

中国社会科学院大学网络法前沿专题课程大纲

课程基本信息（Course Information）					
课程编号 （Course ID）	1252020062	*学时 （Credit Hours）	32	*学分 （Credits）	2
*课程名称 （Course Name）	网络法前沿专题				
	Frontier Topics of Internet Law				
先修课程 （Prerequisite Courses）					
*课程简介 （Description） （中文 300-500 字）	<div>1. 课程定位和目标</div> <p>坚持以马克思主义为指导，结合国家科技强国战略、新文科建设和数字法学前沿学科建设的需要，通过中英文双语方式，培养前沿学科学生理论和实践专业能力的同时，提高学生的英语应用能力，培养面向未来、具有国际视野的网络法学、数字法学领域的高素质本科生。</p> <div>2. 主要教学内容</div> <p>课程主要内容围绕网络法国际上的前沿问题展开，包括“新型财产、平台理论、治理模式”三大方面，将选取这三个领域具有代表性的国内外文献、典型案例带领学生展开研习，鼓励学生运用英文进行理解和表达，实现学生多方面能力的实质性提升。</p> <div>3. 课堂设计</div> <p>课题设计主要包括四个环节，以英文为主，中文为辅的双语模式，课程考核以全英文形式。</p> <p>（1）课前阅读。学期开始，制定具体的阅读文献和案例目录，以及详细的教学大纲，将阅读材料分发给学生。对学生进行分组，每个学生可以参与多个组别，负责相应的报告和研读任务。针对每个主题和文献，提前给出重点阅读和思考的问题作为指导，引导学生理解重点、主动思考。在阅读之前，教师会提前介绍文献的理论和实践背景、影响等，帮助学生理解文献的价值。</p> <p>（2）英文报告。遵循“全体阅读，分组报告”的形式，原则上要求全体同学阅读全部文献，分组做报告。每组可以有 3-4 位同学，分别负责主报告和主评论。报告和评论过程中，教师和其他学生可以进行提问和互动。本环节是全英文形式。</p> <p>（3）英文讨论。每组同学报告和评论之后，由其他同学进行提问、互动，每位同学都需要发言。教师进行主持、引导、提问和点评。这一环节是全英文形式。</p> <p>（4）中文讲解和讨论。对于有些专业知识点，用英文交流可能存在不够清晰、深入甚至存在误解等情况，在每次课的最后，设置中文讲解和讨论环节，由教师进行讨论总结、重点概括、补充要点、启发思考，每个同学可以继续用中文进行提问和交流。</p> <p>（5）课程考核以口头报告+书面作业，由学生在课堂研读文献和资料的基础上，选取特定主题，完成书面的英文作业，并依据作业进展口头报告。形式为全英文。</p> <div>4. 重点难点</div> <p>重点是通过研读文献和案例，对前沿问题的实践和理论面向形成理解和分析能力。难点是对于网络法前沿、疑难问题的深入理解和分析研究能力的培养。</p> <div>5. 主要教学方法</div> <p>一是针对网络法前沿领域的国内外重要理论和实践问题展开深度研习；</p> <p>二是采用中英文双语教学，将英文文献研读、中英文案例研讨和课程讨论相结合，目标在于同时训练学生英文能力和专业研究能力，特别是通过使用英文进行学术文献阅读、理解、表达方面的能力，培养具有国际视野的专业人才。</p> <p>三是采取充分互动的小班教学，10 人左右的教学规模，确保学生能够有充分参与讨论和交流的机会，在英语能力和专业表达方便都可以获得充分的实战训练。</p>				

	<p>6. 基本要求</p> <p>准时上课，积极参与课堂讨论，认真完成课程作业，做好课前预习和课后复习，认真完成期末作业。</p>
<p>*课程简介 (Description)</p>	<p>1. Course Orientation and Objectives</p> <p>Adhering to the guidance of Marxism, combining with the national strategy of strengthening the country with science and technology, the construction of new liberal arts and the needs of the construction of frontier disciplines of digital law, through the bilingual method of Chinese and English, cultivating the theoretical and practical professional ability of students of frontier disciplines while improving the English application ability of the students, and cultivating the high-quality undergraduates in the field of cyberlaw and digital law who are facing the future and have an international vision.</p> <p>2. Main Teaching Content</p> <p>The main content of the course is centered on the cutting-edge international issues of cyber law, including the three major aspects of "new type of property, platform theory and governance mode". We will select representative domestic and international literature and typical cases in these three areas to lead the students to study, encourage students to understand and express themselves in English, so as to achieve the substantive enhancement of students' multifaceted abilities. Substantial improvement of students' abilities.</p> <p>3. Classroom Design</p> <p>The design of the project mainly consists of four parts, with English as the main language and Chinese as the supplementary bilingual mode, and the course assessment is in the form of full English.</p> <p>(1) Reading before class. At the beginning of the semester, a specific catalog of reading literature and cases, as well as a detailed syllabus, are developed and the reading materials are distributed to students. Students are grouped into teams, and each student can participate in several groups and be responsible for the corresponding reports and research tasks. For each topic and literature, key reading and reflection questions are given in advance as a guide to guide students to understand the key points and think actively. Before reading, the teacher will introduce the theoretical and practical background and impact of the literature in advance to help students understand the value of the literature.</p> <p>(2) English report. Following the form of "reading by all, reporting by groups", in principle, all students are required to read all the literature and report in groups. Each group can have 3-4 students, who are responsible for the main report and the main comments. During the reporting and commenting process, the teacher and other students can ask questions and interact with each other. This session is in full English format.</p> <p>(3) English discussion. After each group of students report and comment, other students will ask questions and interact, and each student needs to speak. The teacher moderates, guides, asks questions and comments. This session is in full English format.</p> <p>(4) Chinese lecture and discussion. For some professional knowledge points, communication in English may not be clear enough, in-depth or even misunderstanding, etc., at the end of each class, set up a Chinese lecture and discussion session, where the teacher will summarize the discussion, focus on the summary, add key points, inspire thinking, and each student can continue to ask questions and communicate in Chinese.</p> <p>(5) The course assessment is based on an oral report + written assignments, where students select a specific topic based on classroom study of literature and materials, complete</p>

	<p>written assignments in English, and progress to an oral report based on the assignments. The form is in English.</p> <p>4. Focus and Difficulties</p> <p>The key point is to develop an understanding and analytical ability of the practical and theoretical aspects of cutting-edge issues through the study of literature and cases. The difficulty is to cultivate in-depth understanding and analyzing ability of the cutting-edge and difficult issues of cyber law.</p> <p>5. Main Teaching Methods</p> <p>First, in-depth study of important domestic and international theoretical and practical issues in the field of cyber law;</p> <p>Secondly, bilingual teaching in English and Chinese is adopted, combining English literature reading, Chinese and English case study seminars and course discussions, with the goal of training students' English ability and professional research ability at the same time, especially the ability to read, understand and express academic literature in English, so as to cultivate professionals with an international outlook.</p> <p>Thirdly, we adopt fully interactive small class teaching, with a teaching scale of about 10 students, to ensure that students can have full participation in discussions and exchanges, and can obtain full practical training in both English proficiency and professional expression.</p> <p>6. Basic Requirements</p> <p>Attend classes on time, actively participate in class discussions, complete course assignments carefully, do a good job of pre-study and post-study, and complete final assignments carefully.</p>
*教材 (Textbooks)	
参考资料 (Other References)	<p>Eric A. Posner and E. Glen Weyl, <i>Radical Market: Uprooting Capitalism and Democracy for a Just Society</i>, Princeton University Press, 2018.</p> <p>Omri Ben-Shahar and Ariel Porat, <i>Personalized Law: Different Rules for Different People</i>, Oxford Press, 2021.</p> <p>Lawrence Lessig, <i>Code version 2.0</i>, Basic Books, 2006, Chapter 1-4.</p> <p>论文:</p> <p>Harold Demsetz, <i>Toward a Theory of Property Rights</i>, American Economic Review, Vol. 57, No. 2, 1967.</p> <p>Kate Klonick, <i>The New Governors: The People, Rules, and Processes Governing Online Speech</i>, 131 Harvard Law Review 1598(2018).</p> <p>Lina M. Khan, <i>Amazon's Antitrust Paradox</i>, 126 Yale Law Journal 564(2017).</p> <p>Christopher Yoo, <i>The Post-Chicago Antitrust Revolution</i>, 168 U. Pa. Rev. 2145 (2020).</p> <p>判决:</p> <p>HiQ Labs, Inc. V. LinkedIn Corp., No. 17-16783 (9th Cir. 2022).</p>

*课程类别 (Course Category)		<input type="checkbox"/> 公共基础课/全校公共必修课 <input type="checkbox"/> 通识教育课 <input type="checkbox"/> 专业基础课 <input type="checkbox"/> 专业核心课/专业必修课 <input checked="" type="checkbox"/> 专业拓展课/专业选修课 <input type="checkbox"/> 其他_____					
*授课对象 (Target Students)		法学专业		*授课模式 (Mode of Instruction)		<input type="checkbox"/> 线上，教学平台_____ <input checked="" type="checkbox"/> 线下 <input type="checkbox"/> 混合式 <input type="checkbox"/> 其他 <input type="checkbox"/> 实践类（70%以上学时深入基层）_	
*开课院系 (School)		法学院		*授课语言 (Language of Instruction)		<input type="checkbox"/> 中文 <input type="checkbox"/> 全外语_____语种 <input checked="" type="checkbox"/> 双语：中文+ <u>英语</u> 语种（外语讲授不低于50%）	
*授课教师信息 (Teacher Information)		课程负责人姓名及简介		刘晓春，中国社会科学院大学法学院副教授、互联网法治研究中心执行主任			
		团队成员姓名及简介		无			
学习目标 (Learning Outcomes)		1. 深入了解数字法学、网络法学前沿问题的国内外理论、原则、制度、法律法规和司法实践； 2. 掌握使用英语进行阅读、分析、思考、表达等学术训练的能力，开拓国际视野，培养涉外法治人才； 3. 掌握对专业问题的分析和研究能力，理论联系实际的问题解决能力； 4. 培育经世济民、诚信服务、德法兼修的职业素养。					
*考核方式 (Grading)		平时成绩 30% 期末作业成绩 70%					
*课程教学计划（Teaching Plan）填写规范化要求见附件							
周次	周学时	其中					教学内容摘要 （必含章节名称、讲述的内容提要、实验的名称、教学方法、课堂讨论的题目、阅读文献参考书目及作业等）
		讲授	实验课	习题课	课程讨论	其他环节	
第一周	2	2					第一章 概述 <ul style="list-style-type: none"> 数字法学和网络法学基础理论 课程框架结构和主要要点 文献整体情况介绍
第二周	2	1			1		第二章 新型财产：理论与实践 第一节 数据财产权利与个人信息保护（一）
第三周	2	1			1		第一节 数据财产权利与个人信息保护（二） 第二节 数字时代的财产理论 <ul style="list-style-type: none"> 不稳定的财产权

第四周	2	1			1	第二节 数字时代的财产理论 • 激进市场和哈伯格税
第五周	2	1			1	第三节 数据利用和竞争的法律适用 • HiQ 等案例
第六周	2	1			1	第四节 数据垄断问题 • Facebook, Google 等案例
第七周	2	1			1	第二章 平台理论 第一节 平台中立
第八周	2	1			1	第二节 技术避风港 • 人工智能等新技术带来的责任配置问题
第九周	2	1			1	第三节 平台的帮助侵权责任：以知识产权为例 • 责任形式与案例 • 算法推荐
第十周	2	1			1	第五节 基于数据的平台治理 • 因人而异的法律（一）
第十一周	2	1			1	• 因人而异的法律（二）
第十二周	2	1			1	第三章 治理模式 第一节 治理理论 • 通过代码的治理
第十三周	2	1			1	第四章 治理模式 第一节 治理理论 • 公共事务的治理

第十四周	2	1			1	第二节 平台治理理论 <ul style="list-style-type: none">平台生态系统理论
第十五周	2	1			1	第三节 新技术治理 <ul style="list-style-type: none">人工智能理论
第十六周	2	1			1	第四节 儿童保护与内容治理 课程总结
总计	3 2	1 7			15	(教学方法包含讲授法、专题研讨、案例教学、视频教学、课堂汇报、课后实践等)
备注 (Notes)						