



SYLLABUS

COMMUNICATION LAW

Instructor: Prof. Bryce Newell, J.D., Ph.D.

Language of Instruction: English

UO Credits: 4

Contact Hours*: 40

Total Hours of Student Engagement (THSE) in all course activities*: 120

THE HAGUE (DEN HAAG), THE NETHERLANDS

COURSE DESCRIPTION

The rights to free expression and the free press are central to democracies around the world. They define what we can say, print, or publish, as well as when we can be penalized for unprotected expression. In this course, we pay special attention to speech and press freedoms—covering topics such as defamation, pornography and obscenity, media regulation, and the right to access information. We also examine the boundaries of privacy, copyright, and trademark laws. Our focus is primarily on comparing US law and the American legal system with the laws and legal systems of the European Union.

COURSE OBJECTIVES

The course will:

- Provide students with a solid foundation and understanding of the legal systems of the United States and European Union.
- Expose students to legal issues and problems related to free speech, privacy, copyright, and trademarks – issues that are central to professional communications work as well as to simply participating in the modern communications environment.
- Challenge students to understand, compare, and critique law and how law applies to media and creative production, media consumption, and public communication.

Student Outcomes. Students who successfully complete this course will:

- gain a clear conceptual understanding of and appreciation for the constitutional, statutory, and regulatory protections for expression in the United States and how they compare to those in the European Union.
- be able to understand, evaluate, and critique legal arguments relevant to the study of communication law.
- be able to apply specific knowledge about the legal standards for expression in areas such as libel, privacy, commercial speech, broadcasting, intellectual property, and internet regulation, with an emphasis on the standards for professional communicators.
- develop the ability to understand the moral obligation of professional communicators to encourage and support inclusive communities in an increasingly diverse world and to critique the ways in which existing free speech doctrine serves this obligation.

NOTE that this syllabus, schedule, and set of readings is subject to change prior to the program start date.

INSTRUCTIONAL METHODOLOGY

This course will include a combination of instructional methods to achieve its aims, including in-person lectures, guest lectures (both in-person and virtual), in class discussion and debate, student presentations, and field trips to important sites with guided tours and visits to interactive visitor centers that will help unpack and explain EU legal systems. In total, students will have opportunities to engage with and learn from tour guides and staff at field sites, guest lecturers, and the primary instructor in a variety of contexts.

METHOD OF EVALUATION (GRADING)

Evaluation of student work will be assessed in multiple ways. This will include substantive pieces of student work that demonstrate comprehensive development:

- Final Exam
- Normative Essay

Evaluation will also include forms of on-going assessment that measures student progress throughout the term:

- Quizzes
- Weekly Journal
- Class Participation
- Group Research Paper

COURSE OUTLINE

The following outline is set, but individual readings are tentative and subject to change:

WEEK 1

- Day 1: Introduction to the course, the Law, and Legal Systems
- Day 2: Introduction to the First Amendment
- Day 3: Symbolic Speech and Prior Restraint
- Day 4: Harmful Speech: Defamation and Hate Speech

WEEK 2

- Day 5: Harmful Speech: Indecency, Pornography, and Obscenity
- Day 6: Regulating Cable and Internet Communication
- Day 7: Regulating Broadcast Communication
- Day 8: Commercial Speech – Advertising and Public Relations

WEEK 3

- Day 9: Privacy and Data Protection (I)
- Day 10: Privacy and Data Protection (II)
- Day 11: EU Legal Institutions (in Brussels, Belgium)
- Day 12: EU Legal Institutions (in Brussels, Belgium)

WEEK 4

- Day 13: Confidential Sources and Information
- Day 14: Newsgathering and Access to Information
- Day 15: Introduction to Intellectual Property (IP)
- Day 16: Trademark Law

WEEK 5

- Day 17: Introduction to Copyright
- Day 18: Copyright Infringement
- Day 19: Copyright - Fair Use
- Day 20: Section 512 and the DMCA

COURSE READINGS

Readings are tentative and subject to change. Students will read and we will discuss the following required readings:

- Packard, A. (2013.) *Digital Media Law*, 2nd Edition. Wiley. (selected chapters; available online via UO Libraries)
- Shiffrin, S.H. (2016). *What's Wrong with the First Amendment*. Cambridge University Press. (selected chapters; available online via UO Libraries)
- Franks, M.A. (2019). *The Cult of the Constitution*. (selected chapters; available online via UO Libraries)
- Moore, R.L. and Murray, M.D. (2014). *Media Law and Ethics*, 4th Edition. (selected chapters; available online via UO Libraries)
- Shapiro, A. (2015). "On Libel and the Law, U.S. and U.K. Go Separate Ways." National Public Radio, March 21. <https://www.npr.org/sections/parallels/2015/03/21/394273902/on-libel-and-the-law-u-s-and-u-k-go-separate-ways>
- Feldman, N. (2017). "Free Speech in Europe Isn't What Americans Think." Bloomberg, March 19. <https://www.bloomberg.com/opinion/articles/2017-03-19/free-speech-in-europe-isn-t-what-americans-think>
- Pollicino, O., and Bassini, M. (2014). Free speech, defamation and the limits to freedom of expression in the EU: a comparative analysis. In: Research Handbook on EU Internet Law, edited by A. Savin and J. Trzaskowski, pp. 508–542. Edward Elgar.

Students will also read the following legal materials:

- The Constitution of the United States, <https://www.archives.gov/founding-docs/constitution-transcript>
- The Bill of Rights, <https://www.archives.gov/founding-docs/bill-of-rights-transcript#toc-the-u-s-bill-of-rights>
- European Convention on Human Rights, https://www.echr.coe.int/documents/convention_eng.pdf
 - Plus the ECHR Factsheet on Protection of Journalistic Sources, https://www.echr.coe.int/Documents/FS_Journalistic_sources_ENG.pdf
- EU Charter of Fundamental Rights, <https://fra.europa.eu/en/eu-charter>

Students will also read selections from the a number of judicial opinions, including:

- Texas v. Johnson, 491 U.S. 397 (1989)
- Bland v. Roberts [I], 857 F.Supp.2d 599 (E.D. VA. 2012)
- Bland v. Roberts [II], 730 F.3d 368 (4th Cir. 2013)
- Knight First Amendment Institute v. Trump 928 F.3d 226 (2d Cir. 2019)
- Snyder v. Phelps, 562 U.S. 443 (2011)
- Near v. Minnesota, 283 U.S. 697 (1931)
- New York Times v. United States (1971)
- Nebraska Press Ass'n v. Stuart (1976)
- New York Times Co. v. Sullivan, 376 U.S. 254 (1964)
- Reno v. American Civil Liberties Union, 521 U.S. 844 (1997)
- Miller v. California, 413 U.S. 15 (1973)
- Federal Communications Commission v. Pacifica Foundation, 438 U.S. 726 (1978)
- Central Hudson Gas & Electric Corp. v. Public Service Commission, 447 U.S. 557 (1980)
- In re Snapchat, Inc. (FTC, 2014)
- Citizens United v. Federal Election Commission, 558 U.S. 310 (2010)
- Turner Broadcasting v. Federal Communications Commission, 512 U.S. 622 (1994)
- Verizon v. Federal Communications Commission, 740 F.3d 623 (D.C. Cir. 2014)
- Food Lion, Inc. v. Capital Cities/ABC, Inc., 194 F.3d 505 (4th Cir. 1999)

- Shulman v. Group W Productions, Inc., 18 Cal.4th 200 (Cal. 1998)
- Branzburg v. Hayes, 408 U.S. 665 (1972)
- Houchins v. KQED, Inc., 438 U.S. 1 (1978)
- Gawker Media, LLC v. Bollea, 129 So.3d 1196 (Fla. 2d DCA 2014)
- Florida Star v. B.J.F., 491 U.S. 524 (1989)
- Feist Publications, Inc. v. Rural Telephone Service Co., 499 U.S. 340 (1991)
- Eldred v. Ashcroft, 537 U.S. 186 (2003)
- Capitol Records, LLC v. ReDigi Inc., 934 F. Supp. 2d 640 (S.D.N.Y. 2013)
- MGM Studios, Inc. v. Grokster, Ltd., 545 U.S. 913 (2005)
- Harper & Row v. Nation Enterprises, 471 U.S. 539 (1985)
- Lenz v. Universal Music Corp., 801 F.3d 1126 (9th Cir. 2015)
- Von Hannover v. Germany [I], App. No. 59320/00, ECHR (2004)
- Nagla versus Latvia (16 July 2013)
- Sunday Times versus United Kingdom (no. 1) (26 April 1979)

BIBLIOGRAPHY

All lecture material and course design has been completed independently by the instructor, Bryce Newell.

Accessible Education - (see <https://aec.uoregon.edu/best-practices-faculty> for more information)

The University of Oregon is working to create inclusive learning environments. Please notify me if there are aspects of the instruction or design of this course that result in disability-related barriers to your participation. You are also encouraged to contact the Accessible Education Center in 360 Oregon Hall at 541-346-1155 or uoaec@uoregon.edu.

Academic Misconduct - (See <https://dos.uoregon.edu/academic-misconduct> for more information)

The University Student Conduct Code (available at conduct.uoregon.edu) defines academic misconduct. Students are prohibited from committing or attempting to commit any act that constitutes academic misconduct. By way of example, students should not give or receive (or attempt to give or receive) unauthorized help on assignments or examinations without express permission from the instructor. Students should properly acknowledge and document all sources of information (e.g. quotations, paraphrases, ideas) and use only the sources and resources authorized by the instructor. If there is any question about whether an act constitutes academic misconduct, it is the students' obligation to clarify the question with the instructor before committing or attempting to commit the act. Additional information about a common form of academic misconduct, plagiarism, is available at researchguides.uoregon.edu/citing-plagiarism.

Reporting Obligations:

I am a student-directed employee. For information about my reporting obligations as an employee, please see [Employee Reporting Obligations](#) on the Office of Investigations and Civil Rights Compliance (OICRC) website. Students experiencing any form of prohibited discrimination or harassment, including sex or gender-based violence, may seek information and resources at safe.uoregon.edu, respect.uoregon.edu, or investigations.uoregon.edu or contact the non-confidential Title IX office/Office of Civil Rights Compliance (541-346-3123), or Dean of Students offices (541-346-3216), or call the 24-7 hotline 541-346-SAFE for help. I am also a mandatory reporter of child abuse. Please find more information at [Mandatory Reporting of Child Abuse and Neglect](#)."