

3. What Is "Authorization"?

Admin

- Next Week! Paper Topics Due
 - Bring to Class: One paragraph written OR e-mail me before class.
 - This isn't necessarily your last word.
 - You can modify it.
 - I may ask you to expand or focus the topic.
 - But if you don't start getting serious now, it's too late.
- Next Time: 105 (Intro); 150-156 (True Threats -- start after horizontal line); 191-197; 197-202; 209-219
 - Substantially modified from syllabus (revised assignment also available on website)
- Chapters 3-5 available in the FA's office. (Covers weeks 4-8)
 - Rest of book available in a week or two.
- Student responses
 - Available on the website.
 - This weekend: Tracy, Roman, and Venu.
 - Digital recorder available.

Last Time

- When is computer time/storage "property" that can be deprived?
 - McGraw
 - Collins
 - Girard
- "Access"
 - Battle of Metaphors
 - Walking Up to the House?
 - Knocking on the Door?
 - Twisting the doorknob?
 - McDanel
- 1030(a)(5) -- Damage
 - The Basic Statute
 - Why the Loss requirement?
 - Why is "damage" so broad?
 - Hacking Back

Terms

Web bug

Authorization

- When does the line between Civ and Criminal get crossed?
 - Def. who act with impunity, repeatedly
 - Def. who are judgment proof.
 - Contrib Negl. Victim's have to have some responsibility.
 - When the harm is against society as a whole.
 - When the harm is dispersed
 - When the cops' investigative tools are needed.
- 1030: "without authorization" or "in excess of authorization."
 - Some subsections apply only to outsiders: (a)(3), (a)(5)(A)(ii) and (iii).
- Code-based and Morris
- Contract Breaches
 - EF Cultural v. Explorica
 - Basic Facts
 - Teen travel agents with websites
 - Some EF employees left to join Explorica. Strategy was price competition.
 - "Scraper" built.
 - Lower Court: PI for Plaintiffs
 - 1st Cir. 2001
 - Affirmed, but narrower.
 - The key is the VP's confidentiality agreement (55) which included promises not to give up "technical business or financial info . . . contrary to the interests of EF."
 - The "Sensitive Govt Info" cases (57)
 - Compare Czubinski / McFadden / Olson
 - Should a computer's owner get to set the terms for what is authorized?
 - The spam cases. (Also Note 4: AOL v. LCGM)
- Norms Breaches
 - EF Cultural II (v. Zefer)
 - Basic Facts
 - Law Professor's Dream: Same exact injunction, just with other party who had NO confidentiality agreement.
 - 1st Cir. 2003
 - Hypos
 - Senate
 - For one year, staffer copied strategy memos from Dems in Senate Judiciary
 - HBS