

## **COURSE SYLLABUS**

<b>TITLE:</b>	LEGAL AND ETHICAL ASPECTS OF COMMUNICATION
<b>COURSE CODE:</b>	CMU 255
<b>PREREQUISITE:</b>	CMU 103
<b>CREDITS/HOURS:</b>	3 credits, 3 weekly hours, 1 semester

### **DESCRIPTION**

This course is intended for Communication students. It introduces them to the study of legislation, jurisprudence, and federal and state regulations applicable to mass media, and to the professional practice related to this field.

### **JUSTIFICATION**

It is of paramount importance that professional communicators are knowledgeable about the legal doctrines that impact communication. The lack of knowledge of legal aspects of communication contributes to undermine the resources of employers, clients, and society in general. Communicators should also be knowledgeable about the laws that apply to them as entrepreneurs and employees in the social communication scenario.

### **OBJECTIVES**

By the end of this course, students will be able to:

1. Define concepts, vocabulary and legal terms, as well as policies applicable to mass media.
2. Analyze and explain the ways in which the laws may affect freedom of speech, and how they operate and influence media communications as a social change agent.
3. Discuss different legal theories that interpret the First Amendment.
4. Identify and explain background, development, advances, and limitations of freedom of speech in our society.
5. Identify and differentiate legal doctrines, laws and government agencies that regulate communication media and communication in general.
6. Recognize and analyze basic advertisement regulations, especially regarding deceptive advertisements, and the reasoning behind such laws and regulations.
7. Know the legal dispositions regarding the protection of intellectual property and its applications.

### **COURSE CONTENT**

1. Introduction to the Judicial System

- A. Introduction and general concepts applicable to Mass Media
  - B. Separation of Powers
  - C. Constitutional Rights
  - D. Basic concepts of judicial procedures
2. Rule of Law and Freedom of Speech
- A. Historic background and general concepts in Rule of Law and Freedom of Speech
  - B. Legal system and its relationship with social communication: basic concepts
  - C. Freedom of Speech: Constitutional aspects
  - D. Legal theories behind First Amendment interpretation
3. The press and freedom of speech limitations
- A. Censorship and previous censorship
  - B. Content regulation
    - 1) National Security: sedition
    - 2) Right to privacy
    - 3) Obscenity and other dispositions
    - 4) Truth and previous government approval
  - C. Regulation of "time, place and manner" of public expressions.
    - 1) Peace and public order
    - 2) Journalistic investigation: Access to judicial hearings, executive privileges, gag order, protection of information sources.
    - 3) Traditional and designated public forums
4. Civil responsibilities (liability) in Communications
- A. Protection of privacy – personal and of property
  - B. Libel, defamation and slander
  - C. Self-image and previous consent requisites in commercial communication
5. Communication regulations
- A. Mass media regulations
    - 1) History and public policy in communications regulation
    - 2) Jurisdiction and competence of administrative agencies
      - a. Federal Communications Commission (FCC)
      - b. Federal Trade Commission (FTC)
      - c. Telecommunications Regulation Board (JRTC, for its Spanish acronym)
      - d. Department of Consumer Affairs (DACO, for its Spanish acronym)
  - B. Intellectual Property regulations and the protection of artistic, industrial or commercial creation
    - 1) Copyright

- 2) Author's moral rights
- C. Advertisement regulations
  - 1) False and deceptive advertisement, unfair commercial practices, advertising exaggeration, comparative advertisements, "bait and switch"
- D. Internet communication regulations
  - 1) Cybersquatting
  - 2) Creative Commons and other forms of licensing
  - 3) Spam and other distribution practices
  - 4) Domain Registers
  - 5) Service provider responsibilities

## INSTRUCTIONAL STRATEGIES

- A. Class conference
- B. Case studies
- C. Web-based resources

## EVALUATION

- A. Weekly assignments on the web (75%)
- B. Final exam (25%)

## REFERENCES

- Administrative Office of the United States Courts. *Understanding the Federal Courts In*: <http://www.uscourts.gov/understand03/index.html>
- Bernays, Eduard *Propaganda* (1928): <http://www.whale.to/b/bernays.pdf>
- Chomsky Noam (2002) *Media Control*. Seven Press 2da ed. New York.
- David Adam Friedman, *Explaining "Bait-and-Switch" Regulation*, 4 Wm. & Mary Bus. L. Rev. 575 (2013): <http://scholarship.law.wm.edu/wmblr/vol4/iss2/6>
- De León Guevara, Charlene *La Música en Internet; una Perspectiva Legal* 40 Rev. Der. P.R. 1 (2001)
- Delgado Cintrón, Carmelo. *Derecho y Colonialismo*, 49 Rev. Jur. U.P.R. 133 (1980).
- Fontánez Torres, Érika. *Sobre la crítica al Tribunal Supremo y la libertad de expresión*. Semanario Claridad. 7-13 de agosto de 2008.
- Herman, E. S., & Chomsky, N. (1988). *Manufacturing consent: The political economy of the mass media*. New York: Pantheon Books.
- Johnson James A. *Personal Images: The Professional Athlete's Right of Publicity*. 80 New York State Bar Association Journal 11 (2008).

Lippmann Walter (1922) Public Opinion \_\_\_\_\_

<http://www.gutenberg.org/cache/epub/6456/pg6456-images.html>

Rivera-Delgado Jesús M. (2013) *Aspectos Básicos sobre Jurisdicción Federal*.

En: <http://www.jesusriveradelgado.com/JRes/articulos/Aspectos%20Basicos%20sobre%20Juridiccion%20Federal.pdf>

Rivera Delgado Jesús M. *Compromiso Firme con los Derechos Civiles* El Nuevo Día Publicado el 20 de junio de 2016. En:

<http://www.elnuevodia.com/opinion/columnas/compromisofirmeconlosderechosciviles-columna-2216339/>

Rivera-Delgado Jesús M. (2012) *Derechos Humanos, Constitucionales y Civiles*.

En: <http://www.jesusriveradelgado.com/JRes/articulos/Derechos%20Humanos%20Constitucionales%20y%20Civiles.pdf>

Rivera Delgado Jesús M. (2006). *El Sistema Judicial de Puerto Rico* En:

<http://www.jesusriveradelgado.com/JRes/articulos/>

Rivera Delgado Jesús M. *La Prohibición de Enjuiciar por el Mismo elito* El Nuevo Día Publicado el 28 de febrero de 2018. En:

<https://www.elnuevodia.com/opinion/columnas/laprohibiciondeenjuiciarporelmismodelito-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* En:

[http://cursosenlinea.sagrado.edu/pluginfile.php/296920/mod\\_resource/content/1/Reflexion\\_en\\_torno\\_a\\_Leccion\\_Magistral.pdf](http://cursosenlinea.sagrado.edu/pluginfile.php/296920/mod_resource/content/1/Reflexion_en_torno_a_Leccion_Magistral.pdf)

Rodríguez Juliá Edgardo *La Clase Delincuente* El Nuevo Día Publicado el 9 de julio de 2016.

En: <http://www.elnuevodia.com/opinion/columnas/laclasedelincuente-columna-2219166/>

Rodríguez Rivera, Rafael. *Los Derechos Civiles; Letra de Muerte ante la Crisis Social*. 20 de marzo de 2012. Claridad

Serrano, Oscar J. *Espada sin Escudo: La Necesidad de Proteger las Fuentes Periodísticas* 48 Rev. Jur. U. Inter. P.R. 9 (2014)

Torres Gotay Benjamín *Guerra a los Testigos de Jehová* El Nuevo Día Publicado el 12 de mayo de 2013. En:

<http://www.elnuevodia.com/blog-guerraalostestigosdejehova-1509237.html>

Trías Monge José. *La crisis del Derecho en Puerto Rico*, 49 Rev. Jur. U.P.R. 1 (1980)

Zinn Howard A People's History of the United States, 1492-

Present: <http://www.thevenusproject.com/downloads/ebooks/Howard%20Zinn%20%20A%20People's%20History%20of%20the%20United%20States,%201492-Present.pdf>

## LEGISLATION

Anti-cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d)

Código Civil de P.R.; 31 L.P.R.A. sec.1 et. seq.

Constitution of the Commonwealth of Puerto Rico.

Constitution of the United States.

California State Constitution Art. 1, sec. 2.

Universal Human Rights Declaration, 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

Federal Copyright Act, 17 U.S.C. sec. 101 et. seq.

State of Nueva York Civil Rights Act, Article 7, section 79-h

Ley del Derecho sobre la Propia Imagen; Ley Núm. 139 de 13 de julio de 2011; 32 L.P.R.A. sec. 3151

Ley de Derechos Morales de Autor de Puerto Rico, Ley 55-2012; 31 L.P.R.A. sec. 1401j

Ley de Libelo y Calumnia 32 L.P.R.A. 3141

Ley General de Corporaciones, Ley Núm. 164 de 16 de diciembre de 2009.

Ley de la Judicatura de 2003, Ley Núm. 201 de 22 de agosto de 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

A&M et al. v. Napster, 239 F.3d 1004 (9th Cir. 2001) (Copyright/Internet).

Aponte Martínez v. Lugo, 100 D.P.R. 282 (1971) (Libre Expresión)

Arroyo v. Rattan 117 D.P.R. 35 (1986) (Derecho a la Intimidad).

Asociación de Fotoperiodistas de PR, Inc. v. Rivera Schatz, 180 D.P.R. 920 (2011) (Poder Judicial de P.R; Libertad de expresión).

Asociación de Maestros v. Secretario Educación, 156 D.P.R. 754 (2002) (Libertad de expresión).

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

Brown v. Entertainment Merchants Association, 132 S.Ct. 81 (2011) (Primera enmienda).

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

Clay v. United States, 403 U.S. 698 (1971) (Debido proceso/Igual Protección de la Leyes).

Colón Pérez v. Televicentro, 175 D.P.R. 690 (2009) (Responsabilidad civil extracontractual).

Collazo Cartagena v. Hernández Colón, 103 D.P.R. 870 (1975) (Fuentes del derecho/Equidad).

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

Costa Wood v. Caguas Expressway Motors, Inc. y Caguas Advertising, Inc., 149 D.P.R. 881 (1999) (Anuncios engañosos)

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

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

DACO v. Toys "R" US, 191 D.P.R. 760 (2014) (Anuncios engañosos)

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

El Vocero de Puerto Rico v. Puerto Rico, 508 U.S. 147 (1993) (Relación Poder Judicial de P.R. y Tribunal Supremo Federal; Libertad de expresión).

FCC v. Fox Television Stations, 132 S.Ct. 2307 (2012)(Debido Proceso de Ley).  
Feist Publications, Inc. v. Rural Telephone Service Co. Inc., 499 U.S. 340 (1991) (Copyright).  
Garage Rubén, Inc. v. Tribunal Superior, 101 D.P.R. 236 (1973) (Anuncios engañosos)  
Harguindey Ferrer v. Universidad Interamericana, 148 D.P.R. 13 (1999) (Propiedad intelectual).  
Hernández Velez v. Televisión, 168 D.P.R. 803 (2006) (Responsabilidad civil extracontractual).  
Krans Bell v. Santarrosa, 172 D.P.R. 731 (2007) (Elementos daños por negligencia/libelo y calumnia).  
Mari Bras v. Casañas, 96 DPR 15 (1968) (Primera Enmienda)  
Martínez v. P.R. Telephone 114 D.P.R. 328 (1983) (Derecho a la Intimidad).  
Miller v. California, 413 U.S. 15 (1973) (Primera Enmienda)  
New York v. Ferber, 458 U.S. 747 (1982) (Primera Enmienda)  
New York Times v Sullivan, 376 U.S. 254 (1964)(Difamación)  
Ojeda Ojeda v. El Vocero, 137 D.P.R. 315 (1994) (Elementos daños por negligencia/libelo y calumnia)  
Oliveras v. Paniagua Diez, 115 D.P.R. 257 (1984) (Difamación)  
Ossorio Ruiz v. Grau, 106 D.P.R. 49 (1977) (Copyright).  
Padilla v. WKAQ Radio, 140 D.P.R. 178 (1996) (Difamación)  
Pancorbo v. Wometco, 115 D.P.R. 495 (1984) (Propiedad intelectual)  
Pérez Rosado v. El Vocero, 149 DPR 427 (1999) (Figura pública/figura privada)  
Pueblo v. Martínez Acosta, 174 DPR 275 (2008) (Libre Expresión)  
Reno v. ACLU, 521 U.S. 844 (1997) (Primera Enmienda).  
Reynal v. Tribunal, 102 D.P.R. 260 (1974) (Copyright).  
Rodríguez Rodríguez v. Cingular Wireless y/o Celular One, 160 DPR 167 (2003) (concepto de la competencia judicial).  
Sallen v. Corinthians Licenciamientos LTDA, 273 F..3d 14 (2001) (Cybersquatting)  
Torres Silva v. El Mundo Inc., 106 D.P.R. 415 (1977) ) (Difamación)  
Vega Rodríguez v. Telefónica de P.R., 156 D.P.R. 584 (2002); (Derecho a la intimidad)  
Vélez Lebrón v. García Passalacqua, 163D.P.R.223 (2004) (Difamación)  
Villanueva v. Hernández Class, 128 D.P.R. 618 (1991) (Difamación)  
Vigoreaux Lorenzana v. Quizno's Sub, Inc., 173 D.P.R. 254 (2008) (Imagen, contratos)  
US v. Playboy Entertainment, 529 U.S. 803 (2000) (Libertad de expresión).

### **Web Resources:**

Constitución de P.R. : <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/>

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Junta Reglamentadora de las Telecomunicaciones: <http://www.jrtpr.gobierno.pr/>

Laws and jurisprudence of Puerto Rico: [www.lexjuris.com](http://www.lexjuris.com)

Laws and jurisprudence of the United States: [www.findlaw.com](http://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=KYlyb1Bx9Ic>

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/wp-srv/politics/special/watergate/part1.html>

The Woodward and Bernstein Watergate Papers:

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

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Dean's Office

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