

# Cyber Law Spring Term 2023 (CYL-P)

## Course Description

### Welcome to the Future of Law!

Cyber Law is an upper level elective course provided in English at the Department of Law, Stockholm University. This course studies the relationship between the law and technology. More specifically, it examines the extent to which the continued digitalization of society and the increased reliance on emerging technologies, challenges traditional notions of the law. In other words, the course provides the student with a more specialized understanding of the legal issues that arise as society embraces technological development that disrupts the application of legal concepts developed for an analogue context. A characteristic of the law and technology relationship is that technological development is always far ahead of the law. This places extra demands on the legal professional working within this area and requires a certain degree of creativity in finding solutions to the complex problems that arise and where the traditional law, in many instances is silent or inadequate. These developments also necessitate a more proactive application of the law as opposed to the reactive mechanism that law up until now has been. In order to address the above themes, the course relies on both established as well as proposed legal frameworks. European Union Law is generally used as a starting point but other international trends are also examined in order to address the issues. Finally, there is a substantial emphasis on both current and emerging technologies, of which artificial intelligence is an example. Any legal analysis of technology requires a solid understanding of that technology and various technological developments are studied in order to make a satisfactory legal analysis of the regulatory challenges in relation to these technologies.

Please also note that the main administrative tool for the course is called Athena. It is via this administrative tool that you will have access to the lecture and seminar schedule, access all the material that is required for the course and it is also where you will upload all assignments.

In addition, most of the communication of information to students will take place via Athena. This will be done via the formal course schedule accessible via Athena, via the 'plans' in Athena and via the notice board or messaging function in Athena. Please also note that it is preferable that students contact the course director and course administrator via email.

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Simon Tell, course administrator: [cyl@juridicum.su.se](mailto:cyl@juridicum.su.se)

Please make sure that you are able to access Athena when you start the course. A short overview of Athena will take place at the introductory lecture.

## **Prerequisites and other requirements for admission to the course**

For access to lectures and examination, the student must fulfil the general requirement for admission to elective courses through the successful completion of compulsory courses amounting to at least 150 credits within the law program. Admission to the elective course is also available to exchange students that have been admitted to the Department of Law.

## **Learning Objectives/Course Aims**

As society becomes more digitalized and as globalization increases, the legal practitioner is increasingly required not only to address issues and problems that have an origin in technology but also be able to provide legal solutions to problems that transcend national jurisdictions. In addition, problems are increasing in complexity, in turn requiring complex solutions transcending multiple academic disciplines. This requires the modern legal practitioner to be able to work with specialists from different academic disciplines, e.g. data scientists, philosophers and behavioural scientists, to mention but a few. This course has the main aim of researching the relationship between technology and law and to this end it aims to provide the student with a basic knowledge of technology. This is necessary to identify and understand emerging technological trends associated with digitalization, e.g. artificial intelligence and machine learning, and is important considering that much of the IT lawyer's future responsibilities will involve the translation of technological developments into legal consequences. All-in-all, the student who has completed the elective course shall have acquired insight into the demands on a lawyer practicing in the field of Cyber Law. Finally, the course provides the student with the opportunity to acquire experience in applying the English language, both orally and in writing, this being important as English is the language that dominates this area of legal work.

## **Course Content**

This 10-week long course is comprised of lectures, seminars and a course essay and defence/opposition in English. The course will be more lecture intensive at the start of the course. This will give the student knowledge of the basics of technological development as well as illuminate the corresponding material legal issues that arise. This will provide student with the necessary tools and also material law background to begin analysing the legal implications of the development of emerging technologies. This knowledge will ultimately be used in order to author the course essay at the end of the course. The compulsory seminars will run throughout the entire course. With both this legal and technical knowledge, students will have received the methodological and material knowledge to be able to begin analysing the relationship between technology and law. Throughout the course, there will be a focus on the final course essay and students will continually be given the opportunity to practice the skills that will subsequently be required for the writing of the course essay and its defence/opposition. Towards the latter part of the course, there will be a lesser focus on lectures and the focus will shift to preparations for the course essay and its defence/opposition.

## Expected Learning Outcomes

### Knowledge and understanding:

After completing the course, the student should be able to:

- demonstrate depth of knowledge and understanding of the area of legal informatics in connection to the relationship between IT and the law;
- identify instances of the continual technological development and its legal implications and
- provide an account of (explain) the complex issues of regulation that digital systems and their application result in.

### Skills and abilities:

After completing the course, the student should be able to

- demonstrate the ability, orally, in writing and from different perspectives, to critically analyse and solve complex problems within the area of legal informatics;
- articulate the methodological issues that are especially associated with the development and application of digital systems;
- cooperate across professional disciplines in relation to systems development; and
- within prescribed time limits independently plan and author an essay on a relevant topic, and orally and in writing, defend this work as well as act as opponent in relation to others' work.

### Ability to evaluate and the undertaken approach:

After completing the course, the student is expected to:

- elaborate by means of legal solutions, both reactively and proactively and in relation to digitalization; and
- critically relate to advanced systems of automated decision-making, digitalization, artificial intelligence (AI), as well as their ethical implications.

## Teaching

Teaching consists of lectures and seminars.

Teaching is conducted in English.

**Please note:** all teaching will take place physically on campus. Under very special circumstances, online teaching may occur via Zoom. For example, international lecturers may use Zoom or special circumstances may result in Zoom replacing physical lectures, e.g. where weather conditions make the use of public transport difficult. However, the main rule remains physical campus-based lectures. You will be given fair warning should a lecture format be altered.

## Attendance

The course comprises lectures and compulsory seminars. **Please note the following:** lectures are 80% mandatory. They will consist of physical lectures on campus, visits to

law firms and other institutions, pre-recorded lectures and online live lecturers to be conducted via Zoom. Zoom lectures will **not** be recorded. Please also note that some lectures may take a more dynamic approach and encourage student participation. In this regard, a lecturer may provide reading material in advance of the lectures. Please read this material so as to get the most out of the lectures. Students not reaching the 80% threshold for attending lectures will be provided with an extra assignment that will be available in Athena. **Seminars are 100% mandatory** (see below for more on the seminars) and will comprise physical attendance on campus with accompanying assignments. Active attendance is also required at the seminars, which means that the student shall have prepared the seminar assignments, be prepared to participate in discussions at the seminars and participate in the formal presentations in connection with the seminars, be they oral or in writing. Please note that all activities and presentation requirements related to the seminars are mandatory unless otherwise stated in the course schedule or seminar assignment. Should a student not make the 100% attendance limit for seminars or should a student fail a seminar, a pedagogically equivalent assignment will be provided in Athena.

The course director can grant a general exemption from the attendance requirement within the framework of the provisions governing examination as adopted by the Law Faculty's Education Committee. In addition, thereto, an exemption can be granted in the case of a legitimate excuse (Swedish: "laga förfall"). In such a case, the student shall carry out a pedagogically equivalent assignment to compensate the absence. Please contact the course director or course administrator if you are not able to attend a seminar or comply with any of its requirements.

Finally, the student shall author and defend a course essay and act as opponent vis-a-vis another student's course essay. Please note that all activities and presentation requirements related to the course essay, course essay defence and course essay opposition are mandatory unless otherwise stated in the course schedule or seminar assignment.

## **Examination**

Examination consists of two (2) main components. First, are the **seminars**, all of which are compulsory and which require active attendance. For the seminars, only the following grades apply: Pass (G) and Fail (U). Second is the submission of a **course essay** and the accompanying defence of the course essay and opposition of another student's course essay. Grading of the course essay shall be based on the following elements:

- authorship of the course essay (75% of the total course grade)
- defence of one's own course essay and the opposition of another student's essay (25% of the total course grade).

The course grade is based on the accumulation of the grades for the above forms of examination.

A maximum of **20 points** can be obtained for the course essay and opposition combined. Five points can be awarded for each of the assessment elements (assessment criteria of facts, focus and form) used to assess the written course essay and 5 points can be

attained from the course essay opposition/defence. Therefore, **75%** of the course grade will come from the written course essay and **25%** will come from the oral course essay opposition and defence (including the 1-page written opposition summary). In other words, you can receive a maximum of 5 points for facts, a maximum of 5 points for focus, a maximum of 5 points for form and finally a maximum of 5 points for the course essay opposition/defence, making up the total of 20 points. A pass grade is **10 points** out of **20 points**.

In summary then, in order to pass the entire course, a student will be required to pass **all the mandatory seminars** (by means of active attendance and assignment completion) as well as attain a minimum total of **10 points** out of the maximum of **20 points** from the course essay and opposition combined.

To pass the course, all of the course's learning outcomes must be met.

### Seminars:

Compulsory and active attendance is required at the seminars (compulsory attendance is required at 100% of the seminars). There is a requirement of active attendance at all seminars, which entails that the student shall have prepared the seminar assignments and be prepared to participate in discussions of the same. The course director can however grant a general exemption from the attendance requirement within the framework of the provisions governing examination as adopted by the Law Faculty's Education Committee. The attendance requirement is stated in the teaching syllabus. In addition thereto, an exemption can be granted in the case of a legitimate excuse (Swedish: "laga förfall"). In such a case, the student shall carry out a pedagogically equivalent assignment to compensate the absence.

### Course Essay:

The student shall author and defend a course essay and act as opponent vis-à-vis another student's essay. Exemption shall not be granted from the attendance requirement with regard to the course essay opposition.

A list of potential course essay topics will be provided and the student will be required to choose an essay topic from this list. It is intended that the topic provided will provide the main title of the course essay. The student is however able to provide a sub-title for the course essay, which will specify the provided main topic. The course essay topics will be within the area of legal informatics and will be based on the themes and material covered in the course lectures and in the seminars.

**Important! Any course essay submitted late will not be graded. Please note that this requirement is stipulated in the course plan and therefore has to be strictly applied so please be sure to take all measures possible to make sure you submit the course essay on time.**

### *The Formal Requirements for the Essay:*

The maximum length of the course essay should not exceed **30 000 characters** (no space), excluding the title page, a contents page if included and a references/bibliography page. Applying the above will result in an essay that consists of

approximately 10 pages of text. The title page is to contain the title of the paper, the student's name, course name and finally which semester. Please note that no logo is required on the title page.

The document *How to Write Your Essay – Writing Guidelines for Cyber Law Students* can be used as a guide in relation to formal requirements. This document will be available in Athena. Please note that this document provides a **recommendation** as to how the question of formal requirements can be addressed, e.g. how footnotes and other references are to be done. There are no strict requirements as to which legal citation style guide should be used (e.g. *Oscola* is one such style guide). However, a formal requirement is that footnote numbering occur at the bottom of each page of text and not as part of the main text. Should you have any uncertainties regarding which style guide is acceptable, please contact the person in charge of the course essay or course director (if these are different people) for clarification. In addition, complementary material will be made available in Athena that provides guidance and tips for the writing of the course essay, e.g. issues relating to method and style.

#### *Due Date:*

The course essay is to be submitted electronically by the time and date stated in Athena. It is to be submitted by means of uploading it into Athena. Shortly thereafter (preferably the same day but possibly the day after), you will be provided with the course essay of the student whose course essay you will be opposing. If you are not provided with a course essay to oppose, please let the course administrator know immediately.

#### *Opposition Summary:*

As part of the opposition procedure, the opponent will be required to submit a written opposition summary. The opposition summary can be up to a maximum of **3000 characters** (no space). There are no strict form requirements although it is recommended that it comprise of a number of bullet points with accompanying text. The main aim of the opposition summary is to outline briefly the main points that the opponent will be addressing at the opposition.

Please note that the opposition summary must be made available in Athena on the stipulated date.

#### *Oral Course Essay Opposition and Defence:*

The course essay oral opposition and defence will take place on the date as indicated on the schedule made available in Athena. Please note that it is the opponent that is responsible for commencement and impetus of the oral opposition. In other words, the opponent decides what issues he/she wants to illuminate and the general direction of the opposition. The opponent of a course essay is given 30 minutes to put forward the critique of the course essay. During this time, the author of the course essay will be given time to respond to the opponents remarks. In this way, it is expected that the opposition/defence of the course essay will take the form of a constructive dialogue. The routine will be as follows:

Student 1 opposes the course essay of student 2 who is given adequate time to respond to all criticism. (max. 30 minutes)

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Student 2 opposes the course essay of student 1 who is given adequate time to respond to all criticism. (max. 30 minutes)

Please note that should a situation arise where a constructive dialogue between the students cannot be reached, then the examiner may be required to re-allocate the time constraints in order to achieve a balanced time allocation between author and opponent.

The course essay will follow a grading protocol. The grading protocol will be made available in conjunction with the notification of the grade and will include feedback of an individual nature.

Assessment criteria for the Course Essay:

– **FACTS:**

displayed factual knowledge within legal informatics and the precise application of this factual knowledge;

– **FOCUS:**

the ability to identify the issues that materialize within legal informatics, problem formulation, the answer's relevance, the answer's disposition i.e. the ability to put forward an argument that is complete, without contradictions or repetition, the ability to independently and critically assess the consequences and conclusions that arise from the identified research question, the correct and precise use of concepts and the correct and precise use of sources, etc;

– **FORM:**

use of language and adherence to formal requirements, etc.

Assessment Criteria for the written summary, oral opposition and defence of the course essay:

- The ability to adhere to requirements of form;
- The ability to provide objective, relevant and constructive feedback on another student's course essay; and
- The ability independently to critically and professionally oppose another student's academic work within the given time limits.

All examination shall take place in English.

Students who fail the regular examination will be given the opportunity for re-examination. Students who have passed the course are not entitled to undergo re-examination in order to achieve higher grades. Students who are failed twice by the same examiner have the right to demand a different examiner when doing additional re-examinations. This does not apply if there are specific reasons for not appointing a different examiner.

The grading scale is as follows: Pass with distinction (AB), Pass without distinction (BA), Pass (B) or Fail (U). A student who so requests is entitled to a target-related seven-point grading scale. The request shall be submitted by the student before the examination date

in a manner that has been established by the Department of Law. The grade according to the seven-point grading scale will in such a case be used instead of the ordinary grade. The seven-point grading scale uses the following pass grades: A (Excellent), B (Very good), C (Good), D (Satisfactory) or E (Sufficient). Failing grades are Fx (Insufficient) and F (Wholly insufficient).

### Miscellaneous

Completed compulsory assignments are valid for two years. This also applies in cases where a student deregisters from the course through withdrawal. If the compulsory requirements are raised, the student has the right - for a period of two years after registration - to invoke the requirements that applied when the student registered for the first time for the course.

### Right to a Re-check

Students have the right to request a re-check of your examination if you think that the examiners have made an obvious mistake. This application must be in writing and must clearly explain what the mistake entails. The application can be handed in to the course administrator or sent via email.

### Grade Criteria

The following are the grade criteria for all forms of examination: (\* refers to the 7-point grading scale)

Grade	Criteria	
<b>AB</b> <b>(A)*</b>	An excellently structured reasoning with a clear focus on the central aspects and with a high relevance in light of the questions posed; extensive reference to legal sources and the correct use of relevant facts; great ability to engage in abstract reasoning and to make an independent assessment of the problems, including critical reflection.	
<b>AB</b> <b>(B)*</b>	A very well structured reasoning with a clear focus on the central aspects and with a high relevance in the light of the questions posed; reference to legal sources and the correct use of relevant facts; great ability to engage in abstract reasoning and to make an independent assessment of the problems, including critical reflection.	
<b>BA</b> <b>(C)*</b>	A well-structured reasoning with a focus on the central aspects and with relevance in the light of the questions posed; reference to legal sources and the correct use of relevant facts; ability to engage in abstract reasoning and	



	to make independent and balanced assessment of the problems.	
<b>BA (D)*</b>	A structured and relevant reasoning, which covers some of the central aspects in light of the questions posed; reference to legal sources and the correct use of relevant facts; signs of an ability to engage in abstract reasoning and to make an independent assessment of the problems.	
<b>B (E)*</b>	A transparent reasoning which observes some aspects that are central to the questions posed; some reference to legal sources and relevant facts; signs of an ability to make an independent assessment of the problems.	
<b>Fx</b>	A reasoning which observes aspects that are central to the questions posed but insufficient reference to legal sources and the relevant facts and/or no signs of an ability to make an independent assessment of the problems.	
<b>F</b>	A reproduction of disjointed facts with insufficient reasoning.	

## Course Literature

The course literature is comprised of the following material:

1) Colonna, Liane & Greenstein, Stanley (eds.), *Law in the Era of Artificial Intelligence*, Nordic Yearbook of Law and Informatics, 2020. The book is available open access and a link to the material will be provided in Athena.

2) Where necessary, assorted reading material may be referred in advance of lectures and seminars. This will be provided to you in Athena.

## Student Influence and Course Development

All students are encouraged to fill in an electronic course evaluation at the end of the course. The course evaluation is extremely important for developing the course, teaching methods and for determining the quality of the course. The course is continually being developed and improves and the course evaluation is an important instrument in this regard.

## **Special Pedagogical Support**

Students with study disabilities have the right to so-called "pedagogical support for higher learning studies". For example, a student is able to receive alternative forms of examination such as extended time limits for examinations. Should a student apply for alternative forms of examination, he or she must inform the course administrator via email well in advance of the examination and specify what kind of alternative examination is requested. Should the request come in later than 3 (three) weeks prior to the examination, there is no guarantee that the alternative form of examination can be provided. By means of a written letter from the Student Centre Handicap Service, a student is required to prove that he or she has a handicap as well as a motivation for which type of alternative form of examination is required. More information can be found at: <http://www.su.se/studentliv/funktionshinder/>.