



December 2016

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## Message from the Chair

The time has come. The time is now.

Escape the deep depression of winter and join us for the Winter Working Meeting. Come to the historic US Grant Hotel in San Diego on January 27-28, or come early for the Legal Hackathon sponsored by the Cyberspace Law Committee on Thursday, January 26. An extra day in San Diego in January - what could be wrong with that?

The Cyberspace Law Winter Working Meeting will offer great legal conversations and CLE, including a cyberlaw Year in Review presented by textbook author and litigator extraordinaire Ian Ballon, a distinguished panel discussing advances in cyber liability insurance, and examinations of timely topics like smart contracts through the blockchain, protecting automated vehicles, and the legal issues raised by artificial intelligence. We will also hear a luncheon talk about satellite security and the satellite's role in the network from executives of San Diego company Viasat.

Of course this meeting is an opportunity to accomplish progress on our many subcommittee projects including our four current book projects and the other publications that will help advance cyberspace law in North America. This will be an opportunity for you to find or create a project that can define your career, or at least feed your interests.

And overlaying all of this is the highest value of our Winter Working Meeting - your chance to meet, enjoy and trade ideas with some of the world's top cyberspace lawyers for academia, government and private practice. So join us. Our Website will have the links to registration.

Ted Claypoole  
Chair, Cyberspace Law Committee

## Cyberspace Law Institute Winter Working Meeting San Diego - January 27-28, 2017

[Registration](#) is now open for the Cyberspace Law Institute and Winter Working Meeting in San Diego, January 27-28, 2017 (all day Friday, half-day Saturday). Please join us to take advantage of some cutting-edge CLE, networking with the best group of lawyers around, and a winter escape (typical highs of 70<sup>o</sup>+). We will have 9 programs of 30-60 minutes each for a total of 5.5 hours of CLE, to include:

- Global social media and dark data
- Latest developments in vehicle cybersecurity
- Intersection of artificial intelligence with IP and IoT
- Recent developments in cybersecurity policy and regulations
- Smart contracts
- Recent decisions and pending litigation related to online consumer reviews
- Solutions to cyber threats on secure communication
- Emerging challenges in cyber liability insurance

## Cyberspace year in review

You can find more detail about the programs [here](#).

And our 12 subcommittees and task forces will hold working meetings and in-depth discussions during four blocks of time. This is an excellent opportunity to roll up your sleeves and get involved in the Cyberspace Law Committee. We welcome your ideas and contributions to the many projects in various stages of development.

Our meeting will be at the historic US Grant Hotel in historic downtown San Diego with an optional Friday dinner nearby. Plan to arrive early on Thursday and join us for a casual dinner. [Register](#) and book your hotel and air now. We look forward to your participation!

## BLS Spring Meeting Plans New Orleans - April 6-8, 2017

The Cyberspace Law Committee is gearing up for the BLS Section Spring Meeting in New Orleans, April 6-8, 2017. In conjunction with a Section initiative and given that our subcommittee chairs often arrange for some excellent presentations as part of their meetings, we will offer three CLE programs within our scheduled subcommittee times. In addition, we will have a couple of stand-alone CLE programs. We will offer programs on the following topics:

- Celebrity use of social media and paid endorsements
- Enforcement and litigation trends in privacy and data security
- Report on the ULC's draft Uniform Regulation of Virtual Currency Business Act
- EU privacy shield impact on data transfer from mobile devices
- Changing standards of unfairness as seen in recent enforcement CFPB actions

[Registration is open](#) for the meeting, so take advantage of the early bird discount and register now.

## Committee Doings

### From the Legal Analytics Working Group

*Chair Warren Agin*

The Legal Analytics Joint Working Group is planning a Prototype Jam for January 26, 2017, the evening before the WWM gets started. Sponsored by Kira Systems, LexPredict, and Bloomberg BNA, we will work with the local San Diego legal hacking community to prototype ideas for helping small businesses review and evaluate SAAS and cloud service contracts. Scheduled for 6 to 8:30pm at WeWorks San Diego (600 B Street), the Prototype Jam will support the ABA's Center for Innovation and the Business law Section's missions of A2J for small businesses.

Registration will be free, available soon, and open to all WWM attendees. Technical skills are not required. Members interested in helping run the Prototype Jam should contact Warren Agin at [wea@swiggartagin.com](mailto:wea@swiggartagin.com).

### From the Internet Governance Task Force

*Co-chairs Michael Kelly and David Satola*

Like the Y2K phenomenon, ICANN's IANA transition away from NTIA supervision

happened without a blip or any noticeable interruption in Internet service. With this structural hurdle now passed, the Internet Governance Task Force (IGTF) is tracking two themes that are emerging from successive international public meetings of ICANN: power-sharing among the various subunits and advisory groups of ICANN and internet human rights issues. Human rights, at least in the guise of the First Amendment formulation, actually figured into legal arguments geared toward keeping ICANN under the old system of NTIA supervision.

Please come to the IGTF meeting at the WWM to hear more and discuss where Internet governance issues are heading. The co-chairs will report back to the group on trending issues flowing from the last four ICANN meetings (Dublin, Marrakech, Helsinki, and Hyderabad), the IANA transition, and human rights and transparency concerns emerging from the multi stakeholder community. We will also discuss the attempted lawsuit by four state attorneys general to stop the IANA transition and infuse constitutional protections (e.g. First Amendment guarantees) via contract into ICANN's corporate structure.

#### **From the Cybersecurity Subcommittee**

*Co-chairs Roland Trope and Tom Smedinghoff*

The authors of the *Guide to Cybersecurity Due Diligence in M&A Transactions* are making their final review and revision of their respective chapters. We intend to submit the completed manuscript by approximately December 20th.

At the WWM, we will hold a subcommittee meeting with the aim of inviting suggestions for new projects.

#### **From the Electronic Contracting Subcommittee**

*Chair Juliet Moringiello*

The Electronic Contracting Subcommittee will be tackling smart contracts. That statement is deliberately vague -- please come to our Winter Working Meeting discussion about possible projects on smart contracting. If you have any thoughts on where the Cyberspace Committee can make a unique contribution in this area, please feel free to share them with Juliet Moringiello ([jmmoringiello@widener.edu](mailto:jmmoringiello@widener.edu)) any time before the WWM.

#### **From the International Trade Subcommittee**

*Co-chairs Hal Burman and John Gregory*

The ITS had a series of working conference calls in November and faces some crowded months coming up. The last call (Nov 30) set the stage for detailed calls and drafts in December or January aimed at providing input to the UN (Uncitral) Secretariat on work coming up on identity management. Progress on that will be reviewed, along with existing and proposed global e-commerce provisions in trade agreements at the San Diego WWM.

February calls will focus on final issues before approval of a UN Model Law on electronic transferable records, after which the subcommittee will resume work on whether to promote e-commerce law provisions in trade and other agreements.

The subcommittee will also discuss updated assessments of e-commerce activity at various international fora (including the UNECE's Cefact, ITU, UNESCAP, APEC, etc.) and decide whether to add any to the work agenda, to the extent time and resources allow. More volunteers are welcome! The ITS collaborates with the SciTech Section and other Sections as appropriate. Contact co-chairs Hal Burman ([Halburman@aol.com](mailto:Halburman@aol.com)) or John Gregory ([John@euclid.CA](mailto:John@euclid.CA)) for more details.

## **Other News**

Juliet Moringiello has been appointed to the Uniform Law Commission Study Committee to consider amendments to the Revised Uniform Law on Notarial Acts. The charge of the committee is to "consider the need for and feasibility of yet further amendment to the Revised Uniform Law on Notarial Acts to authorize American notaries to perform notarial acts where the individual appears before the notary by audio, video, or through the use of other technologies."

John Gregory, co-chair of the International Trade Subcommittee, recently [blogged](#) on the use of trade agreements to harmonize e-commerce laws.

## Programs of Interest

### [U.S. Drone Law: Current Status, Future Direction](#)

December 7, 2016

Location: Webinar

### [Preventing and Responding to Cybersecurity Threats and Best Practices to Get Them Insured](#)

December 16, 2016

Location: Webinar

### [Social Media Law Basics](#)

January 18, 2017

Location: 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](#).

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