

FERRÉ RANGEL SCHOOL OF COMMUNICATION

PRONTUARIO

TITLE:	Legal and Ethical Aspects of Communication
CODING:	CMU 255
PREREQUISITE:	CMU 103
CREDITS:	3 credits 45 hours contact 1 term

DESCRIPTION

This course is aimed at Communication students and introduces them to the study of legislation, jurisprudence, and regulations at the state and federal level that are applicable to the media and management for professionals within such communications media.

JUSTIFICATION

It is of vital importance that the professional communicator knows the legal doctrines that affect communication. Ignorance of the legal aspects of communication contributes to inefficiently committing the resources of employers, clients, and society in general. Communicators must also know the laws that apply to them as managers or employees in the social communication scenario.

COMPETENCES

The course develops in the student the following competences:

- **Critical thinking**
- **Communication**

OBJECTIVES

At the end of the course, students will be trained to:

1. Define concepts, vocabulary, and legal and political terminology applicable to mass media.
2. Analyze and explain how the law regulates freedom of expression and how it operates and influences mass media as an agent of social change.

3. Discuss the different legal theories to interpret the right to freedom of expression.
4. Identify and explain the background, development, achievements, and limitations of the rights of expression in our society.
5. Identify and differentiate the legal doctrines, statutes, and government agencies that regulate mass media and other forms of communication.
6. Recognize and analyze the basic regulations governing advertisements, specifically misleading advertisements, and the reason why laws exist to control them.
7. Know the legal provisions on intellectual property protection and its applications.

CONTENT

- I. Introduction to the Legal System
 - A. Introduction and General Concepts applicable to Mass Media
 - B. Division of Powers
 - C. Constitutional Rights
 - D. Basic Concepts of Legal Actions
- II. Law and Freedom of Expression
 - A. Historical background and fundamental general concepts on the right to freedom of expression and freedom of expression itself
 - B. The legal system and its relation to social communication: fundamental notions on the law and freedom of expression
 - C. Freedom of expression rights: Constitutional aspects or theory of freedom of expression
 - D. Legal theories for the interpretation of the First Amendment
- III. Limitations on the Rights of Expression and of the Press
 - A. Censorship and Prior Censorship
 - B. Content Rules
 1. National Security: Sedition
 2. The Right to Privacy
 3. Obscenity and Other Provisions
 4. Truth and Prior Government Regulation
 - C. Regulation of "Time, Place, and Manner" of Expression.
 1. Peace and Public Order
 2. Investigative Journalism: Access to Court Proceedings, Executive Privileges, Gag Orders, Source Protection
 3. Traditional and Designated Public Forums
- IV. Liability for Communication Damages

- A. Protection of Personal and Property Privacy
- B. Libel and Defamation
- C. Likenesses and Prior Consent Requirements in Commercial Communication
- V. Regulation of Communications
 - A. Telecommunications Regulation
 - 1. History and Public Policy of Communications Regulations
 - 2. Jurisdiction and Competence of Various Administrative Agencies
 - a. Federal Communications Commission (FCC)
 - b. Federal Trade Commission (FTC)
 - c. Telecommunications Regulatory Board (JRTC, Spanish acronym)
 - d. Department of Consumer Affairs (DACO, Spanish acronym)
 - B. Regulation of Intellectual Property and Protection of Artistic, Industrial or Commercial Creativity
 - 1. Copyright
 - 2. The Moral Rights of the Author
 - C. Regulation of Advertisements
 - 1. False or Misleading Advertising, Unfair Trade Practices, Advertising Hype, Comparative Advertising, "Bait and Switch."
 - D. Regulation of Cybercommunication
 - 1. Cybersquatting
 - 2. Creative Commons and other forms of licensing
 - 3. Spam and distribution practices
 - 4. Domain registration
 - 5. Service Provider Liability

METHODOLOGY

The following strategies of the active learning methodology are recommended:

- Lectures by the professor
- Discussion of cases
- Web resources

EVALUATION

Weekly web jobs	75%
Final exam	<u>25%</u>
Total	100%

LEARNING ASSESSMENT

The institutional assessment rubric is applied to the core activity of the course.

BIBLIOGRAPHY

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<http://www.uscourts.gov/understand03/index.html>

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the mass media. New York: Pantheon Books.

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- Rivera Delgado Jesús M. *Compromiso Firme con los Derechos Civiles*. El Nuevo Día
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<http://www.elnuevodia.com/opinion/columnas/compromisofirmeconlosderechosviles-columna-2216339/>
- Rivera-Delgado, Jesús M. (2012) *Derechos Humanos, Constitucionales y Civiles*.
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- Rivera Delgado, Jesús M. (2006). *El Sistema Judicial de Puerto Rico*. In:
<http://www.jesusriveradelgado.com/JRes/articulos/>
- Rivera Delgado, Jesús M. *La Prohibición de Enjuiciar por el Mismo Delito*. El Nuevo Día
Published on February 28, 2018. At:
[https://www.elnuevodia.com/opinion/columnas/laprohibiciondeenjuiciarporelmodelito-columna-2402469 /](https://www.elnuevodia.com/opinion/columnas/laprohibiciondeenjuiciarporelmodelito-columna-2402469/)
- Rivera Delgado, Jesús M. (2007) *Reflexión en Torno a Lección Magistral: Valores y Ética de la Sociedad Puertorriqueña: Reflexiones de un Publicista Dedicado al Magisterio* In:
http://cursosenlinea.sagrado.edu/pluginfile.php/296920/mod_resource/content/1/Reflexion_en_torno_a_Leccion_Magistra1.pdf
- Rodríguez Juliá, Edgardo. *La Clase Delincuente* El Nuevo Día Published on July 9, 2016. At: <http://www.elnuevodia.com/opinion/columnas/laclasedelincuente-columna-2219166/>
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Torres Gotay, Benjamín *Guerra a los Testigos de Jehová* El Nuevo Día Published on May 12, 2013. At: <http://www.elnuevodia.com/blogguerraalostestigosdejehova-1509237.html>

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LEGISLATION

Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d)
P.R. Civil Code; 31 L.P.R.A. sec.1 et. seq.
Constitution of the Commonwealth of Puerto Rico
Constitution of the United States
California Constitution, Art. 1, sec. 2.
Universal Declaration of Human Rights, Sec. 19.
Federal Copyright Act, 17 U.S.C. sec. 101 et. seq.
Lanham Act § 43(d) Protection of Marks 15 U.S.C. 1125
New York Civil Rights Law, Article 7, Section 79-h
Ley del Derecho sobre la Propia Imagen; Act No. 139 of July 13, 2011; 32 L.P.R.A. sec. 3151.
Ley de Derechos Morales de Autor de Puerto Rico, Act 55-2012; 31 L.P.R.A. sec. 1401j
Ley de Libelo y Calumnia Act 32 L.P.R.A. 3141.
Ley General de Corporaciones, Act No. 164 of December 16, 2009. Ley de la Judicatura de 2003, Act No. 201 of August 22, 2003; 4 L.P.R.A. sec. 24 et. seq.
Federal Judiciary Act , 28 U.S.C.A sec.1331 et. seq.
Freedom of Information Act (FOIA) ; 5 U.S.C. 51 et seq.
Telecommunications Act of 1996; 47 U.S.C. 51 et seq.

JURISPRUDENCE

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Aponte Martínez v. Lugo, 100 D.P.R. 282 (1971) (Free Speech).

Arroyo v. Rattan 117 D.P.R. 35 (1986) (Right to Privacy).

Asociación de Fotoperiodistas de PR, Inc. v. Rivera Schatz, 180 D.P.R. 920 (2011)
(P.R. Judiciary; Freedom of Expression).

Asociación de Maestros v. Secretary of Education, 156 D.P.R. 754 (2002) (Freedom of
Expression).

Colón v. Romero Barceló, 112 D.P.R. 573 (1982) (Defamation).

Brown v. Entertainment Merchants Association, 132 S.Ct. 81 (2011) (First Amendment).

Clavell v. El Vocero de Puerto Rico, 115 D.P.R. 685 (1984) (Defamation).

Clay v. United States, 403 U.S. 698 (1971) (Due Process/Equal Protection of the Laws).

Colón Pérez v. Televisión, 175 D.P.R. 690 (2009) (Tort liability).

Collazo Cartagena v. Hernández Colón, 103 D.P.R. 870 (1975) (Sources of
Law/Equity).

Comi-Centre Broadcasting Inc. v. F.C.C., 856 F.2d 1551 (1988) (F.C.C. Rulemaking).

Costa Wood v. Caguas Expressway Motors, Inc. and Caguas Advertising, Inc., 149
D.P.R. 881 (1999) (Deceptive Advertisements).

Cotto Morales v. Ríos, 140 DPR 604 (1996) (Copyright).

Church of Lukumi Babalu Aye v. Hialeah, 508 U.S. 520 (1993) (First Amendment).

DACO v. Toys "R" US, 191 D.P.R. 760 (2014) (Deceptive Advertisements).

De Lima v. Bidwell, 182 U.S. 1 (1901) (U.S./P.R. Relations).

El Vocero de Puerto Rico v. Puerto Rico, 508 U.S. 147 (1993) (Relationship between
P.R. Judiciary and Federal Supreme Court; Freedom of Speech).

FCC v. Fox Television Stations, 132 S.Ct. 2307 (2012)(Due Process of Law).

Feist Publications, Inc. v. Rural Telephone Service Co. Inc. 499 U.S. 340 (1991)
(Copyright).

Garage Ruben, Inc. v. Superior Court, 101 D.P.R. 236 (1973) (Deceptive Advertisements).

Harguindey Ferrer v. Interamerican University, 148 D.P.R. 13 (1999) (Intellectual Property).

Hernández Velez v. Televiscentro, 168 D.P.R. 803 (2006) (Tort Liability).

Krans Bell v. Santarrosa, 172 D.P.R. 731 (2007) (Elements damages for negligence/libel and slander).

Mari Bras v. Casañas, 96 DPR 15 (1968) (First Amendment).

Martínez v. P.R. Telephone 114 D.P.R. 328 (1983) (Right to Privacy).

Miller v. California, 413 U.S. 15 (1973) (First Amendment).

New York v. Ferber, 458 U.S. 747 (1982) (First Amendment).

New York Times v Sullivan, 376 U.S. 254 (1964) (Defamation).

Ojeda Ojeda v. El Vocero, 137 D.P.R. 315 (1994) (Elements of Damages for Negligence/Libel and Slander).

Oliveras v. Paniagua Diez, 115 D.P.R. 257 (1984) (Defamation).

Ossorio Ruiz v. Grau, 106 D.P.R. 49 (1977) (Copyright).

Padilla v. WKAQ Radio, 140 D.P.R. 178 (1996) (Defamation).

Pancorbo v. Wometco, 115 D.P.R. 495 (1984) (Intellectual Property).

Pérez Rosado v. El Vocero, 149 DPR 427 (1999) (Public figure/private figure). El Vocero, 149 DPR 427 (1999) (Public Figure/Private Figure).

Pueblo v. Martínez Acosta, 174 DPR 275 (2008) (Free Speech).

Reno v. ACLU, 521 U.S. 844 (1997) (First Amendment).

Reynal v. Tribunal, 102 D.P.R. 260 (1974) (Copyright).

Rodríguez Rodríguez v. Cingular Wireless and/or Celular One, 160 DPR 167 (2003)

(Concept of Judicial Competence).

Sallen v. Corinthians Licenciamentos LTDA, 273 F.3d 14 (2001) (Cybersquatting).

Torres Silva v. El Mundo Inc., 106 D.P.R. 415 (1977) (Defamation).

Vega Rodríguez v. Telefónica de P.R., 156 D.P.R. 584 (2002); (Right to Privacy).

Velez Lebron v. Garcia Passalacqua, 163D.P.R.223 (2004) (Defamation).

Villanueva v. Hernández Class, 128 D.P.R. 618 (1991) (Defamation).

Vigoreaux Lorenzana v. Quizno's Sub, Inc. 173 D.P.R. 254 (2008) (Image, Contracts).

US v. Playboy Entertainment, 529 U.S. 803 (2000) (Free Speech).

Web resources:

P.R. Constitution: <http://www2.pr.gov/SobrePuertoRico/Documents/elaConstitucion.pdf>

Constitution of the United States - SlideShare:

<http://www.slideshare.net/GHCCSS/constitucion-deestadosunidos>

Federal Communications Commission: <https://www.fcc.gov/general/las-p%C3%A1ginas-en-espa%C3%B1ol-de-la-fcc>

Federal Government: <http://www.usa.gov/Agencies/federal.shtml>

Copyright Forms: <http://www.copyright.gov/espanol/>

Telecommunications Regulatory Board: <http://www.jrtrpr.gobierno.pr/>

P.R. Laws and Jurisprudence www.lexjuris.com

U.S. Law and Jurisprudence www.findlaw.com

Library of Congress: <http://www.loc.gov/index.html>

The Myth of the Liberal Media: The Propaganda Model of News:

<https://www.youtube.com/watch?v=KYIyb1Bx9Ic>

Telecommunication; 47 C.F.R.: <https://www.law.cornell.edu/cfr/text/47/>

Telecommunication; 47 U.S.C.: <https://www.law.cornell.edu/uscode/text/47>

The Watergate Story:

<http://www.washingtonpost.com/wpsrv/politics/special/watergate/part1.html>

The Woodward and Bernstein Watergate Papers:

<http://www.hrc.utexas.edu/exhibitions/web/woodstein/>

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