CHAPTER 16

INTERNET AND TECHNOLOGY LAW PRACTICAL GUIDANCE FOR THE
WASHINGTON PRACTITIONER

I. (§16.1.1) KEY INTERNET LAW ISSUES FOR WASHINGTON
PRACTITIONERS

II. (§16.2.1) THE PERVERSIVE ISSUE OF UNAUTHORIZED COMPUTER ACCESS

A. (§16.2.2) WHAT MAKES ACCESS UNAUTHORIZED?
B. (§16.2.3) SIMPLIFIED OVERVIEW OF TWO CIVIL CAUSES OF ACTION FOR UNAUTHORIZED ACCESS:
   TRESPASS TO CHATTELLS AND VIOLATION OF THE FEDERAL COMPUTER FRAUD AND ABUSE ACT.
   1. (§16.2.4) Trespass to Chattel under Washington Common Law
      a. (§16.2.6) Threshold requirements.
      b. (§16.2.7) Substantive violations of the CFAA.
      c. (§16.2.8) Schematic of a CFAA claim.

III. (§16.3.1) WASHINGTON STATUTES THAT COVER SPECIFIC INTERNET
     LAW ISSUES

A. (§16.3.2) WASHINGTON’S ANTI-SPAM STATUTE.
   1. (§16.3.3) CEMA’s Substantive Provisions and Early Constitutional Challenges.
   2. (§16.3.4) CAN-SPAM and Its Limited Preemption of CEMA.
B. (§16.3.5) WASHINGTON’S ANTI-PHISHING STATUTE.
   1. (§16.3.6) Examples of Phishing.
   2. (§16.3.7) Phishing Variations.
      a. (§16.3.8) Voice over IP phishing – “Vishing.”
      b. (16.3.9) SMS phishing – “Smishing.”
      c. (16.3.10) Whaling..
   3. (§16.3.11) WASHINGTON’S ANTI-PHISHING STATUTE.
C. (§16.3.12) WASHINGTON’S ANTI-SPYWARE STATUTE.

IV. (§16.4.1) CYBERSQUATTING AND TRADEMARK ABUSE IN DOMAIN
     NAMES

A. (§16.4.2) WHAT CONSTITUTES BAD FAITH?
B. (§16.4.3) CONFUSINGLY SIMILAR.
C. (§16.4.4) NON-ACPA REMEDIES TO COMBAT CYBERSQUATTING.

IV. (§16.5.1) CONCLUSION