Engineers’ Role in Internet Law Development

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Hypothesis: engineers’ individual decisions are the single biggest factor that determines a company’s compliance with Internet law.
Product Decisions With Legal Implications

- Contract promises
- Integrating software/content from Internet
- Metatags
- Geotargeting
  - Ex: LICRA v. Yahoo
- Scraper configuration
  - Ex: Google News’ republication of United Airlines’ bankruptcy
- Site activity tracking
  - Ex: Click fraud lawsuits and “doubleclicks”
  - Ex: CLRB Hanson v. Google
About Me

Select details regarding yourself / your lifestyle.

Age: __________

Gender: __________

Sexual Orientation: __________

Occupation: __________

Smoking: __________

Cleanliness: __________

Pets: □ Dog(s) □ Cat(s) □ Caged Pet(s)

Children: __________
My Roommate Preferences

Select the criteria by which we should match your potential roommate.

Age range: 18 - to - 99
Adjust if you prefer a specific age group.

Female: Straight or lesbian

Male: Straight or gay

Smoking: Smoking is OK

Cleanliness: Clean, Average, Messy
Deselect if unacceptable.

Pets: Dog(s) ok, Cat(s) ok, Caged Pet(s) ok

Children: I will live with children
Change if you have a preference regarding children in the home.

back save
Search the database

Select Criteria

I'm seeking:
- [ ] Straight female
- [ ] Lesbian
- [ ] Straight male
- [ ] Gay male
- [ ] Professional
- [ ] Student
- [ ] Unemployed
- [ ] Military
- [ ] Non smoker
- [ ] Smoker
- [ ] Outside smoker
- [ ] Retired

Between ages: 18 and 99

Who:
- [ ] Needs a place to live

Within:

Of:
- [ ] Enter city
- [ ] Select state...

Available:
- [ ] -
- [ ] -

Payment:

Additional Preferences

Cleanliness:
- [ ] Average
- [ ] Clean
- [ ] Messy

Pets:
- [ ] No dogs
- [ ] No cats
- [ ] No caged pets

Children:
- [ ] Change if you have a preference regarding children in the home.
Roommates.com (521 F.3d 1157, 9th Cir. 2008)

- Basic rule: websites aren’t liable for third party content (47 USC 230)

- Roommates.com’s position: we capture and republish users’ structured content

- Court’s position:
  - Website asked illegal questions
  - Website forced users to answer those questions
  - Website allowed users to search based on illegal criteria
Cablevision (536 F.3d 121, 2d Cir. 2008)

- **Basic rule: data in computer RAM is “fixed”**
  - Cablevision workaround: flush data really quickly so it is stored for only a “transitory duration”

- **Basic rule: websites infringe by publishing content without permission**
  - Cablevision workaround
    - We are just technology providers
    - Our users make the copies, not us
    - Thus, our copying lacks “volition”

- **Basic rule: publishing content on website constitutes public display/performance**
  - Cablevision workaround: each digital transmission can be decoded only by single device
What To Do Tomorrow

- Seek out training sessions from your counsel
- Include your lawyer in your pipeline discussions
  - At initial design stage
  - AND at QA stage (with adequate time)
- Befriend your lawyer