

Trespass to Chattel Doctrine Applied to Cyberspace

I. Introduction

II. The Classic Trespass to Chattels Action - *Restatement*

A. Trespass to Chattels Defined

1. Intermeddling
2. Requirement of Harm
3. Damages

B. Trespass to Chattels, Distinguished from Related Common Law Theories

1. Conversion
2. *Misappropriations* (maybe)
3. Trespass to Land
4. Nuisance

III. Drawing on Trespass to Chattels Doctrine: History of Novel Uses of Common Law Action

- A. Converging with & Limits by Trespass to Land
- B. Converging with & Limits by Nuisance

IV. Trespass to Chattels in Cyberspace Cases

- *chart* – include case outcomes, theories, stretches & matches w/ traditional doctrine – include major cases & minor cases

A. Early Cases: Hacking & Spamming

Thrifty-Tel (1996)

CyberPromotions v AOL (1996)

CompuServe v CyberPromotions (1997)

B. Recent Evolution: Spiders, Non-Commercial Email

TicketMaster v Ticket.com (2000)

eBay v. Bidder's Edge (2000)

Register.com v. Verio (2000)

Intel v. Hamidi (1999 ...)

V. Analysis

A. Applied in Novel Circumstances

B. Stretchmarks on the Doctrine

1. Definition of Physical & Tangible
2. Harms

VI. Conclusion