

Preface

The law is not as mysterious as it's often made out to be (sometimes even by lawyers). The common law system—under which judges assess the facts before them in light of prior decisions that were made by other judges—is actually remarkably logical. Although an individual judicial decision may be wacky, the body of law that evolves over time almost always makes sense, allowing lawyers and the public to extrapolate from past results to predict how courts will treat fact patterns they haven't yet encountered.

The common law system is also remarkably flexible. The common law (that is, the law as it evolves through a series of decisions by courts, as opposed to law created by a legislature) adapts gradually, over time, to meet an ever-changing world. From time to time, the pace of this evolution quickens. Over the last dozen years, the law that governs electronic publishing, marketing, and commerce has evolved rapidly, as our world has been redefined by the Internet. This volume tracks that development.

Because the law is not static, this volume does not just present a snapshot of where Internet law stands today. It explains recent developments in light of what came before, in the hope that this background will help readers anticipate what's to come.

Each chapter opens with an introduction to the area of law treated in that chapter. In most instances, this is law that predates the Internet. These introductions can be a useful refresher for lawyers, but they are also designed to give students and those operating websites, who might have little or no legal training, context in which to ground their understanding of the Internet-specific legal developments described in the chapter. By concentrating on the facts of cases discussed, rather than dwelling on doctrine, this volume seeks to give readers not just an understanding of where the law is today, but also the background necessary to anticipate where the law is going, and to put in context the legal challenges they may encounter. Each chapter ends with a practical summary of the law discussed in that chapter.

We've updated this edition to reflect developments that occurred through December 31, 2007. Developments occurring during 2007 will be treated in the

next edition. In the meantime, readers can keep current by reviewing BNA's weekly *Electronic Commerce & Law Report*.

This volume is not intended to be read cover to cover. It is, admittedly, not a page-turner. It is, instead, a tool designed to help readers find answers to their questions about web publishing law. To that end, the 6th edition of this *Field Guide* includes a CD-ROM that makes the full text searchable. The CD-ROM supplements the comprehensive index and detailed table of contents to make it easier to find information quickly. The CD-ROM also contains the full text of key statutes, regulations, and judicial opinions discussed in the *Field Guide*, so that practitioners will have ready access to important primary source materials, and students and web publishing professionals will be better able to understand how the law has developed and is developing to accommodate the publishing, marketing, and commerce revolution made possible by Internet technology.

We welcome your comments. If you see anything in this volume that you believe is inaccurate, we'd be grateful if you'd bring it to our attention. If there are subjects that you'd like to see us cover in future editions, please let us know. We hope that this *Field Guide* is useful to you and that it will help you ensure, whether as a web publishing professional or a lawyer, that "debate on public issues [remains] uninhibited, robust, and wide-open." *New York Times v. Sullivan*, 376 U.S. 254, 270 (1964).

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