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Dean's Column

BY DEAN DANIEL W. HAMILTON, UNLV WILLIAM S. BOYD SCHOOL OF LAW

CYBERLAW AT BOYD

The Internet drives business and commerce, facilitates social and professional networks, fosters innovation and creativity, and changes the way we communicate. Its corollary in law, cyberlaw, implicates several different legal topics. When litigation arises out of Internet activities, civil procedure and conflict of laws doctrines must address issues of personal jurisdiction and choice of law. The nature of tax imposed on Internet transactions and the jurisdictions that can collect that tax are subjects of ongoing debate. And criminal law must evolve to deal with Internet fraud and other harms. Privacy and security concerns must be addressed as well and are frequently discussed by constitutional law experts. And, of course, intellectual property law governs the use and ownership of much of the content on the Internet. Even the legal profession's rules of professional conduct are not immune from cyberlaw intrusions, as the influx of questions involving lawyers' electronic communications and use of social media evidence.

Nevada needs lawyers with cyberlaw expertise. Nevada casino and entertainment industries are at the forefront of developments in Internet law; not only do these industries maintain a significant Internet presence related to their land-based operations, but some companies have also launched, or will launch, online gaming operations in jurisdictions — like Nevada — that permit and license those activities. Other businesses operating in Nevada need lawyers who can help them take advantage of the commercial possibilities of the Internet while navigating the maze of laws that affect activities in cyberspace. As the profiles of Nevada-based companies expand, their need for sophisticated cyberlaw specialists will increase as well. At Boyd our career development office is working to both expand opportunities in technology sectors for our students and develop expertise among our graduates who will serve the business community. This summer, two Boyd students will intern with the legal department at Switch as part of the Corporate Summer Internship Program. That program is a joint initiative of the Boyd School of Law and the Nevada Chapter of the Association of Corporate

Counsel. The goal of the program is to provide Boyd law students exposure to in-house legal departments as well as an excellent educational experience by pairing them with corporate counsel during the summer.

The Boyd School of Law offers its students many opportunities in the classroom to learn about cyberlaw issues. A course on cyberlaw is a part of the law school's regular course offerings and, as cyberlaw issues have become integral to many legal fields, a number of other courses have incorporated those issues into their syllabi. Boyd faculty incorporates cyberlaw issues in their regular teaching, scholarship and service activities — faculty such as Mary LaFrance, IGT Professor of Intellectual Property Law, Keith Rowley, William S. Boyd Professor of Law and Marketa Trimble, Associate Professor of Law.

In his courses Contracts, Sales & Leases, Secured Transactions and Payment Systems, Professor Rowley explores electronic contracting and payment; his students are introduced to the evolving case law on clickwrap and browsewrap contracts and electronic collateral. In intellectual property courses, students use a casebook co-authored by Professor LaFrance to discuss decisions that have had profound effects on the development of the Internet and on industries that rely on content protected by intellectual property rights. A casebook on international intellectual property law co-authored by Professor Trimble includes cyberlaw problems in every chapter and covers issues such as the Internet domain name system and domain name dispute resolution, trademarks, geographical indications of origin, Internet keywords and adwords, and extraterritorial applications of intellectual property laws to Internet activities.

In addition to casebooks, Boyd faculty members have also authored works that explore Internet-related legal issues. Professor LaFrance's books "Copyright Law in a Nutshell," "Understanding Trademark Law" and "Understanding Intellectual Property Law" all include cyberlaw topics. Her

books are well-respected, and a generation of new IP lawyers begins their practices with a foundation based on Professor LaFrance's books. Professor Trimble, in one of her book chapters, proposed the major features of an international treaty that would facilitate the simultaneous operations of online gaming operators in multiple jurisdictions and strengthen cooperation among gaming regulators in different jurisdictions while protecting diverse public interests. Professor Trimble has also authored articles on the legal issues associated with the evasion of geoblocking on the Internet; her first article on the topic attracted the interest of academics, practitioners and governmental agencies, and led to an invitation to provide an expert opinion concerning the introduction of an authentication service on Galileo (the European global navigation satellite system).

The reach of the Boyd faculty on cyberlaw issues is global. Professor LaFrance has lectured in Korea on the protection of trade dress, including trade dress in website design; Professor Trimble has spoken about the legal issues related to geoblocking at numerous conferences, including the GEOINT Cyber Summit at the National Geospatial-Intelligence Agency and DEF CON 19. Professor Rowley has been an active member of the Cyberspace Law Subcommittee of the ABA's Business Law Section and is helping plan a

program for a 2015 meeting of the section that will address how the technical capacity to remotely track and disable collateral relates to the limitations that UCC Article 9 imposes on repossessions.

Cyberlaw issues are an intrinsic part of Boyd's expanding gaming law curriculum; the new Boyd master's program — an LLM in Gaming Law and Regulation — will reflect the gaming industry's emphasis on the Internet as a business environment that the industry must judiciously navigate. Boyd acknowledged this emphasis by co-organizing a symposium on Internet gaming; the Internet Gaming Regulation Symposium facilitated an exchange among gaming law practitioners, other gaming industry representatives, academics and law students, and resulted in the first publication of the newly-established UNLV Gaming Press, "Regulating Internet Gaming: Challenges and Opportunities." The editors of the publication are Ngai Pindell, Boyd's Associate Dean of Academic Affairs and Professor of Law, and Anthony N. Cabot, a partner at Lewis Roca Rothgerber and an Adjunct Professor at Boyd.

Through these and other cyberlaw-related activities the Boyd School of Law prepares lawyers to provide effective legal services in a world where cyberlaw issues are — as the Internet itself is — truly ubiquitous. ■

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