Welcome to the busy season. We need your creativity.

After a successful Business Law Section Annual Meeting in Chicago, we need to plan for our upcoming meetings in Ft. Lauderdale this winter and Montreal in the spring. Our deadline is here to propose presentations and panel discussion topics for the Spring Meeting of the Business Law Section in April. New law, new technologies, new business models are constantly shifting our footing in cyberspace - which ones should we discuss in Canada? If you have an idea for a topic that might interest the Committee and the Section, please let me know immediately.

And for those with true cutting-edge imaginations and interests, propose a talk for the Cyberspace Law Committee Winter Working Meeting in Ft. Lauderdale, Florida, on the last weekend in January. We will be meeting at the new conference center in the Nova School of Law and staying at the Sonesta on the beach. Plan to join us, and propose a topic for discussion. We need those proposals by October 16.

We have several writing projects under way, including the Cyberspace Law mini-theme for Business Law Today. Write us a quick article on a Cyber Law topic - 3000 words and no footnotes. We can publish your work and distribute it to thousands of business lawyers.

In addition, the Committee has started book projects in Payments and in Social Media, to supplement the current work performed on our Data Security in Mergers and Acquisitions book. Contact me or Cheryl Balough if you are interested in helping write a chapter in these books.

Thank you for your help and your interest.

Ted Claypoole

If you were not able to make the BLS Annual Meeting in Chicago, you are still able to access materials for the CLE programs, including for all eight of Cyberspace Law's CLE offerings. Just go to the "Program Materials" page for the meeting and click on the program of interest. Many of the programs also have audio recordings accessible through the same page. While CLE is not available through these links, you can still hear and/or read very timely materials of interest.

Plan now to attend the 2016 Cyberspace Law Institute and Winter Working Meeting. It will be held January 29-30 in Fort Lauderdale, Florida. We will have about 5 hours of CLE programming in addition to subcommittee and task force meetings. Our committee's own Jon Garon will host the meeting at Nova Law School (aka Shepard Broad Law Center), where he is dean. Our meeting hotel is the Sonesta Fort Lauderdale Beach, with transportation provided between the
school and hotel. Programming will begin early on Friday, January 29, so plan to arrive on Thursday. We will wrap up by early afternoon on Saturday. Registration will open in a few weeks. We still have room for cutting-edge CLE programs, so please share your proposals with Ted Claypoole or Cheryl Balough by October 16.

2016 Business Law Section Spring Meeting

The BLS 2016 Spring Meeting will take place in Montreal on April 7-9. Registration is open. Make sure your passports are up to date so you can take advantage of dozens of CLE programs and a full slate of committee/subcommittee meetings. Lisa Lifshitz and Ariane Siegel are organizing both a joint committee dinner on April 7 and a fun activity for Cyberspace Law members on April 6. Plan now to arrive early.

Committee Doings

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

The subcommittee met in Chicago and addressed a proposed outline for a book project, "Electronic Payments in the 21st Century". We are grateful for the many helpful comments we received, and a revised draft has been circulated to all who attended and who provided a valid email address. (If you did not receive this communication, let us know!) We intend to move forward on this project and expect to begin recruiting authors for this project shortly. Those with expertise and interest in this topic are encouraged to contact Ed Morse (morse@creighton.edu or 402-280-3091) for more information.

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

The Enterprise Technology Subcommittee presented a 2-hour panel program, Tracking People across Web Platforms: Are Your Privacy and Compliance Programs Ready for the Next Generation of Behavioral Ads? at September’s Annual Meeting of the Business Law Section. Many thanks to all who attended the program. It was nice to see so many engaged audience members. Special thanks to our speakers Kathleen Stockham, Chief Digital Officer, CompassMedia; Jamie Hine Senior Attorney, FTC; and Kari Wangensteen, Director of Compliance, North America, CarlsonWagonlit Travel. We enjoyed a lively exchange with the audience and panel members at this timely session.

Our Subcommittee met on Thursday, September 17, 2015. We discussed: (1) the recent 3rd 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; (3) emerging requirements for cybersecurity; and (4) vendor management requirements for enterprise technology procurements. Thanks to all who participated in this meeting.

We appreciate all of the interest in our subcommittee’s activities, and will be adding all those who have expressed a desire to be more involved to our group’s upcoming planning and event notices. Future programs and activities are anticipated to include a webinar presentation and update on the changing regulatory and legal issues surrounding behavioral marketing and privacy, as well as work on tools for enterprise technology procurements and compliance.

Please direct any other suggestions or ideas for future programs or activities to us at your convenience. We would be happy to work with you. Cheryl can be reached by email at cburtzel@dwmrlaw.com, and Candace can be reached by email at Candace.Jones@ny.frb.org.
From the Non US Cyber Laws Subcommittee
Chair Robert Bond

The subcommittee met in Chicago to review the latest version of its multi-country spreadsheet covering laws relating to anti-bribery, data privacy, data retention, cookies and data security. The group agreed to develop the spreadsheet further and members are asked to supply suggestions of other resources to Chair Robert Bond.

Volunteers to assist with research are welcomed.

From the Electronic Contracting Subcommittee
Chair Juliet Moringiello

The Electronic Contracting Subcommittee got off to a great start at the Business Law Annual Meeting. The Subcommittee is working on an article for the Business Lawyer that will set forth strategies for the effective modification on online agreements. We are also exploring recent developments in electronic contracting generally, including issues raised by the presentation of terms on mobile devices. Several people have volunteered to contribute research for the project but we are always looking for more volunteers to write and to work on future presentations. If you are interested in joining the Electronic Contracting Subcommittee, please sign up on the ABA website at http://apps.americanbar.org/dch/committee.cfm?com=CL320087. If you are interested in getting your hands dirty and doing some research to further our projects, please contact Subcommittee Chair Juliet Moringiello at jmmoringiello@widener.edu.

Member News

Jeffrey Ritter, a founding member of the committee, presented a CLE on Quantum Law at September’s Business Law Annual Meeting in Chicago. A paper expanding on this CLE is available here. Jeffrey has also published a new book, Achieving Digital Trust: The New Rules of Business at the Speed of Light. More details and online ordering are here.

Roland Trope and Sarah Jane Hughes contributed a blog post to The Hill’s Congress blog on pitfalls involving the lifting of sanctions on Iran. The pair also covered this topic, as well as sanctions relating to other countries, as part of a CLE panel at the Business Law Annual Meeting in Chicago.

Sarah Jane Hughes was a panelist at the Payments Symposium sponsored annually by the Federal Reserve Bank of Chicago on September 24th. Her panel included former Superintendent Benjamin Lawsky of the New York State Department of Financial Services, Valerie Abend who led the FFEIC Task Force that developed the Cybersecurity Assessment Tool and who heads the OCC’s Cybersecurity team, and Duncan Douglass, a partner at Alston & Bird who leads the firm’s Financial Services Practice Group. The panel focused on new rules of the road for cybersecurity and cyber-resilience, privacy by design, and the Uniform Law Commission’s Drafting Committee on Alternative and Mobile Payments, which is holding its first meeting October 9-11 in Washington, D.C. SJ also gave a brief reprise of the history in the United States of regulating substitutes for legal tender, relying on work that will show up in the chapter that Steve Middlebrook and SJ wrote for John Rothchild’s forthcoming book on e-commerce for Edward Elgar Publishing. The history generated considerable interest from audience members.

Sarah Jane and Steve Middlebrook finalized what will be the Feature article in the forthcoming issue of the Yale Journal on Regulation. (Look for it on best seller lists everywhere.) The article advocates a commercial law, as well as current efforts to draft requirements for licensure and prudential regulation, for cryptocurrency payments intermediaries that follows the outlines of Article 4A of the Uniform Commercial Code. After playing around with a title that invoked the Modern Prometheus, SJ and Steve settled on the more mundane, but descriptive title, “Advancing a Framework for Regulating Cryptocurrency Payments Intermediate.”

http://apps.americanbar.org/buslaw/committees/CL320000pub/newsletter/201510/
Upcoming Programs of Interest

The Federal Trade Commission is hosting a workshop November 16, 2015 in Washington, DC on cross device tracking - techniques to track consumers' online activity across multiple devices. More details are available here.

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.