

**INTERVIEW WITH DR. KEITH B. DARRELL,
AUTHOR OF *ISSUES IN INTERNET LAW: SOCIETY,
TECHNOLOGY, AND THE LAW***

Q: What made you decide to write a book on Internet law?

A: I had created an Internet law course for the local community colleges and adult education programs and I needed a suitable textbook on Internet law that I could assign to my students. Surprisingly, I found very few dealing with the subject and those that were available were geared toward law students, that is extremely technical and very expensive. Since my students were probably not going to be lawyers and were unlikely to spend \$100 - \$150 on a textbook, my search for a book on Internet law came up empty-handed. I found myself thinking "Someone should really write a straight-forward and affordable book on Internet law for the average person." And since no one else seemed to be doing it...

Q: So is your book primarily a textbook?

A: No, **Issues in Internet Law: Society, Technology, and the Law** is written as a straight-forward book for Joe Sixpack. It is very anecdotal; by that I mean I used a lot of stories and real cases to illustrate many of the issues. I think readers can relate better to people than to statutes. That may be one reason why law schools use the case method to teach their students. But the material in **Issues in Internet Law: Society, Technology, and the Law** is structured so that it can be used in a classroom and each chapter has a quiz at the end.

Q: Why did you title it "Issues in Internet Law?"

A: Because **Issues in Internet Law: Society, Technology, and the Law** doesn't attempt to tell you what the law is; it is designed to serve as a red flag for issues in Internet law. You see, a good lawyer does not know "the law;" he only knows where to look it up. That's because the law is constantly changing and varies by jurisdiction. The law in Georgia may not be the same as the law in Kansas. Especially in an area where a new technology is involved, such as the Internet, the law can change daily. Look what happened recently with the Supreme Court *Grokster* decision with peer-to-peer networks and music file-sharing! Rather than try to state what "the law" is **Issues in Internet Law: Society, Technology, and the Law** merely seeks to make the reader aware of legal issues

surrounding the Internet. Then it's up to the reader to ascertain, on his own or through use of legal counsel, what the exact nature of the law is in his jurisdiction and how it may apply to his unique circumstances.

Q: What is "Internet Law?"

"Internet Law" is really the application of existing branches of law to the online environment. First, there's Intellectual Property Law, which deals with copyright, trademarks, patents, and trade secrets. The copyright cases usually involve posting someone else's material on your site and the trademark cases usually involve the use of a trademarked name in a domain name. But there can be some fascinating twists. Sometimes things aren't as straight-forward as they may appear at first glance. Then you have Criminal Law, in this case, cyber crimes like phishing or cyberstalking. Privacy Law, of course. And Contract Law -- on the Internet, you either have contracts on a website or contracts to create the website. And last but not least, First Amendment Law: Free Speech, defamation, harassment, hate speech, obscenity and pornography, and prior restraint.

Q: That covers a wide range.

A: Well, most of these areas of law have been established for centuries. The problem is that when most of these laws were written, the people who wrote them had no idea that they would be applied to 21st Century technology. When the First Amendment was drafted more than 200 years ago, the Founding Fathers certainly did not imagine it being applied to fax machines, telephone conversations, television and radio broadcasts, e-mail, or the World Wide Web. The trick is for today's courts and legislatures to distill the fundamental legal concepts ingrained within the framework of those early cases and statutes and apply them to the issues arising from the 21st century application of new technologies.

Q: Basically making old laws work with new technologies?

A: Well, I would say making old legal concepts work with new technologies. The concepts are the same but we may need some new laws.

Q: Who is your target audience?

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A: I think the target audience for **Issues in Internet Law: Society, Technology, and the Law** is pretty much anyone who logs on to the Internet. People who shop online. People who have websites or online businesses. I get a lot of questions from lawyers and web designers. High school and college students are also very interested in anything related to the Internet.

Q: But law can be an intimidating topic. Do I need a legal background to understand your book?

No, in fact, the first chapter in **Issues in Internet Law: Society, Technology, and the Law** is called “Introduction to Law” because I assume my readers have no legal knowledge or background. When I present my Internet law class at community colleges and adult education programs, I have no idea what the students know on the first day of class, so I don’t assume they know anything. Likewise, I assume my reader is Joe Sixpack, not a high-powered Wall Street attorney.

I don’t “dumb down” the subject matter in **Issues in Internet Law: Society, Technology, and the Law**, but I simply explain terms, phrases, and concepts as we go along. It may seem a bit basic to a lawyer to see me pause to explain federalism but a computer technician reading **Issues in Internet Law: Society, Technology, and the Law** might appreciate that, while wondering why I bothered to explain “podcasts.”

Q: O.K., I have to ask this. Why is there a dog on the cover?

A: Actually, that wasn’t even our planned cover. We originally planned to have an illustrated cover but unfortunately the illustrator was unable to live up to his commitment so we had to come up with a new cover design.

Q: What type of dog is that?

A: A Weimaraner. And a very good typist.

Q: O.K., but what does the dog have to do with the Internet?

There was a cartoon many years ago that showed two dogs sitting at a computer in an online chat room. One dog turns to the other and says something like “On the Internet, no one knows I’m a dog!!” Of course, the idea was that the Internet allows you to be completely anonymous in your dealings with other people --which can be both a good and a bad thing. I thought that a parody of that old cartoon would raise the question “Do

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you know who you're really chatting with on the Internet?" A TV commercial recently did a take-off on this theme with a teenage boy chatting in an erotic chat room telling his anonymous online lover to shout "Do it, baby!," and then hearing those words from the next room, and the boy cries out in surprise, "Mom?!!"

Q: What was the hardest part of writing the book?

A: Formalizing a style for the book. Especially when it came to deciding how to spell words that are so new that they have no generally agreed upon "correct" spellings. Is it "web site" or "website"? "Cyberstalker" or "Cyber Stalker?" "Cyber Squatter" or "Cybersquater" or "Cyber-squatter"? You get the idea.

Q: Who would you like to thank?

A. Everyone who let me down. Really, at each stage of the **Issues in Internet Law: Society, Technology, and the Law** project, from conception to execution, I had relied on about a half-dozen individuals, each of whom didn't follow through on what they had promised. And the result was in each instance I had to make major changes in the project, and as it turns out, each resulting change was 1000% better than what was originally planned. I learned a long time ago that things usually work out for the best, even though it may not seem that way at the time.

Q: The book covers a lot of subjects; which did you find the most interesting?

Personally, I like First Amendment issues. Maybe it's my background in journalism, but I've always found that area fascinating. In America, we have this ingrained concept that we should be able to say or write anything, but then we are continually faced with situations where it would seem necessary to draw limits on (what some Justices have called) this absolute right. The fascinating part is determining where to draw the line. The opposite way America and Europe handle hate speech, which is discussed in **Issues in Internet Law: Society, Technology, and the Law**, is a great example.

Q: Which did you think were the least interesting?

A: I think when you get into things like patents and contracts you're getting into snooze territory for the average person. I mean, how many people really even bother to read the contracts they sign?

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