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September 17-19, 2015
Chicago, IL

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Lois Mermelstein

Message from the Chair

Good day Cyberspace Lawyers. I hope your summers have been restful and productive. It seems that each subsequent cyber-based data breach highlights a stranger aspect of U.S. business. Target introduced us to the world of sub-contracted hacking tools, Sony showed us that financial data was not the only information worth protecting, Anthem highlighted health care as a vulnerable category, Wyndham finds that biting the regulator’s hand does not pay, and now we have Ashley Madison. It might be a good idea for someone to pull together many of the recent data breaches in a short article for Business Law Today (3000 words, no footnotes), and examine the legal, regulatory and risk management lessons that cyberspace lawyers should learn from these hacks. Let me know if you are Interested in the project and I can help if you like.

The Business Law Section Annual Meeting is in Chicago later this month, and we look forward to seeing you there. As previously noted in this space, the Cyberspace Law Committee has a full slate of meetings on Thursday and a full slate of sponsored panels and presentations throughout the entire meeting. We have listed them below for your convenience. Almost all of our meetings will be on the Silver Level in the West Tower - most in the McCormick Room with a few next door in the Burnham Room. The main Cyberspace Law Committee meeting is scheduled for the East Tower because we need a bigger room. That meeting will be from 9 - 10:30 on Thursday, and will include a talk on how the Internet of Things is currently working in the mass transit field, especially in regard to trains and ships. This should demonstrate the upcoming legal and regulatory issues as the Internet of Things spreads into all aspects of our lives.

On Thursday night, join the Corporate Counsel, Corporate Compliance, Cyberspace Law, Health Law and Life Sciences, Intellectual Property, and White Collar Crime Committees joint dinner, 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 for $50.

Cyberspace business lawyers tend to be friendly sorts, so please stop us and talk at the meeting in Chicago. We would love to help you connect your practice and research to the larger group.

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2015 BLS Annual Meeting Schedule for Cyberspace Law

If you have not yet registered for the Business Law Section Annual Meeting, you can still register on site. We have a very full agenda! Cyberspace Law is holding 14 meetings, presenting 8 CLE programs (highlighted below), co-sponsoring 12 programs, and hosting one fabulous joint committee dinner. The time schedule is noted below. See you in Chicago!

Meetings and Events - 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

- Presentation: "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
Committee Business

10:30 - 11:30 am: Financial Services and Payments Subcommittee meeting
10:30 - 11:30 am: Electronic Contracting Task Force meeting
11:30 am - 12:30 pm: Cloud, Platforms, and Analytics Subcommittee meeting
1 - 2 pm: Enterprise Technology Subcommittee meeting
1 - 2 pm: Internet Governance Task Force meeting
2 - 3 pm: Mobile and Connected Devices Subcommittee meeting
2 - 3 pm: Non-U.S. Cyber Regulations Task Force meeting
3 - 4 pm: Social Media Subcommittee meeting
4 - 5 pm: Cybersecurity Subcommittee meeting
4 - 5 pm: Cyberspace Law Committee Publications meeting

7:30 - 10 pm: Joint Committee Dinner

Join us at Café Iberico, 737 N. LaSalle Street—a 20-minute walk from the hotel. Just $50 for drinks (including sangria), hot and cold tapas, and paella.

CLE Programs - Thursday, September 17

10:30 - 11:30 am: Achieving Digital Trust: Conquering the Last Frontier
10:30am - 12:00 pm: What Rock Stars, Young Lawyers, and In-House Counsel Can Teach You about Social Media, Practice Development, and Ethics (co-sponsoring)
2:30 - 3:30 pm: Cybersecurity Damages: An Overview of Economic Harm Resulting from Data Security Breaches
2:30 - 4:30 pm: Antitrust Issues in the Internet Age (co-sponsoring)
4 - 5 pm: Data as a Product: Dealing with the Issues of Commercializing Data

CLE Programs - Friday, September 18

8 - 10 am: Autonomous Vehicles: Steering Your Client around the Legal Potholes
8:30 - 10 am: Why Your Corporate Clients' Mundane Online Presence May Trigger Several Not So Mundane Consequences (co-sponsoring)
10:30 am - 12:30 pm: Mobile Health Apps: You Are Probably Violating the Law
10:30 am - 12:30 pm: Regulating Cryptocurrencies and Digital Payments Around the Globe - What's Going On and How Do We Handle It? (co-sponsoring)
2:30 - 4 pm: Making Bitcoin a Crime: Recent Prosecutions of Unlicensed Money Transmitters under the PATRIOT Act
2:30 - 4 pm: Game of Twitter: Litigation in the Age of the Internet (co-sponsoring)
3:30 - 5 pm: Intellectual Property Issues for Start-Ups (co-sponsoring)

CLE Programs - 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?
8:30 - 10 am: License Agreements - Dos and Don'ts (co-sponsoring)
10:30 am - 12:30 pm: Avoiding Still Sanctionable Dealings with Iran and Cuba: Look Out for Icebergs!
10:30 am - 12:30 pm: Cyber Criminals: What They Do, How They Do It, and How it Affects Your Company (co-sponsoring)

Committee Doings

From the Financial Services and Payments Subcommittee
Co-chairs Ed Morse and Steve Middlebrook

At our committee meeting on September 17 at 10:30 we plan to discuss the following topics:

(1) Roundtable discussion of current developments, including:
   a. FINCen's August 14, 2015 ruling re: money transmitter regulation for firm
providing commodity-based certificates.

b. EMV update/payment security issues.

c. Antitrust developments (including Amex case).

d. Latest mobile payment developments and issues.

(2) Potential project: electronic payments and cybercrime. The recent data dump involving Ashley Madison presents an interesting twist on the typical cybercriminal behavior involving stolen consumer data. Rather than using the data to fraudulently acquire credit, goods, or services, these cybercriminals may choose to monetize their crimes through extortion. Cryptocurrencies may play a role here, as well as other electronic payment means. Could U.S. and foreign laws involving the financing of terrorist activities apply here? What should companies and individuals know before they pay a Bitcoin ransom for their personal data? Should the legal framework change to reduce the incentive for this kind of behavior? We will explore this idea as a future CLE program topic.

All who are interested are welcome to join us!

From the Enterprise Technology Subcommittee
Co-chairs Cheryl Burtzel and Candace Jones

If you use a smartphone or represent a client that collects customer information from a website or other devices, you should plan to attend the Enterprise Technology Subcommittee CLE program, Tracking People across Web Platforms: Are Your Privacy and Compliance Programs Ready for the Next Generation of Behavioral Ads? at the Business Law Section Annual Meeting. Speakers with senior roles at the FTC, media marketing and technology company Compass Media, and international business travel management company CarlsonWagonlit Travel will present their perspectives on cross-device marketing. Please join us on Saturday, September 19 at 8:00 a.m. for a lively and informative discussion.

The panel will cover three key topics: (1) technology developments in cross-device/cross-platform tracking, (2) regulatory risk, particularly those related to privacy-related law and policy, and (3) practice tips with a particular focus on compliance, privacy policies and information management. Please plan to attend this important and timely session and encourage others attending the meeting to join you.

Also, the Subcommittee will meet on Thursday, September 17, from 1:00 to 2:00 p.m. Topics for discussion at this meeting will include: (1) the recent Third Circuit decision in Federal Trade Commission v. Wyndham Worldwide Corporation et al., concerning FTC jurisdiction on cybersecurity practices; (2) recent developments in the Oracle v. Google case concerning what can and cannot be protected by copyright in software development; and (3) recent guidance for federal agencies related to cybersecurity requirements for vendors.

Cheryl can be reached by email at cburtzel@dwmrlaw.com, and Candace can be reached by email at Candace.Jones@ny.frb.org.

Uniform Law Commission Alternate and Mobile Payments Project

The Uniform Law Commission will hold its first drafting committee meeting on its Alternate and Mobile Payments project. The committee’s first priority is legislation to support the licensure and prudential regulation of virtual currency businesses involve the transfers of virtual currency for third parties or the exchange of virtual currencies for fiat currencies or vice versa. The drafting committee will meet at the Hyatt Regency Hotel in Washington, D.C. on October 9-11, beginning at 9 am on all three days and concluding on the 11th by noon. Persons interested in being Observers to the drafting committee should contact Katie Robinson at the Uniform Law Commission at Katie.robinson@uniformlaws.org. Sarah Jane Hughes is the reporter for the project. Stephen Middlebrook is an ABA Advisor for the project.
Member News

Congratulations to Jeffrey Ritter, a founding member of the committee, on the publication of his new book, *Achieving Digital Trust: The New Rules of Business at the Speed of Light*. More details and online ordering are [here](http://apps.americanbar.org/buslaw/committees/CL320000pub/newsletter/201509/). A physical display copy and order forms will also be available at the Annual Meeting, if you plan to attend.

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](mailto:Lois.Mermelstein@americanbar.org).