Cyberspace Lawyers,

Welcome to Winter. We have much to discuss - Spring Business Law Section meeting in Montreal, three book projects, some excellent projects addressing standardizing tech-based contract terms, a year in review and a year looking forward - but instead, come to the Committee's Winter Working Meeting in Ft. Lauderdale, January 29 - 30 to address all of these topics and more. Over coffee. And/or adult libations. And a terrific Caribbean lunch. And a Brazilian dinner. With friends and colleagues.

Join us. More information below.

Ted
Ted Claypoole
Chair, Cyberspace Law Committee of the ABA Business Law Section

2016 Cyberspace Law Institute and Winter Working Meeting
January 29-30, 2016
Fort Lauderdale, FL

It is not too late to register for the 2016 Cyberspace Law Institute and Winter Working Meeting, but you must act quickly. The meeting will include at least 4.5 hours of CLE credit on some truly hot topics. The agenda includes CLE programs or roundtables on:

- Trans-Atlantic data transfers since the ECJ has deemed the safe harbor invalid
- FINRA cybersecurity examinations, investigations and enforcement actions
- Cyberspace law year in review
- How the blockchain technology may reshape financial services
- Latest developments in e-contracting
- Questions and potential changes to the legal framework related to data ransoming
- The hot-off-the-press revised draft Regulation of Virtual Currencies Act
- Limits on Section 230 and DMCA protection for internet intermediaries
- Cybersecurity issues including FTC enforcement post-Wyndham, hack-back, and cyberinsurance
- Uniting Bitcoin and other online currencies

There are also many opportunities to collaborate with cyberspace law colleagues on a number of projects led by our subcommittees and task forces, including publications and programs to be presented at Business Law Section meetings in 2016. And, of course, we have multiple opportunities for networking. You can view the entire agenda here.

The cost for ABA members is just $295 and includes the CLE programs, committee meetings, roundtables, two breakfasts, lunch on Friday, a cocktail party, and transportation between the Sonesta Fort Lauderdale Beach and Shepard Broad Law School, where meetings will be held. CLE begins early Friday morning, so plan to arrive on Thursday, January 28. We will wrap up CLE
and meetings by noon on Saturday, January 30. Register now and don't forget to buy your ticket for Friday evening's dinner at Texas de Brazil. We look forward to seeing you soon.

### 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. Cyberspace Law's CLE offerings include programs on:

- "The Emerging Cashless Society"
- "Cybersecurity Due Diligence in M&A Transactions"
- "Protecting Your Brand in a Complicated Internet Landscape"
- "Avoiding Traps in Digital Technology Acquisition: License, Development and Service Agreements"
- "What Business Lawyers Need to Know about Privacy Law" (part of Young Lawyers Institute)

Lisa Lifshitz and Ariane Siegel are also 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 Mobile and Connected Devices Subcommittee

**Co-chairs: Richard C. Balough and John Rothchild**

Following up on our subcommittee's presentation at the 2014 Business Law Section Annual meeting, the Federal Aviation Agency's regulations of drones continue to trickle out. In December 2015, the FAA announced that any non-commercial drones between one-half pound and 55 pounds purchased after December 21, 2015 must be registered before use. For drones purchased before December 21, the deadline to register is February 19, 2016. Once registration is complete, the drone owner must display the registration number on the drone.

The FAA also announced that the final version of an app that identifies restricted areas for drones, B4UFLY, is available for iPhones. The android version of B4UFLY is still in beta testing but is also available for download.

#### From the Electronic Contracting Subcommittee

**Chair Juliet Moringiello**

The Electronic Contracting Subcommittee is looking forward to your participation at the Winter Working Meeting! On Friday from 8:45 - 9:15, Juliet Moringiello will present the recent case law on modification of online contracts and discuss the modification provisions in the proposed ALI Restatement of the Law: Consumer Contracts. Later that morning, the Subcommittee will meet from 10:55 - 11:55 to discuss our in-progress article suggesting strategies for incorporating effective modification clauses into online contracts. We are still seeking helpers, so please join us in sunny Florida!

#### From the Enterprise Technology Subcommittee

**Co-chairs Candace Jones and Cheryl Burtzel**

At the Subcommittee's September 2015 meeting, participants discussed a project to survey guidance being given by governmental and regulatory authorities about information security in vendor contracts. The goal of the survey would be to identify common themes, differences, and particular concerns reflected in guidance of the various authorities. The work product could serve as
a reference for developing appropriate contract clauses. The primary audience for the work product will be lawyers who advise businesses - both suppliers and purchasers - on the terms of commercial transactions. The Subcommittee will begin working on this substantive project during the 2016 Winter Working Meeting.

The project will encompass both the survey and developing sample contract clauses with accompanying commentary. The survey effort will be relatively limited and focused on identifying subject matter highlighted in guidance from regulatory authorities as essential or important for managing cyber risk. More substantial effort will be focused on developing sample contract clauses and accompanying commentary. The commentary will explain the circumstances under which the clause would be used and the objectives of the clause from the different perspectives of the contracting parties. The commentary will also note points likely to be the subject of negotiation and suggest changes contracting parties may seek depending on their perspectives.

Please plan to attend the Subcommittee’s work sessions at the Cyberspace Law Winter Working Meeting. Interested participants may also contact Subcommittee co-chairs Candace Jones and Cheryl Burtzel directly.

From the Internet Governance Task Force
Co-chairs Michael Kelly and David Satola

At our Internet Governance Task Force meeting during the Winter Working Meeting, co-chairs David Satola and Michael Kelly will present an update and general briefing on the IANA transition at. We will also preview "what to watch" at the next ICANN meeting in Marrakesh. Please join us!

From the Social Media Corporate Governance and Strategy in Cyberlaw Subcommittee
Co-chairs John Isaza and Valerie Surgenor

The Social Media Corporate Governance and Strategy in Cyberlaw Subcommittee is already over 70 participants strong, with a substantial contingent from outside the U.S. Please join us at the Winter Working Meeting on Friday, January 29, 2016 from 10:55 to 11:55 a.m. EST. At this meeting we will be doing a deep dive into our book project, entitled "A Handbook on Social Media for the Business Lawyer." We have over 25 contributors to this publication, and so far the content presented by the contributors is extremely impressive. We are covering not only salient issues such as employment implications, corporate governance and ownership, and IP protection issues, but we are also surveying globally impactful issues emanating from the EU, Asia, Canada and Latin America. We even have a chapter slated for terrorism implications. Although we do not have a formal presentation planned, the book chapter discussions during our one-hour meeting should be extremely educational and enlightening.

If you will not be able to attend in person, we will try to provide dial-in information for anyone who wants to participate remotely. The more the merrier. Kindly contact John Isaza at John.Isaza@RimonLaw.com for further details. In the interim, we are still actively seeking volunteers to assist us with the following:

1. Cite checking chapters presented;
2. Website subcommittee page content management;
3. Proofreaders.

If you would like to volunteer, please contact co-chairs Valerie Surgenor at valerie.surgenor@macroberts.com or John Isaza at John.Isaza@RimonLaw.com.

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

The International Trade Subcommittee continues to monitor several international developments that might affect the interests of American businesses in cyberspace. A conference call in January will discuss the recent meeting of the World Summit on the Information Society (WSIS), and will continue the review of
the Russian proposal for cross-border authentication systems as presented to the UN Centre for Trade Facilitation (CEFACT). A separate call will consider the most promising options for work on Identity Management, following an experts' meeting on that topic in DC mid-month.

At the Winter Working Meeting, these themes will be explored with a view to intensifying the analysis of an appropriate response, by the ABA or by private clients.

**Member News**

Keith Rowley moderated a panel on the regulation of virtual currency businesses that the Uniform Law Commission has launched at the 2016 meeting of the Consumer Financial Services Committee in Park City, Utah. Speakers include Fred Miller, Chair of the ULC Drafting Committee, and Sarah Jane Hughes, Reporter for the drafting project.

Committee members will be able to hear a (partial) reprise of this panel as part of the CLC Winter Working Meeting in Fort Lauderdale.

Members interested in the next phase of the ULC project should sign up as Observers by contacting Katie Robinson, katie.robinson@uniformlaws.org, as soon as possible.

**Upcoming Programs of Interest**

- **Cars and Trucks of the (Not So Distant) Future, and the Litigation Changes to Follow**
  January 27, 2015
  Format: Webinar

- **2016 Cyberspace Law Institute and Winter Working Meeting**
  January 29-30, 2016
  Format: In-Person Fort Lauderdale, FL

- **National Institute on Cybersecurity**
  February 23, 2016
  Format: In-Person, New York City

**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.