

Case Western Reserve
Journal of Law, Technology
& the Internet

Volume 7
2016



SCHOOL OF LAW

CASE WESTERN RESERVE
UNIVERSITY

The Journal of Law, Technology & the Internet (“JOLTI”) is published by the students of Case Western Reserve University School of Law. The views expressed in this issue are those of the authors and do not necessarily reflect the views of JOLTI, its Editors and Staff, or the Case Western Review University School of Law.

JOLTI welcomes submissions of original articles. Possible topical areas include: patent law, copyright law, trademark law, entertainment law, cyber law, telecommunications law, and law regulating nascent technologies. JOLTI conforms to *The Bluebook: A Uniform System of Citation* (Columbia Law Review Ass’n et al. eds., 19th ed. 2010). Style conforms generally to *The Chicago Manual of Style* (16th ed. 2010).

The JOLTI Executive Board will consider submissions for publication. The Executive Board regrets that it cannot return submissions to authors unless a self-addressed stamped envelope accompanies the manuscript. Correspondence and manuscripts should be sent to:

Managing Editor
Journal of Law, Technology & the Internet
Case Western Reserve University School of Law
11075 East Blvd, Cleveland, Ohio 44106
Telephone: (216) 223-8529
Email: JOLTI@case.edu

All accepted manuscripts are subject to editing. Manuscripts selected for publication are accepted with the understanding that editorial changes may be made to improve readability and to ensure conformity with style policy. Accepted manuscripts become the permanent property of JOLTI and may only be published on SSRN with prior written permission. Any correspondence regarding subscriptions or reprints should be sent to the Managing editor at the address listed above.

For all photocopy or republication requests, please contact Copyright Clearance Center, Inc. by mail: 222 Rosewood Drive, Danvers, Massachusetts 01923; info@copyright.com, or online at www.copyright.com.

Selected JOLTI articles are available on HeinOnline. This issue went to press in 2016.

JOURNAL OF LAW, TECHNOLOGY & THE INTERNET

Volume 7

2016

Editor in Chief
STEPHEN CONGDON

Managing Editor
BRENDAN GOODWINE

Executive Articles/Notes Editor
ERIN JAMES

Symposium & Production Editor
RYAN YARRELL

Senior Editor
KRISTI HOLDEN

JOE BUCARO
ANKITA CHANNARASAPPA

Associate Editors
ROHMAH JAVED
KATHERINE KOVATCH
REBECCA PETRILLI

BRIAN RASHKOW
CAITLIN STRELIOFF

Faculty Advisors
RAYMOND KU

Reference Librarian
JUDITH KAUL

SYMPOSIUM ARTICLE

- The First Amendment as Killer App
Anupam Chander 1

ARTICLES

- The New Retail Experience and Its Unaddressed Privacy Concerns: How
RFID and Mobile Location Analytics are Collecting Customer Information 15
Ava Farshidi

- When Real People Become Fictional: The Collision of Trademark,
Copyright, and Publicity Rights in Online Stories About Celebrities 39
Stacey M. Lantagne

NOTES

- Hashing It Out: Problems and Solutions Concerning Cryptocurrency Used
as Article 9 Collateral 79
Timothy Bierer

- What's In Your Wallet? Addressing the Regulatory Grey Area
Surrounding Mobile Payments 95
Stephen Congdon

- Alice*: The Status Quo or Total Chaos? 121
Matthew Moldovanyi

- Friend Request Denied: Judicial Ethics and Social Media 153
Shaziah Singh