New and Important Features for 2018:

- An exhaustive look at the DMCA, its legislative history and case law construing it (including why a significant circuit court opinion from 2017 is wrongly decided)
- A complete analysis of the federal Defend Trade Secrets Act, including areas where state trade secret laws may provide greater remedies
- The most extensive and sophisticated analysis of standing in cybersecurity breach cases available anywhere – explaining circuit splits and trends in the law that would not be apparent if you merely lined up the leading cases and tried to distinguish them based on their facts
- Understanding the 9th circuit’s “duty to warn” exception to the CDA and the interplay between the CDA, Defend Trade Secrets Act (DTSA), Cyberspace Information Security Act (CISA) and FREE SPEECH Act
- Comparing “but for” and proximate cause analysis under the CDA and DMCA
- ECPA limitations on the discovery in civil litigation of the contents of internet, mobile and social media communications, both in the U.S. and overseas
- Fully updated analysis of state security breach laws in the 48 states that have them and in D.C., Puerto Rico and Guam—analyzed holistically the way a practitioner would, rather than merely by chart or graph
- New analysis of the single publication rule as applied to websites, links and uses on social media
- Important new case law on secondary patent, copyright, and trademark liability for website owners and e-commerce vendors (including an analysis of the obstacles to imposing patent liability on e-commerce sales platforms)
- How sponsored link and Lanham Act case law may impact a website’s own search practices
- Cutting through the jargon to make sense of clickwrap, browswrap, scrollwrap and sign-in wrap agreements (and what many courts and lawyers get wrong about online contract formation)
- The most comprehensive TCPA texting case and regulatory analysis available anywhere, including the only exhaustive analysis of which of the hundreds of TCPA decisions are correctly decided and which are wrongly decided -- and why
- New strategies for database protection, the use of AI/bots, and ethical screen scraping
- Click fraud cases and trends
- Revisiting the parameters of Dastar and efforts to impose contributory liability for dilution and false advertising
- Exhaustive analysis of case law, trends and circuit splits under the VPPA, TCPA, ECPA, CFAA and other federal statutes
- The only treatise to track extensively changes in opinions withdrawn and replaced by the Ninth Circuit (and less frequently other courts) to understand the contours of the law and what remains unresolved
- EU Privacy Law (by Francoise Gilbert)
- Music licensing (updated by Tucker McCrady)
- Mobile, Internet and Social Media contests & promotions (updated by Ed Chansky)
- Conducting a risk assessment and creating a Written Information Security Assessment Plan (WISP) (by Thomas J. Smedinghoff)