

Some Guidance on the Optional Research Paper in the Course “Information Technology Law in the Global Society”

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The Paper. Students in this course have the option of submitting a research paper in lieu of taking the final exam. This document provides some guidance on how to write the paper and some sample topics that would be appropriate for the paper.

Deadline. If you choose to write a paper, the deadline for submitting the paper is 22 May 2020.

Language and Length. The research paper must be written in the English language. It should consist of at least 2,000¹ words and no more than 5,000 words.

Legal Component. Although this is a course in law, some of the textbook materials discuss other social sciences, including governance, sociology, and psychology. You may include in your paper discussions of subjects that are not strictly legal in nature. However, your paper should be focused primarily on legal issues and should contain references to legal doctrines, rules, or instruments, such as international treaties, national legislation, European Union legislation, judicial decisions, etc.

English Grammar. This course is not intended primarily to test your knowledge or application of English grammar. Although your paper should be as grammatically correct as possible, I am much more interested in the substance of the papers than in the precision of your grammar. For this reason, if you have any anxieties about your ability to express yourself in written English, please relax and focus on substance, organization, and clarity.

Format. The paper may be structured and written in any format that is intelligible to the instructor. This means that you are not required adhere to any particular style of writing or citation, such as the [Chicago Manual of Style](#), the [American Psychological Association \(APA\) citation style](#), etc. The paper **should** contain citations to sources relied upon or quoted in the paper, but you may use footnotes, endnotes, in-text citations, or whatever method helps the reader understand that you are referring to a source.

Research Materials. You may rely in part on the course textbook for part of your research. However, your paper should also be based to some degree on your reading outside the course textbook. I will post on the course websites links to some treaties, regulations, directives, statutes, decisions of the CJEU, and other sources that you may find helpful. Within reason, I am also willing to help you find additional research materials that you can use to write your paper. If you would like to ask for help, please send me an email with an idea of the type of information you wish to use.

What an Ideal Paper Looks Like. The following may be helpful in enabling you to write an excellent paper. The ideal paper should:

¹ Previously I stated that the paper needs to be at least 3,000 words. However, because this course includes undergraduates and is given entirely in a foreign language, I have decided to reduce the minimum word limit to 2,000 words.

-)] Be logically well organized. Among other things, in most cases, this means that you should introduce general principles before discussing specific principles.
-)] Demonstrate the student's understanding of core concepts which are accurately and completely applied.
-)] Include some critical, original analysis of your own. This does not mean that you must think of something that no one ever thought of or wrote about before. It simply means that you do more than summarize someone else's materials but instead provide **your own** thoughts in your analysis. Ideally, the student will make the conclusions or analyses his or her own rather than simply repeating what others have said.

What to Avoid. In drafting your paper, you should try to avoid excessively repeating the same points. Above all, please avoid plagiarism. This means that when you use information from any source, unless you clearly indicate that you are quoting that source (e.g., through quotation marks), you must write in your own words rather than cut and paste a verbatim copy of another person's text. If you have any questions about how to avoid plagiarism, please feel free to contact me.

Sample Paper Topics. Below are some ideas for research papers in the course "Information Technology in the Global Society." If you do not see anything here that you like, you may choose your own topic, but please let me know by email the topic you have chosen at least four weeks before the paper submission deadline. If you would like me to review an outline of your proposed paper before it is submitted, you may (but do not have to) send it to me by email at sullivan@sullivanlaw.net. If you do want me to review your outline, please allow me at least two weeks before the 22 May submission deadline to provide my comments on your outline.

-)] Compare and contrast the current approaches of the United States and the European Union regarding "net neutrality," i.e., the idea that all internet traffic should be treated equally – with no internet service provider (ISP) having the power to favor one source over another by blocking, throttling, or a means of paid prioritization. Critically analyze both positions and provide your own opinion on what is right and what is wrong.
-)] Choose an aspect of the legal regulation of online speech (e.g., incitement of ethnic hate, defamation, etc.). You may compare and contrast the ways different countries deal with this issue and highlight an actual or potential conflict in overlapping regulation. It would be very interesting to have an explanation of how the conflict was resolved or you believe it should be resolved.
-)] In the early days of World Wide Web, legislation in many countries provided special protections for Internet service providers (ISPs) against liability they might otherwise incur as a result of transmitting, caching, storing, and hosting content that is unlawful under defamation, obscenity, intellectual property, and other laws. In some jurisdictions, including the European Union, there has recently been an erosion of these special protections for intermediaries. You could trace the rise and fall of such protections, explain the policy justifications behind the changes in the law, and project where you think the development of the law is headed (or where you think it should be headed).
-)] Compare and contrast the intellectual property protections for computer software that exist under copyright law and patent law. Evaluate the strengths and weaknesses of copyright and patent law for software in the light of the policy objectives underlying those legal regimes. Develop an argument for whether one of the regimes is better suited for software protection, or whether an entirely new intellectual property regime should be created especially for software.
-)] Other subjects could include the following:

- A topic within data protection law.
- How artificial intelligence (AI) should be regulated, including whether AI should or could be recognized as having legal personality; who may be held liable for decisions made by machines; and whether it is possible or advisable to program AI-capable machines with moral principles and, if so, what those moral principles should be. See [Matthew U. Shereer, Regulating Artificial Intelligence Systems: Risks, Challenges, Competencies, and Strategies, Harvard Journal of Law & Technology, Vol. 29, No. 2, Spring 2016; Accountability of AI Under the Law: The Role of Explanation, Berkman Center Research Publication, Forthcoming; Brett Mittelstadt, Principles Alone Cannot Guarantee Ethical AI, Nature Machine Intelligence, November 2019.](#)
- Laws against cyberbullying and how they can be most effective.
- A comparative look at how different countries provide intellectual property protection for databases.
- Regulation of cryptocurrencies such as Blockchain.

If you have questions or comments about any of this guidance, please direct them to me by email at sullivan@sullivanlaw.net