

Law, Technology and Entrepreneurship
LS 149
UC Berkeley, Fall 2020

Lectures via Zoom Meeting at

<https://berkeley.zoom.us/j/97495893130?pwd=RnlZbHBlcGMyeG9JRG40UWNibVVvUT09>, passcode 704287, on TuTh from 2-3:30pm with Bruno Meyerhof Salama, salama@berkeley.edu.

Office Hours. Tuesday 9-10am via Skype. To schedule a meeting, just add brunosalama18 over Skype and send a message.

GSI is Mark Leinauer, markcrimlaw@gmail.com.

Summary. The course discusses the relationship between law, technology and entrepreneurship by exploring two complementary viewpoints: one that depicts legal change as a byproduct of technological evolution; the other that considers legal change a part of the institutional apparatus that shapes technological innovation and its applications. The first perspective highlights legal changes that become “natural”, “efficient” or “inevitable” once new technologies have come about. The second emphasizes the role of law in upholding different political and ethical values, including by facilitating or hindering business entrepreneurship. To ground the discussion, the course focuses mostly on recent case law and contemporary debates surrounding the development and adoption of new technologies.

Course materials. There is no official textbook. The course webpage contains the syllabus, announcements, readings, lecture slides, web links, and instructions for the term papers. Please check the webpage regularly.

Homework. Weekly assignments will be posted online.

Grading. Two wo term papers, 40% each. Instructions and due dates will be announced. 20% is based on homework and participation in discussion sections.

Discussion sections. Designed to help students write their term papers and discuss lectures and homework.

Attendance. Not mandatory. Classes will be recorded and made available online.

Sequence.

I. INTRODUCTION: COURSE OVERVIEW

II. TECHNOLOGY AS A LEGAL CATALYST

1. THE PROBLEM OF LEGAL QUALIFICATION
2. CHALLENGES FOR ADJUDICATION
3. JUSTIFICATIONS FOR REGULATION
4. REGULATORY ENTREPRENEURSHIP
5. TECH AND THE PRACTICE OF LAW

6. THE CONSTITUTIVE ROLE OF TECHNOLOGY

III. LAW AS A TECHNOLOGY CATALYST

7. MOTIVATING EXAMPLES

8. INDUSTRIAL POLICY

9. IP LAW

10. ANTITRUST LAW

11. PRO-INNOVATION LEGAL TECHNIQUES

12. BUSINESS LAW AND ENTREPRENEURSHIP

13. LAW AS THE OBSTACLE FOR TECH ENTREPRENEURSHIP

14. LAW AS BUSINESS OPPORTUNITY

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This syllabus may be adjusted to accommodate topics of students' interest and other circumstances.