

Anonymity Online

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Potential Benefits and Costs of Anonymous Speech

- Allow those with unpopular views to speak without fear of reprisal
- Allow speaker to persuade independent of identity
- Allow speaker to choose what information to present
- *Weakened accountability*
- *Opportunity for fraud*

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NSL: § 2709

- A wire or electronic communication service provider shall comply with a request for subscriber information and toll billing records information, or electronic communication transactional records in its custody or possession made by the Director of the Federal Bureau of Investigation...
- (b)(2)[The FBI Director or designee may] request the name, address, and length of service of a person or entity if the Director ... certifies in writing to the wire or electronic communication service provider to which the request is made that the information sought is relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

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NSL: § 2709

- (c) **Prohibition of Certain Disclosure.**— No wire or electronic communication service provider, or officer, employee, or agent thereof, shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under this section.

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ACLU v. Miller

- O.C.G.A. § 16-9-93.1 makes it a crime for "any person . . . knowingly to transmit any data through a computer network . . . for the purpose of setting up, maintaining, operating, or exchanging data with an electronic mailbox, home page, or any other electronic information storage bank or point of access to electronic information if such data uses any individual name . . . to falsely identify the person . . . "

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Justice Department calls for retention of identifying information

• By [Jason McCullagh](#), CNET News.com
Published on [CNN](#) News March 2, 2007, 4:00 AM PT

- The Bush administration has accelerated its Internet surveillance push by proposing that Web sites must keep records of who uploads photographs or videos in case police determine the content is illegal and choose to investigate, CNET News.com has learned.
- That proposal surfaced Wednesday in a private meeting during which U.S. Department of Justice officials, including Assistant Attorney General Rachel Brand, tried to convince industry representatives such as AOL and Comcast that [data retention](#) would be valuable in investigating terrorism, child pornography and other crimes. The discussions were described to News.com by several people who attended the meeting.
- A second purpose of the meeting in Washington, D.C., according to the sources, was to ask Internet service providers how much it would cost to record details on their subscribers for two years. At the very least, the companies would be required to keep logs for police of which customer is assigned a specific Internet address.
- ...
- Attorney General Alberto Gonzales has been [urging Congress](#) for mandatory data retention, calling it a "national problem that requires federal legislation." Gonzales has [urged Congress](#) to pressure industry representatives. And last month, [Republicans introduced a mandate](#) in the U.S. House of Representatives that would [let the attorney general](#) dictate what must be stored and for how long.

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What can you learn about a domain name or Internet address?

- WHOIS:
 - E.g. <http://www.geektools.com/whois.php>
- Traceroute
 - E.g. <http://traceroute.org>
- See your IP address
 - <http://www.noreply.org>

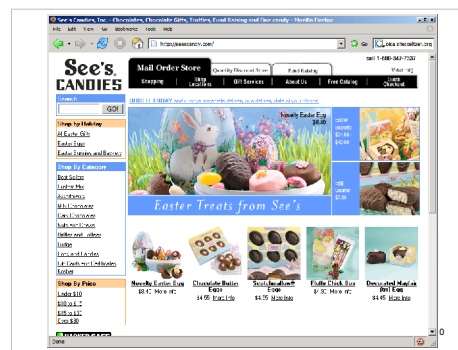
7



Fraudulent Online Identity Sanctions Act, 2004

- The maximum imprisonment otherwise provided by law for a felony offense shall be increased by 7 years if, in furtherance of that offense, the defendant knowingly provided material and misleading false contact information to a domain name registrar, domain name registry, or other domain name registration authority in connection with a domain name registration.

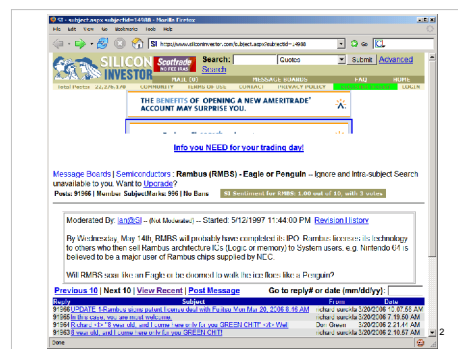
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Columbia Ins. v. SeesCandy.com

1. Identify the party with sufficient specificity as one who can be sued.
2. Identify previous steps to find defendant.
3. Establish that plaintiff's suit could withstand motion to dismiss
4. File explained request for limited discovery.

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- What's the difference between 2TheMart and SeesCandy.com?
- How does that change the standard?

- 1. the subpoena seeking the information was issued in good faith and not for any improper purpose,
- 2. the information sought relates to a core claim or defense,
- 3. the identifying information is directly and materially relevant to that claim or defense,
- 4. information sufficient to establish or to disprove that claim or defense is unavailable from any other source.

Exhibit A				
Due #14 (67.87.48.9) 2003-12-04 08:20:24 (EST)				
COPYRIGHT OWNER	ARTIST	RECORDING TITLE	ALBUM TITLE	SR#
Elektra Entertainment Group Inc	Eagles	Honk California	Honk California	030950
Real Music Entertainment Inc	Ja Rule	How Me How	1 Am	172-140
UMG Recordings, Inc.	Nas	Love Me How Me	Black 3.56	276-089
UMG Recordings, Inc.	DMX	Stipsum	Fresh of My Fresh, Blood Of My Blood	188-987
Atlantic Recording Corporation	Tracy DaDa	Take It To The House	Thugs Are Us	363-748
UMG Recordings, Inc.	Shaggy	It Wasn't Me	Hot Shot	296-657

- (h) **Subpoena To Identify Infringer.**—
 - (1) **Request.**—A copyright owner or a person authorized to act on the owner's behalf may request the clerk of any United States district court to issue a subpoena to a service provider for identification of an alleged infringer in accordance with this subsection.
 - (2) **Contents of request.**—The request may be made by filing with the clerk—
 - (A) a copy of a notification described in subsection (c)(3)(A);
 - (B) a proposed subpoena; and
 - (C) a sworn declaration to the effect that the purpose for which the subpoena is sought is to obtain the identity of an alleged infringer and that such information will only be used¹⁶ for the purpose of protecting rights under this title.

blog

navigator

the mark Cuban weblog

Subpoenas and Gootube

Mar 8th 2007 10:33PM

This past week I decided to subpoena Google to get the names of users that were uploading copies of our movies. I have no intention of pulling an RIAA and suing the users. I do have every intention of sending subpoenas early and often to get the names and emails of users uploading our content they have pirated.

Why ? To learn.

I expect that the users will have given fake information, but I want to confirm that is the case. It will be a useful data point. (I will be interesting to see if there is ultimately a legal battle,

Search

RSS Newsfeed

Add to My AOL

Add to MyYahoo

Add to Google Reader

Add to Delicious

Contact

Blogsmith

Most Commented On
(60 days)

[Why the NBC/NewsCorp](#)
[Video Venture is a Great Idea](#)
(24)

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[Terms of Service](#)
[Advertise](#)
[Feedback](#)

[DON'T Date Him Girl.com](#)

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[COMMUNITY](#)
[ARTICLE PROFILES](#)
[HOW IT WORKS](#)
[RESOURCES](#)

News



[DOH TV: The New Dating Experience](#)

Recall Postings



Cherise Peoples
 Age: 30
 Location: New York
 Date: 01/01/2010
[View Profile](#)

[Advanced Search](#) [And Another](#)

DOH TV
 The New Dating Experience
 The DOH TV experience

DOH TV
 The New Dating Experience

Member login

Username:

Password:

[Forgot your password?](#)

[Join Now!](#)

DOH TV channels

The DOH TV channel
 The DOH TV channel
 The DOH TV channel
 The DOH TV channel
 The DOH TV channel

Today on Don'tDateHimGirl.com

WE KNOW what we've got for you today on DOH TV

1) JAMES HENRY and a **Wendell** from **Online Dating**. The new **DOH TV** channel on the **DOH TV** channel of **Online Dating** (Security)

2) DOH TV and a **Wendell** from **Online Dating**. The new **DOH TV** channel on the **DOH TV** channel of **Online Dating** (Security)

3) DOH TV and a **Wendell** from **Online Dating**. The new **DOH TV** channel on the **DOH TV** channel of **Online Dating** (Security)

4) DOH TV and a **Wendell** from **Online Dating**. The new **DOH TV** channel on the **DOH TV** channel of **Online Dating** (Security)

Featured

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Snake Oil

- Mary Bezzle is the CFO of Snake Oil, a publicly traded energy company. She discovered this post yesterday on MoneyBoard's SnO forum:

Ann Onymous writes:

M Bezzle lives up to her name. She's stealing money from the company to furnish her luxury apartment and private jet. Dump this Silicon Snake-Oil stock!

Posted on March 19, 2007 at 2:30 am

- Ms. Bezzle comes to your office saying she wants you to do everything in your power to stop these falsehoods. How can you help?

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Snake Oil

- What if this were the post?

Sue Donymous writes:

M Bezzle & co are taking this company in the wrong direction. They should be investing in alternative energy. Dump this Silicon Snake-Oil stock!

Posted on March 19, 2007 at 2:30 am

- If shareholders filed a derivative suit after the stock price dropped?
- Which Jane Doe would you rather represent?

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