

RICHMOND JOURNAL OF LAW & TECHNOLOGY

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Journal of Law & Technology

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By: Nathaniel S. Strauss

October 23, 2011

Dear Readers:

The *Richmond Journal of Law and Technology* is proud to present its first issue of the 2011-2012 academic year.

The *Journal* strives to discuss new and emerging issues that fall squarely at the intersection of technology and the law. Another year goes by and technology continues to advance, and not surprisingly, further immerses itself into our daily lives. The *Journal* believes it is our mission to recognize the practical effects the growth of technology has on society and to promote a relevant and timely discussion on these topics.

In our first article, “Current and Emerging Transportation Technology: Final Nails in the Coffin of the Dying Right of Privacy,” James Phillips and Katharine Kohm discuss how advancements in transportation technology have affected our expectation of privacy. The authors discuss various technologies, such as airbags, tollbooths, and red-light cameras that incidentally compile data on our behavior as drivers. They argue that this information could potentially be used in a manner that implicates serious privacy concerns, and the current legal framework is insufficient to adequately address these violations.

In a further discussion on privacy, our second article “Do-Not-Track: Revising the EU’s Data Protection Framework to Provide Meaningful Consent to Behavioral Advertising,” Matthew Kirsch analyzes the EU’s efforts to reign in the use of online tracking technology by advertisers. As companies spend more money on behavioral advertising the EU has developed a comprehensive consent-based legal framework aimed at protecting the use of personal information for the purpose of targeted advertising. However, Kirsch argues the EU’s efforts have not gone far enough. He proposes they require a Do-Not-Track mechanism that provides individuals with the opportunity to “opt-out” of online tracking for advertising purposes.

In our third article, “The Limitations and Admissibility of Using Historical Cellular Site Data to Track the Location of a Cellular Phone,” Aaron Blank discusses the use of cell-site data to investigate, try and convict criminals. After a thorough discussion of the various methods by which cellular site data is used to determine a cell phone’s location, Blank analyzes the admissibility of these

techniques through the prism of the Federal Rules of Evidence and the common law. Finally, Blank offers several suggestions for counsel to both proffer and attack the evidence in court.

Finally, our fourth article, “Anything but Academic: How Copyright’s Work-for-Hire Doctrine Affects Professors, Graduate Students, and K-12 Teachers in the Information Age,” Nathaniel Strauss discusses how the Copyright Act’s work-for-hire provisions apply in the academic context. In response to the recent economic downturn many universities are viewing academic copyrightable works as alternate sources of revenue. These works may have substantial commercial value and disputes over ownership rights of are steadily rising. Strauss offers several suggestions on how to apply the principles set forth in the Copyright Act to determine which works should fall under the work-for-hire exception and which should belong to the original creator.

On behalf of the entire 2011-2012 Journal staff, I extend our sincerest thanks for your continued readership. I would like to recognize the hard work and dedication of our staff who have spent countless hours working to complete this issue. I would especially like to thank our faculty advisors, Professors Melanie Holloway, Chris Cotropia and Jim Gibson for their invaluable guidance. Also, without the support of the University of Richmond School of Law this publication would not be possible.

The *Journal* is sure you will enjoy our first issue. As always, your comments and suggestions are welcome at jolt@richmond.edu.

Best regards,



Ian Lambeets
Editor-in-Chief

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