
♦ TCPA law and litigation - the most comprehensive analysis of the statute, regulations, and conflicting case law found anywhere
♦ The Cybersecurity Information Sharing Act (CISA), state security breach statutes and regulations, and the Defend Trade Secrets Act (DTSA) -- and their impact on screen scraping and database protection, cybersecurity information sharing and trade secret protection, & privacy
♦ Platform moderation and liability, safe harbors, and defenses
♦ Dormant Commerce Clause restrictions on state law regulation of online and mobile commerce
♦ The law of SEO and SEM – and its impact on e-commerce vendors
♦ AI, screen scraping and database protection
♦ Defending cybersecurity breach and data privacy class action suits – case law, trends & strategy
♦ IP issues including Copyright and Lanham Act fair use, patentable subject matter, negative trade secrets, rights of publicity laws governing the use of a person’s images and attributes, initial interest confusion, software copyrightability, damages in internet and mobile cases, the use of hashtags in social media marketing, new rules governing fee awards, and the applicability and scope of federal and state safe harbors and exemptions
♦ Online anonymity and pseudonymity – state and federal laws governing permissible disclosures and subpoenas
♦ Sponsored links, embedded links, and internet, mobile and social media advertising
♦ Enforcing judgments against foreign domain name registrants
♦ Valuing domain name registrations from sales data
♦ Applying the First Sale Doctrine to virtual goods
♦ Exhaustive statutory and case law analysis of the Digital Millennium Copyright Act, the Communications Decency Act (including exclusions for certain IP & FOSTA-SESTA), the Video Privacy Protection Act, and Illinois Biometric Privacy Act
♦ Click fraud
♦ Copyright and Lanham Act fair use
♦ Practical tips, checklists and forms that go beyond the typical legal treatise
♦ Clear, concise, and practical analysis

AN ESSENTIAL RESOURCE FOR ANY INTERNET AND MOBILE, INTELLECTUAL PROPERTY OR DATA PRIVACY/ AI/ CYBERSECURITY PRACTICE

E-Commerce & Internet Law is a comprehensive, authoritative work covering law, legal analysis, regulatory issues, emerging trends, and practical strategies. It includes practice tips and forms, nearly 10,000 detailed footnotes, and references to hundreds of unpublished court decisions, many of which are not available elsewhere. Its unique organization facilitates finding quick answers to your questions.

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
- Data Privacy, Cybersecurity 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
- Platform liability for Internet Sites and Services (Including Social Networks, Blogs and Cloud services)
- 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
♦ Includes the hottest issues, such as IP and privacy aspects of artificial intelligence & machine learning, social media advertising, cloud storage, platform liability, and more!
♦ Comprehensive treatment of intellectual property, data privacy and mobile and Internet security breach law
NEW AND IMPORTANT FEATURES FOR 2020

> Antitrust in the era of techlash (chapter 34)
> Platform moderation and liability, safe havens and defenses (ch. 49, 4, 6, 8, 37)
> Privacy and IP aspects of Artificial Intelligence (AI) and machine learning (ch. 5, 26)
> The California Consumer Information Privacy Act, California’s Internet of Things (IoT) security statute, Vermont’s data broker registration law, Ohio’s safe harbor for companies with written information security programs, and other new state laws governing cybersecurity (chapter 27) and data privacy (chapter 26)
> FOSTA-SESTA and ways to maximize CDA protection (ch 37)
> IP aspects of the use of #hashtags in social media (ch 6)
> The CLOUD Act (chapter 50)
> Making sense of the Circuit Split under the TCPA (3d, 7th and 11th vs. 2d and 9th) & other significant new case law (ch. 29)
> Fully updated 50-state compendium of security breach notification laws, with a strategic approach to handling notice to consumers and state agencies (chapter 27)
> Copyright, patent, ADA and other troll litigation – and ways to combat it (ch. 4, 8, 48)
> Applying the single publication rule to websites, links and uses on social media (chapter 37)
> Screen scraping, database protection and use of AI to gather data and information online (chapter 5)
> State online dating and revenge porn laws (chapter 51)
> Expanding and contracting anti-SLAPP case law construing different state laws (ch 37)
> Circuit-by-circuit, claim-by-claim analysis of CDA opinions
> eSIGN case law (chapter 15)
> Website and mobile accessibility under the ADA and state laws (chapter 48)
> Online and mobile Contract formation – common mistakes by courts and counsel (chapter 21)
> Defending cybersecurity and data privacy class action suits - case law, trends and strategy (chapters 25, 26, 27)
> The Music Modernization Act’s Impact on copyright preemption, the CDA, and DMCA protection for pre-1972 musical works (ch 4, 37, 49)
> Cybersafety standards and best practices for youth audiences in social media, apps, games & networks (by Parry Aftab) (ch. 51)
> Updated Defend Trade Secrets Act and UTSA case law (chapter 10)
> Drafting enforceable arbitration clauses and class action waivers (with new sample provisions) (chapter 22)
> The GDPR, ePrivacy Directive and transferring data from the EU/EEA (by Francoise Gilbert and Viola Bensinger) (ch. 26)
> Patent law (updated by Josh Raskin) (chapter 8)
> Music licensing (updated by Tucker McCrady) (chapter 17)
> Mobile, Internet and Social Media contests & promotions (updated by Ed Chansky) (chapter 28)
> Conducting a risk assessment and creating a Written Information Security Assessment Plan (WISP) (by Thomas J. Smedinghoff) (chapter 27)
> Idea protection & misappropriation (ch 13)
> Revisiting links, embedded links, sponsored links, and SEO/SEM practices and liability (chapter 9)

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