A Guide to Searching Cyberspace Law Online

By Jennifer L. Selby

Cyberspace law is an umbrella term that touches on and encompasses many different areas of the law, including Internet, intellectual property, cybercrime, e-commerce, and privacy, among others. Cyberspace law includes aspects of United States law, in addition to foreign, comparative, and international law.[1]

Today, legal researchers in cyberspace law can enhance their search capabilities with web-based resources, including primary and secondary materials. Many of the resources discussed here are available freely on the Internet. For those resources that are licensed and networked, researchers may access them only at subscribing law libraries, and not remotely.[2]

Secondary Source Research

As is the convention, secondary sources such as books, law reviews and journals, and encyclopedias give the researcher a sound place to begin, providing not only expert background and commentary, but also citations to relevant primary law sources. Both free and subscription-based law reviews exist that focus broadly on the issues related to cyberspace law. Examples of relevant journals include *Michigan Telecommunications and Technology Law Review*,[3] *Berkeley Technology Law Journal*,[4] *Harvard Journal of Law & Technology*,[5] *Stanford Technology Law Review*,[6] and *Columbia Science & Technology Law Review*.[7] For a more comprehensive list of journals and law reviews on point, please consult the *Jurist* law guide on cyberspace law.[8]

The UCLA Online Institute for Cyberspace Law and Policy provides a useful online bibliography of law review articles.[9] This site provides citations and, where possible, links to articles covering issues such as cyberspace regulations, intellectual property, privacy, safety, First Amendment free speech, business, medicine, and international law.

Another excellent online resource for articles and working papers on topics relating to cyberspace law is Social Sciences Research Network, or SSRN.[10] SSRN provides web and e-mail access to abstracts and working papers in relevant subject areas. This subscription database includes a section in its Legal Scholarship Network (LSN) database dedicated to cyberspace law.

There are many current and important legal treatises that address the various areas of the law relating to cyberspace law. A few selective titles, among many others known in the field, include[11] *Cases and Materials, Internet Commerce: The Emerging Legal Framework;*[12] *Digital Copyright;*[13] *Cyberlaw: Legal Principles of Emerging Technologies;*[14] *Internet Law for the Business Lawyer;*[15] and *E-Commerce and Internet Law: Treatise with Forms.*[16] *E-Commerce and Internet Law* is an excellent treatise to begin your legal research, as the author includes cases, statutes, forms, and commentary from all areas of the law covering this topic, including both U.S. and international law.

Primary Source Research

Primary law research on cyberspace law issues requires searching U.S. federal and state law, international law, and foreign law. While there are many resources and avenues to take in locating this material, this article focuses on free online resources.[17]

An easy-to-use and comprehensive portal website for U.S. federal laws, regulation, and case law is GPO Access.[18] This site links to (1) legislative resources, such as congressional materials and reports, the Congressional Record, public and private laws, and the U.S. Code; (2) executive resources, such as regulations.gov, the Federal Register, and the Code of Federal Regulations; and (3) judicial resources, such as the U.S. Supreme Court website and the U.S. Administration of U.S. Courts' website.

Another excellent free website for U.S. federal and state case law, statutes, and regulations is Cornell University Law School's Legal Information Institute (LID).[19] This easy-to-use site allows for browsing or searching within specific jurisdictions and also includes international and foreign law through its "Global" page.[20]

Researchers may also be familiar with searching U.S. law freely on the Internet via LexisOne[21] or FindLaw.[22] LexisOne provides full-text searching of U.S. Supreme Court cases from 1790 and state and federal court cases from 1996, whereas FindLaw is a portal that may be searched for case law, statutes, news, and information, including a section devoted to cyberspace law.[23]

> In this fast-paced and highly changing field, online news, newspapers, and blogs provide a useful way to keep apprised of what is happening in the many facets of cyberspace law.

The Online Institute for Cyberspace Law and Policy at UCLA mentioned previously provides a retrospective look at cyberspace law over the last 10 years, including the past top cases and statutes, major developments in the law, and general U.S. legal resources.[24]

With regard to international law, there are many ways to retrieve the documents and laws of international organizations and international treaty law relating to cyberspace law. For example, United Nations documents can be freely searched online through the Official Document System,[25] and international treaties and agreements through the United Nations Treaty Collection.[26] The documents of the bodies of the European Union, including treaties, legislation, case law, and legislative proposals, are retrieved most efficiently by accessing the free portal, EUR-Lex.[27] International treaties may also be found at the EISIL website (Electronic Information System for International Law).[28] EISIL, which is sponsored by the American Society of International Law, provides links to full-text documents generally and for specific, relevant topics, such as international intellectual property law.

With regard to foreign law or the law of non-U.S. jurisdictions, there are several excellent portals that link you to freely available texts of statutes, case law, and regulations in the vernacular or in English, where available. Examples include *Foreign Primary Law on the Web*[29] and *Guide to Researching Foreign Law on the Internet.*[30] *LLRX Comparative and Foreign Law Guides* additionally provide links to online research guides for a place to begin searching the laws of a particular foreign country.[31]

General Resources/ Current Awareness

In this fast-paced and highly changing field, online news, newspapers, and blogs provide a useful way to keep apprised of what is happening in the many facets of cyberspace law. For news on Internet-related topics, there are sites such as *Wired*[32] and *BNA's Internet Law News,*[33] among many other free resources. Also, online newspapers, such as the *Washington Post*[34] and *New York Times,*[35] include sections covering new developments in cyberspace law topics.

Other portal sites for news and legal sources include World LII Subject Index, Cyberspace;[36] Berkman Center for Internet & Society at Harvard Law School;[37] Europe's Information Society Portal, European Commission;[38] and Information and Communication Technologies, OECD.[39] The U.S. government's official web portal, USA.gov, provides a quick method of browsing and linking to documents, news and information, and relevant state and federal agencies, such as the National Telecommunications & Information Administration, Federal Communications Commission, Copyrights Office, and Federal Trade Commission.[40]

Important blogs in the area of cyberspace law include Blog Law Professor (Susan Crawford),[41] Cyberspace Lawyers Blogger (the American Bar Association's Cyberspace Law Committee),[42] BeSpacific (Sabrina Pacific),[43] and ICANNWatch,[44] among many, many others. Crawford's blog also includes a list of links to other related blogs under a section entitled "Blogs to Read."

In addition, the ABA Section of Business Law includes the Committee on Cyberspace Law, with a mission to provide "a forum for analysis of corporate, transactional and regulatory issues related to the Internet and digital technologies."[45] The committee's website includes links to committee documents, upcoming programs, events and meetings, relevant publications, and additional relevant online resources. ■

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FOOTNOTES

1. Georgetown Law Library, *International Cyberspace Law Research Guide* <http://www.ll.georgetown.edu/intl/guides/Cyberspace.cfm> (accessed February 19, 2008). All websites cited in this article were accessed February 19, 2008.

2. For a directory of Michigan law libraries, please see Michigan History, Arts & Libraries, *Directory of Michigan Law Libraries* <http://www.michigan.gov/hal/0,1607,7-160-17449_18639_18657-52451--,00.html>.

3. Michigan Telecommunications & Technology Law Review, available at <http://www.mttlr.org/html/articles.html>. Also available by subscription through Lexis, Westlaw, and HeinOnline.

4. Available by subscription through Lexis, Westlaw, and HeinOnline.

5. Harvard Journal of Law & Technology, available at <http://jolt.law.harvard.edu/> and <http://www.openj-gate.org/Articlelist.asp?Source=1&Journal_ID=104474>. Also available by subscription through Lexis, Westlaw, and HeinOnline.

6. Stanford Technology Law Review, available at <http://stlr.stanford.edu/> and <http://www.openj-gate.org/Articlelist.asp?Source=1&Journal_ID=102499>. Also available by subscription through Lexis, Westlaw, and HeinOnline.

7. The Columbia Science & Technology Law Review, available at <http://www.stlr.org/>. Also available by subscription through Lexis, Westlaw, and HeinOnline.

8. Jurist, *Cyberspace Law* <http://jurist.law.pitt.edu/sg_cyb.htm>.

9. UCLA Online Institute for Cyberspace Law and Policy, *Cyberspace Law Bibliography* <http://www.gseis.ucla.edu/iclp/bib.html>. Note that this site is not continuing to be updated at this time.

10. Social Science Research Network, *SSRN eLibrary* <http://www.ssrn.com/>.

11. To conduct a comprehensive search of materials on point in a law library catalog, you may want to use a subject search of "Internet—Law and legislation" and browse titles for various jurisdictions, such as "United States," or "European Union," etc. See also Georgetown Law Library, *International Cyberspace Law Research Guide, Selected Books* <http://www.ll.georgetown.edu/intl/guides/Cyberspace.cfm#books>.

12. Radin, Cases and Materials, Internet Commerce: The Emerging Legal Framework (2d ed, 2006).

13. Litman, *Digital Copyright* (Prometheus Books, 2006).

14. Helewitz, Cyberlaw: Legal Principles of Emerging Technologies (Pearson/Prentice Hall, 2005).

15. Reiter, et al., Internet Law for the Business Lawyer (American Bar Association, 2001).

16. Ballon, E-Commerce and Internet Law: Treatise with Forms (WestLEGALworks, 2001).

17. For those researchers who have passwords, Lexis and Westlaw provide quick and easy access to this material, especially for U.S. law, but also in part for international and foreign law.

18. U.S. Government Printing Office, GPO Access Home Page <http://www.gpoaccess.gov/index.html>.

19. Cornell University Law School, Legal Information Institute <http://straylight.law.cornell.edu/>.

20. Cornell University Law School, Legal Information Institute, *Law by source: Global* <http://straylight.law.cornell.edu/world/>.

21. LexisONE <http://www.lexisone.com/>.

22. FindLaw, *Search FindLaw for the Public* <http://public.findlaw.com/search.html>.

23. FindLaw, *Cyberspace Law* <http://www.findlaw.com/01topics/10cyberspace/index.html>.

24. UCLA Online Institute for Cyberspace Law and Policy, *Cyberspace Law Bibliography Archive* <http://www.gseis.ucla.edu/iclp/hp.html>.

25. ODS Search, *Official documents of the United Nations* <http://documents.un.org/welcome.asp?language=E>.

26. United Nations Treaty Collection, *Access to Databases* <http://untreaty.un.org/English/access.asp>.

27. EUR-Lex, *The access to European Union law* <http://eur-lex.europa.eu/en/index.htm>.

28. Electronic Information System for International Law (EISIL) <http://www.eisil.org/>.

29. University of Houston, O'Quinn Law Library, *Foreign Primary Law on the Web* <http://www.law.uh.edu/libraries/fi/foreignlaw.html>.

30. Harvard Law School Library, *Guide to Researching Foreign Law on the Internet* <http://www.law.harvard.edu/library/services/research/guides/international/web_resources/internet_foreign_law.php>.

31. LLRX.com, *Comparative and Foreign Law* <http://www.llrx.com/comparative_and_foreign_law.html>.

32. Wired News <http://www.wired.com/>.

33. Bureau of National Affairs (BNA), BNA's Internet Law News <http://www.bna.com/ilaw/>. This free site is "a free daily e-mail summary of developments in Internet law with links to full text."

34. Washington Post.com, Technews.com <http://www.washingtonpost.com/wp-dyn/content/technology/index.html>.

35. New York Times.com, Technology News, <http://nytimes.com/pages/technology/index.html?adxnnl=1&adxnnlx=1200949330-NZBvPMIfsHsGybWvJFaolg>.

36. WorldLII, *Cyberspace* <http://www.worldlii.org/catalog/284.html>. A portal to law, journals, research centers, etc. relating to all areas of cyberspace law.

37. Harvard Law School, Berkman Center for Internet and Society <http://cyber.law.harvard.edu/home/>.

38. Europe's Information Society, European Commission, *Information Society* <http://ec.europa.eu/information_society/index_en.htm>. This European Union site includes news, research, and sources of law.

39. Organisation for Economic Co-Operation and Development (OECD), *Information and Communication Technologies* <http://www.oecd.org/topic/0,2686,en_2649_37441_1_1_1_1_37441,00.html>. This OECD site includes articles, reports, statistics, etc.

40. USA.gov, *A–Z Index of U.S. Government Departments and Agencies* <http://www.usa.gov/Agencies/Federal/All_Agencies/index.shtml>.

41. Susan Crawford blog <http://scrawford.net/blog/>.

42. The Cyberspace Lawyer's Blogger <http://aba-cyberspace.blogspot.com/>. An unofficial blog of the ABA Committee on Cyberspace Law.

43. beSpacific, *Accurate, Focused Law and Technology Review* <http://www.bespacific.com/>.

44. ICANN Watch <http://www.icannwatch.org/>. ICANN is the manager of the Domain Name System for the Internet.

45. American Bar Association, Section of Business Law: Committee on Cyberspace Law <https://www.abanet.org/dch/committee.cfm?com=CL320000>.