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Law and the Information Society

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SYMPOSIUM

LAW AND THE INFORMATION SOCIETY

Editors' Foreword

On April 7 and 8, 2005, Fordham University School of Law held a Symposium on *Law and the Information Society* that explored the challenges posed by information technologies and the changing role of law in our information economy. The Symposium examined key information law and policy issues in the context of society values across a range of related domestic and international areas such as intellectual property, trade, and privacy. The Symposium brought together the leading academics in this increasingly high-profile field of the law. Over the course of these two days, the dialogue among the panelists highlighted the breadth of opinions in this burgeoning area of the law, as well as the panelists' creativity in approaching these timely issues.

There were six panels, each focusing on a different facet of the intersection between law and the information society. The first panel focused on the relationship between public values and intellectual property rights, and asked the following questions: What are the challenges for intellectual property rights in the information economy? Do digital rights management tools and anti-circumvention rules privatize intellectual property rights? How extensively should the law protect information and information products? How should intellectual property rights treat the public domain?

The second panel addressed the freedom of expression in the information society, with a particular emphasis on the impact of regulation. This panel addressed questions such as the following: Can information products be regulated consistently with the First Amendment? What limits might be imposed on privacy protection, intellectual property, and competitive information? Is there a distinction between the regulation of commercial speech and the regulation of a commercial transaction involving information? How do international principles of free expression and harmful or illicit content apply in the online environment? What norms might a community impose?

The third panel explored the impact of the international trade regime on information technology. The panelists discussed answers to the following questions: What challenges do information technologies create for the World Trade Organization system? What does the World Trade Organization system mean for information technologies? How will disputes over information technologies be resolved?

The fourth panel investigated the challenges of imposing liability for activities on the Internet. This panel focused on pertinent questions such as the following: Should intermediaries have liability for third-party contact? Why is liability online treated differently for violations of intellectual property rights than for other forms of illegal content? What responsibilities are there for computer security and negligence?

The fifth panel centered on the effect of market regulation on innovation, and examined the growth of industry under such regulation. The panelists discussed answers to the following questions: How do telecommunications regulations contribute to innovation in new technologies and the creation of new industries? What role does intellectual property regulation play in market innovation? What role do standards organizations and their rules have in the promotion of the information economy? What unexpected rules affect or create new information markets?

The final panel focused on the complexities of privacy's coexistence with security in a digital environment, and asked questions such as the following: How has privacy evolved in the digital environment? Can privacy coexist with law enforcement needs? Can surveillance and anonymity be reconciled in a dangerous world? Can there be privacy in public places? What limits should exist on the mixing of private and public-sector data?

The *Fordham Law Review* is honored to publish papers presented by the Symposium panelists. We would like to thank Dean William Michael Treanor for his ongoing support of the *Fordham Law Review*; the Fordham Law School Office of Academic Programs, in particular Helen Herman and Darin Neely, for their help in the planning and administering of this Symposium; and the Fordham Law School Library administration and staff, for their assistance in the publication of this Symposium. We are grateful for the support of Professor James E. Fleming, Faculty Advisor to the *Law Review*.

Special thanks go to Professor Joel R. Reidenberg of Fordham Law School for his partnership in the conception of this Symposium, and his efforts to ensure the participation and interest of such exceptional panelists.