Greetings all cyberspace lawyers,

As the calendar dives deep into the dog days, we assess the gains from the first half of our year and plan for the progress to come. I would like to find a member who is interested in writing for us a short analysis of the cyberspace developments of 2015 (so far), including any commentary on relevant SCOTUS cases from the recently expired term. Please write me directly (tclaypoole@wcsr.com) if you would like to prepare this paper and we will work to distribute it when completed. We generally have a "Cyberspace Law Year in Review" talk at our Winter Working Meeting (set for January 29-30, 2016 in Ft. Lauderdale at the Shepard Broad Law Center, Nova Southeastern University), but a mid-year report would also be helpful.

I hope everyone has signed up for the Section Annual Meeting in Chicago, September 17 - 19. We have listed our many sponsored CLE presentations below, and each Cyberspace Law Subcommittee and Task Force will also be holding meetings on September 17 to discuss the projects and plans that each is developing. We have books, articles, panels, presentations and checklists in the works, and we need help on all of them.

Take some time off if you can, and enjoy the summer.

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Registration is now open for the Cyberspace Law, Corporate Counsel, Corporate Compliance, Health Law and Life Sciences, Intellectual Property, and White Collar Crime Committees joint dinner at the ABA Business Law Section Annual Meeting. Plan to join us on Thursday, September 17, at 7:30 pm at Café Iberico. We will enjoy a wide array of hot and cold tapas, along with paella—all served family style—with your choice of drinks. This authentic Spanish restaurant is located in Chicago's trendy River North neighborhood, just a mile from the base hotel. The dinner price is just $50. You can register here. We hope you will join us for this fun evening.

Register now for the BLS Annual Meeting if you have not yet done so. The Cyberspace Law Committee has a packed agenda. We start with a full day of committee/subcommittee meetings and also present eight CLE programs during the three-day meeting. Here is our schedule:

**Thursday, September 17**

- 8 - 9 am: International Trade Subcommittee meeting
- 8 - 9 am: Federated Identity Management Task Force meeting
- 9 - 10:30 am: Cyberspace Law Committee meeting (including a presentation on "Trains, Boats, and Mobile Assets: How the IoT Keeps Them Safe and Reliable"—how an Illinois-based company's mobile asset monitoring system generates real-time data from trains and marine
vessels to prevent accidents, save money, and enhance performance)
- 10:30 - 11:30 am: Financial Services and Payments Subcommittee meeting
- 10:30 - 11:30 am: Electronic Contracting Task Force meeting
- 10:30 - 11:30 am: Achieving Digital Trust: Conquering the Last Frontier - CLE Program
- 11:30 am - 12:30 pm: Cloud, Platforms, and Analytics Subcommittee meeting
- 10:30 - 11:30 am: Electronic Contracting Task Force meeting
- 10:30 - 11:30 am: Mobile and Connected Devices Subcommittee meeting
- 2:30 - 3:30 pm: Cybersecurity Damages: An Overview of Economic Harm Resulting from Data Security Breaches - CLE Program
- 3 - 4 pm: Social Media Subcommittee meeting
- 4 - 5 pm: Cybersecurity Subcommittee meeting
- 4 - 5 pm: Cyberspace Law Committee Publications meeting
- 4 - 5 pm: Data as a Product - CLE Program

Friday, September 18

- 8 - 10 am: Autonomous Vehicles: Steering Your Client around the Legal Potholes - CLE Program
- 10:30 am - 12:30 pm: Mobile Health Apps: You Are Probably Violating the Law - CLE Program
- 2:30 - 4:00 pm: Making Bitcoin a Crime: Recent Prosecutions of Unlicensed Money Transmitters under the PATRIOT Act - CLE Program

Saturday, September 19

- 8 - 10 am: Tracking People across Web Platforms: Are Your Privacy and Compliance Programs Ready for the Next Generation of Behavioral Ads? - CLE Program
- 10:30 am - 12:30 pm: Avoiding Still Sanctionable Dealings with Iran and Cuba: Look Out for Icebergs! - CLE Program

Committee Doings

From the Electronic Contracting Subcommittee
Chair Juliet Moringiello

The Electronic Contracting Subcommittee is up and running - on the web and at the Business Law Annual Meeting!

One of the Cyberspace Committee's most successful projects is a pair of articles published in The Business Lawyer in the early days of electronic contracting. Those articles remain widely recognized as a blueprint for writing enforceable online agreements. The second one, Christina Kunz, et al., *Browse-Wrap Agreements: Validity of Assent in Electronic Form Agreements*, was recently cited by Judge Jack Weinstein of the Eastern District of New York in *Berkson v. Gogo LLC*. In that opinion, Judge Weinstein recognized that the Cyberspace Committee's recommendations, while still relevant, are often ignored by courts.

Ignore the Cyberspace Committee at your peril! It's time to delve into another online contracting issue, that of modifying online terms of service. To do that, our Committee Chair, Ted Claypoole, has decided to revive the Electronic Contracting Subcommittee, which will be chaired by me, Juliet Moringiello. The Subcommittee will be meeting at the Chicago meeting on Thursday, September 17 from 10:30 - 11:30 am. At the meeting, we will discuss *Berkson* and recent modification cases, and develop a plan for writing another *Business Lawyer* article and presenting our work at future Business Law Section meetings.

If you are interested in being a member of the subcommittee, please visit our web page. There you will find the two *Business Lawyer* articles as well as links to relevant court decisions.
Questions? Please contact Juliet Moringiello at jmmoringiello@widener.edu. I hope to see you in Chicago!

From the Mobile and Connected Devices Subcommittee
Co-chairs Richard Balough and John Rothchild

Recent headlines raise the specter of hackers taking over today's new cars. Do you need to know what to tell your clients about this new development? Then you will want to attend the Mobile and Connected Devices Subcommittee's panel discussion at the Business Law Section annual meeting on steering around the legal potholes of autonomous vehicles.

The panel includes a consumer advocate, an attorney specializing in autonomous vehicle security issues, an attorney from the insurance industry, an IP attorney, and an advisor to the U.S. Department of Transportation. Among the discussion items will be:

1. The liability of businesses using autonomous vehicles either for delivery or for their employees.
2. Intellectual property rights such as copyright protection and trade secrets.
3. Data security both from the perspective of hacking and from disclosure of the data (privacy) of those using autonomous vehicles.

The session is set for Friday, September 18 from 8 to 10 a.m.

From the International Trade Subcommittee
Co-chairs Hal Burman and John Gregory

The subcommittees' focus for August-September will be international aspects of Identity Management (IM) and whether to formulate comments on proposed projects at the UN Commission on International Trade Law, and IM work underway at the UN Economic Commission for Europe. There will be a revised EU proposal for the former, and a Russian draft on the table at the later. An important actor will be how all that works with the ABA's IM Task Force. This may be round three for E-commerce issues some of which have been on the table but unresolved for 20 years. For more info or to participate contact co-chairs John Gregory or Hal Burman.

Speaking Opportunity in India

Are any members available to present on Cybercrime, Cyberlaw, and Cybersecurity or any of these topics? Sarah Jane Hughes has to send regrets to an invitation to speak in New Delhi at a conference organized in part by the Indian Supreme Court on November 19, 2015, and would LOVE to send names of others who might be available to speak at that conference. Contact her directly at sjhughes@indiana.edu if you are interested.

Member News

Steve Middlebrook and Sarah Jane Hughes have an article to be published by the Yale Journal on Regulation shortly that advocates a commercial law based on topics covered in Article 4A of the UCC for entities that offer intermediary services for crypto currency payments transactions, such as wallets and exchanges. The working text will be posted shortly to SSRN. The article's title, not surprisingly, is "Advancing a Framework for Regulating Cryptocurrency Payments Intermediaries."

Steve and Sarah Jane have also been invited to join a panel on issues affecting crypto currency intermediaries at the Annual Payments Law Symposium to be held on September 24-25 in Chicago at the Federal Reserve Bank of Chicago. Their presentation will be in the afternoon of September 24th. Registration for this Symposium opened last week.

http://apps.americanbar.org/buslaw/committees/CL320000pub/newsletter/201508/
Other Programs of Interest

E-Signatures: How the Law of Contracts Is Changing
August 19, 2015
Location: N/A
Format: Webinar

Data Rules: How Digital Media Services Grapple with Collection, Use, and Monetization of User Data
August 26, 2015
Location: N/A
Format: Webinar

Decrypting Encryption: Gaining Competence on Encryption for Your Practice
August 27, 2015
Location: N/A
Format: Webinar

A Note from the Editor

In addition to reporting on the committee's work and what its members are up to, we'd like the newsletter to include articles on topics of interest to members. Articles should be 250-500 words, timely, and original content not already published elsewhere (including on your firm's website). To submit an article or ask questions, please contact the editor, Lois Mermelstein.