My Goal
What is Online Trespass to Chattels?
What is Online Trespass to Chattels?

- Common Law Trespass to Chattels
- CFAA
- State Computer Crimes
How We Got Here
How We Got Here

Thrifty-Tel v. Bezenek (1996)

CompuServe v. Cyber Promo (1997)
What Does Online TTC Cover?

- **Network intrusions**
  - “Hacking”
  - Server use without permission

- **Denial-of-service attacks**

- **Spamming**

- **Scraping**

- **Client use without permission?**

- **Computer-mediated employee misappropriation?**
What’s Wrong With Online TTC?

- Computer exceptionalism
- Overcriminalization
- Inconsistent/incoherent harm standards
- Doctrinal overlaps
- Suppression of competition
What Should We Do? (1)
In general, rely on
- Contract bargaining
- Technological controls
- Doctrinal overlaps

Possible exceptions
- Hacking
- Denial-of-service
Where to Find Me

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