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| *Indicate whether the statement is true or false.* |

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| 1. ​In an attempt to combat spam, thirty-seven states have enacted laws that prohibit or regulate its use.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 2. Federal law prohibits the Federal Trade Commission from cooperating and sharing information with foreign agencies in investigating and prosecuting those involved in spamming.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 3. The Anticybersquatting Consumer Protection Act applies to most, but not all, domain name registrations of trademarks.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 4. Using a domain name that is identical or similar to the trademark of another is legal.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 5. Using another’s trademark in a meta tag does not normally constitute trademark infringement, even if it is done without the owner’s permission.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 6. A claim of trademark dilution requires proof that consumers are likely to be confused by a connection between the unauthorized use and the mark.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 7. A licensor might grant a license allowing a trademark to be used as part of a domain name.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 8. In some states, an unsolicited e-mail must include a toll-free phone number that the recipient can use to ask the sender to send no more unsolicited e-mail.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 9. Federal law permits the sending of unsolicited commercial e-mail and does not prohibit spamming activities.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 10. Cybersquatting is illegal only if a domain name is identical to the trademark of another, not if the name is merely confusingly similar.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 11. Cybersquatting occurs when key words are inserted into a Web site’s key-words coding to tell Internet browsers specific information about a Web page.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 12. When you download an application on your smartphone, you are typically entering into a license agreement.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 13. Downloading music into a computer’s random access memory, or RAM, is not copyright infringement, even if it is done without authorization.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 14. Penalties exist for anyone who circumvents encryption software or other technological antipiracy protection.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 15. The manufacture, import, sale, and distribution of devices or services for the circumvention of encryption software is prohibited.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 16. An Internet service provider is liable for any act of copyright infringement by its customer.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 17. File-sharing software can be used to download others’ copyrighted property without liability for any infringement.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 18. Much of the material on the Internet, including software and database information, is *not* copyrighted.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 19. The law does not restrict the “fair use” of methods for the circumvention of encryption software or other technological antipiracy protection for educational and other noncommercial purposes.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 20. *No* federal court has held that digitally sampling a copyrighted sound recording of any length constitutes copyright infringement.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 21. Social media users can post trademarked images or copyrighted materials without infringing the owners’ rights, even if it is done without permission.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 22. Federal law prevents a provider of communication services—such as a cell phone company—from divulging private communications to certain entities and individuals.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 23. An employer may have a right to terminate a person based on his or her violation of the employer’s social media policy.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 24. Employees’ posts on social media may be protected under labor law.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 25. Social media posts have no uses in litigation.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 26. Employers cannot monitor employees’ electronic communications made in the ordinary course of business.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 27. Federal wiretapping law covers electronic forms of communication.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 28. Federal law permits the intentional interception of any wire, oral, or electronic communication.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 29. ​Federal law permits the intentional accessing of *stored* electronic communication even if the accessing is unauthorized.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 30. Law enforcement uses social media to detect and prosecute criminals.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 31. Social media posts are routinely included in discovery in litigation.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 32. Cyber torts are torts that arise from online conduct.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 33. Online defamation is wrongfully hurting a person’s reputation by communicating false statements about that person to others online.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 34. It is frequently the companies rather than courts or legislatures that are defining the privacy rights of their online users.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| 35. To maintain a suit for the invasion of privacy, a person must have a reasonable expectation of privacy in the particular situation.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False | |

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| *Indicate the answer choice that best completes the statement or answers the question.* |

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| 36. ​Rowan registers a domain name—sweetfriedpotatos.com—that is a misspelling of a popular brand—sweetfriedpotatoes.com. This is   |  |  |  | | --- | --- | --- | |  | a. | ​cybersquatting. | |  | b. | ​typosquatting. | |  | c. | ​trademark infringement. | |  | d. | ​trademark dilution. | |

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| ​Sound Financials Corporation sends daily e-mail ads to its previous customers and those who have opted to receive the notices.Instable Investments, Inc., sends e-mail ads to any e-mail address that Instable can find on the Web or otherwise generate. |

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| 37. Refer to Fact Pattern 7-1. In those states with antispam laws, federal law   |  |  |  | | --- | --- | --- | |  | a. | prohibits or regulates the use of spam. | |  | b. | requires the use of spam by business entities. | |  | c. | bans the use of spam altogether. | |  | d. | preempts the application of state law to commercial e-mail with certain exceptions. | |

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| 38. Refer to Fact Pattern 7-1. One of the advertisers—either Sound Financials or Instable Investments—is acting within the bounds of federal law. Federal law permits the sending of   |  |  |  | | --- | --- | --- | |  | a. | unsolicited commercial e-mail. | |  | b. | solicited commercial e-mail only. | |  | c. | commercial e-mail to randomly generated addresses. | |  | d. | commercial e-mail to addresses “harvested” from Web sites through the use of specialized software. | |

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| 39. Refer to Fact Pattern 7-1. Sound Financials and Instable Investments are subject to the laws of the states in which they are located and do business. Thirty-seven states   |  |  |  | | --- | --- | --- | |  | a. | prohibit or regulates the use of spam.prohibit or regulates the use of spam. | |  | b. | require the use of spam by business entities. | |  | c. | ban the use of spam altogether. | |  | d. | preempt the application of state law to commercial e-mail. | |

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| 40. Refer to Fact Pattern 7-1. Sound Financials and Instable Investments are subject to the laws of the states in which they are located and do business. Thirty-seven states   |  |  |  | | --- | --- | --- | |  | a. | prohibit or regulates the use of spam.prohibit or regulates the use of spam. | |  | b. | require the use of spam by business entities. | |  | c. | ban the use of spam altogether. | |  | d. | preempt the application of state law to commercial e-mail. | |

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| 41. To protect domain name rights from would-be cybersquatters and typosquatters, AgriBusiness Inc. and other large corporations may have to   |  |  |  | | --- | --- | --- | |  | a. | register thousands of domain names across the globe. | |  | b. | pay the owners of Web sites with identical or confusingly similar domain names for the number of unique visits, or hits, to the sites. | |  | c. | change their domain names to avoid identical or confusingly similar domain names. | |  | d. | change their trademarks to avoid identical or confusingly similar domain names. | |

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| 42. Without authorization, Brady uses the trademark of Ciera Coffee Company to promote cheap, flavorless candy, which is not similar to Ciera’s products but diminishes the quality of the coffee company’s mark. This is   |  |  |  | | --- | --- | --- | |  | a. | cybersquatting. | |  | b. | typosquatting. | |  | c. | trademark infringement. | |  | d. | trademark dilution. | |

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| 43. Far & Wide Corporation uses the trademark of Google Inc. in a meta tag without Google’s permission. This is   |  |  |  | | --- | --- | --- | |  | a. | cybersquatting. | |  | b. | typosquatting. | |  | c. | trademark infringement. | |  | d. | trademark dilution. | |

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| 44. Riley obtains permission from Saga Company to use the firm’s game app on Riley’s smartphone, tablet, and other mobile device. But Riley does not obtain ownership rights in the app. This is   |  |  |  | | --- | --- | --- | |  | a. | a license. | |  | b. | a cookie. | |  | c. | cloud computing. | |  | d. | a violation of the law. | |

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| 45. ConnectWeb, Inc., operates a subscription-based service that extends the software and storage capabilities of its subscribers. This is   |  |  |  | | --- | --- | --- | |  | a. | dilution. | |  | b. | peer-to-peer (P2P) networking. | |  | c. | cloud computing. | |  | d. | a distributed network. | |

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| ​CallTalk Corporation, a smartphone and phone-time seller, chooses to use and register “calltalk” as its domain name. Later, CallTalk’s less successful competitor, CellTalk Company, chooses to use and register “caltalk” (an intentional misspelling of “calltalk”) as its domain name. Still later, Call&Talk, Inc., uses the domain name “callltalk” (also a deliberate misspelling of “calltalk”) without CallTalk’s authorization, to sell pornographic phone conversations. |

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| 46. Refer to Fact Pattern 7-2. CallTalk wants to sue Call&Talk for its unauthorized use of the domain name “callltalk” on a theory of trademark dilution. This claim requires proof that   |  |  |  | | --- | --- | --- | |  | a. | none of the choices. | |  | b. | consumers are likely to be confused by the names. | |  | c. | the products involved are similar. | |  | d. | CallTalk ahs registered all variations of the name “calltalk.” | |

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| 47. Refer to Fact Pattern 7-2. By using a domain name similar to CallTalk’s, CellTalk is most likely   |  |  |  | | --- | --- | --- | |  | a. | diminishing the quality of CallTalk’s mark. | |  | b. | making a fair use of CallTalk’s mark. | |  | c. | licensing the use of CallTalk’s mark to itself. | |  | d. | engaging in smart competitive conduct. | |

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| 48. Refer to Fact Pattern 7-2. Call&Talk’s use of the domain name “callltalk,” without CallTalk’s authorization, to sell pornographic phone conversations, is   |  |  |  | | --- | --- | --- | |  | a. | a legitimate marketing technique. | |  | b. | a fair use. | |  | c. | a license. | |  | d. | trademark dilution. | |

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| 49. BeFriends Corporation uses the trademark of Community Life Inc., a social media site, as a meta tag without Community Life’s permission. This may be permissible   |  |  |  | | --- | --- | --- | |  | a. | if the appropriating site has nothing to do with the meta tag. | |  | b. | if the two sites appear in the same search engine results. | |  | c. | if the use constitutes trademark infringement. | |  | d. | under no circumstances. | |

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| 50. BurgerBoy Restaurant Corporation allows its trademark to be used as part of a domain name for BurgerBoyNY, Inc., an unaffiliated company. BurgerBoyNYdoes not obtain ownership rights in the mark. This is   |  |  |  | | --- | --- | --- | |  | a. | trademark infringement. | |  | b. | fair use. | |  | c. | a license. | |  | d. | trademark dilution. | |

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| 51. To test computer security and conduct encryption research, Tech SolutionsInc. circumvents the encryption software and other technological antipiracy protection of United Business Corporation’s software. Under the Digital Millennium Copyright Act, this is   |  |  |  | | --- | --- | --- | |  | a. | a violation of copyright law. | |  | b. | prohibited but not a violation of copyright law. | |  | c. | a “fair use” exception to the provisions of the act. | |  | d. | permitted for reconsideration every three years*.* | |

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| 52. Dana downloads music into her computer’s random access memory, or RAM, without authorization. This is   |  |  |  | | --- | --- | --- | |  | a. | copyright infringement. | |  | b. | within Dana’s rights as a computer user. | |  | c. | a basis of liability for the computer maker if it does not act against Dana. | |  | d. | none of the choices. | |

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| 53. Because of the loss of significant amounts of revenue as a result of unauthorized digital downloads, file-sharing has created problems for   |  |  |  | | --- | --- | --- | |  | a. | the motion picture industry. | |  | b. | recording artists and their labels. | |  | c. | the companies that distribute file-sharing software. | |  | d. | all of the choices. | |

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| 54. InfoFree Inc. makes and sells devices and services for the circumvention of encryption software and other technological antipiracy protection. Under the Digital Millennium Copyright Act, this is   |  |  |  | | --- | --- | --- | |  | a. | a violation of copyright law. | |  | b. | prohibited but not a violation of copyright law. | |  | c. | a “fair use” exception to the provisions of the act. | |  | d. | permitted for reconsideration every three years*.* | |

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| 55. Stefano transfers copyrighted music recordings, without the copyright owners’ authorization, to his friends. This is   |  |  |  | | --- | --- | --- | |  | a. | copyright infringement. | |  | b. | a license. | |  | c. | trademark infringement. | |  | d. | none of the choices. | |

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| 56. Stig includes in his song “Sneaky” a few seconds of Wily’s copyrighted sound recording “Wits” without permission. Some federal courts have found that such digital sampling is   |  |  |  | | --- | --- | --- | |  | a. | a violation of copyright law. | |  | b. | a “fair use” exception to the provisions of the act. | |  | c. | not a “fair use” exception to the provisions of the act. | |  | d. | all of the choices*.* | |

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| 57. OntheWeb Company is an Internet service provider. OntheWeb’s customer Phoebe commits copyright infringement. OntheWeb is *not* liable for Phoebe’s activity   |  |  |  | | --- | --- | --- | |  | a. | unless OntheWeb is aware of Phoebe’s violation. | |  | b. | unless OntheWeb is *not* aware of Phoebe’s violation. | |  | c. | unless OntheWeb shuts down Phoebe after learning of the violation. | |  | d. | under any circumstances. | |

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| 58. Eve and other users of Facebook and other social networking sites post trademarked images and copyrighted materials on these sites without permission. This is   |  |  |  | | --- | --- | --- | |  | a. | a violation of the intellectual property rights of the owners of the images and materials. | |  | b. | within the rights of the users of social networks. | |  | c. | a subject for dispute resolution by the providers of the social networks. | |  | d. | a “business-extension exception” under the Electronic Communications Privacy Act. | |

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| 59. The employees of The Car Company share company-related resources among multiple computers without requiring a central network server. This is   |  |  |  | | --- | --- | --- | |  | a. | ​digital sampling. | |  | b. | cybersquatting. | |  | c. | cloud computing. | |  | d. | peer-to-peer (P2P) networking. | |

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| 60. Employees, clients, and others with authorization use World Transport Corporation’s network around the globe to share computer files. This is   |  |  |  | | --- | --- | --- | |  | a. | an invasion of privacy.​ | |  | b. | trademark and copyright infringement. | |  | c. | digital sampling. | |  | d. | a distributed network. | |

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| 61. Employees of Bodegas & Bistros Inc. (2B) maintain a password-protected social media page to “vent about work.” When 2B learns of the page, the company intimidates the network that operates the page into revealing the password, and after reviewing the posts, fires the participants. Most likely, this is   |  |  |  | | --- | --- | --- | |  | a. | a violation of the Stored Communications Act. | |  | b. | within 2B’s rights as an employer. | |  | c. | a subject for dispute resolution by the communications providers that the employees’ page uses. | |  | d. | a “business-extension exception” under the Electronic Communications Privacy Act. | |

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| 62. Justin’s posts on Facebook provide information that establishes his intent and what he knew at a particular time, indicating potential liability. For this and other reasons, social media posts are often   |  |  |  | | --- | --- | --- | |  | a. | included in discovery in litigation. | |  | b. | used by law enforcement to detect and prosecute criminals. | |  | c. | used by federal regulators in investigations into illegal activities. | |  | d. | all of the choices. | |

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| 63. Oversight Corporation monitors employees’ electronic communications made in the ordinary course of business. This is   |  |  |  | | --- | --- | --- | |  | a. | a violation of the rights of Oversight’s employee. | |  | b. | within Oversight’s rights as an employer. | |  | c. | a subject for dispute resolution by the communications providers that Oversight uses. | |  | d. | a “business-extension exception” under the Electronic Communications Privacy Act. | |

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| 64. Keisha is an employee of Leeway Corporation. She uses social media in a way that violates her employer’s stated social media policies. Leeway first disciplinesits employee and then, after a second transgression, fires her. This is   |  |  |  | | --- | --- | --- | |  | a. | a violation of Keisha’s rights as an employee.**​** | |  | b. | within Leeway’s rights as an employer. | |  | c. | a subject for dispute resolution by the social media that Keisha used. | |  | d. | a “business-extension exception” under the Electronic Communications Privacy Act. | |

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| 65. Omni Corporation provides cell phones, laptops, and tablets for its employees to use “in the ordinary course of its business.” Omni intercepts the employees’ business communications made on these devices. This is   |  |  |  | | --- | --- | --- | |  | a. | a violation of the rights of Omni’s employees. | |  | b. | a matter for which Omni must obtain its employees’ consent. | |  | c. | a subject for dispute resolution by the communications providers that Omni uses. | |  | d. | excluded from the coverage of the Electronic Communications Privacy Act. | |

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| 66. Sales & Revenue, Inc., discovers that defamatory statements about its policies and products are being posted in an online forum. TransWeb Inc., the Internet service provider whose users are posting the messages, refuses to disclose the identity of the person or persons responsible. Sales & Revenuefiles a suit against the anonymous users. The plaintiff can obtain from TransWeb the identity of the persons responsible for the defamatory messages by   |  |  |  | | --- | --- | --- | |  | a. | using the authority of the court. | |  | b. | gaining unauthorized access to TransWeb’s servers. | |  | c. | deceiving TransWeb into revealing the posters’ identities. | |  | d. | no legal or illegal means. | |

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| 67. Mobile Device Company (MDC) discovers that defamatory statements about its policies and products are being posted in an online forum. NuView Inc., the Internet service provider whose users are posting the messages, refuses to disclose the identity of the person or persons responsible. MDC should   |  |  |  | | --- | --- | --- | |  | a. | seek to use the authority of the court to obtain the identity from NuView. | |  | b. | bring a suit against NuView for publishing the statements. | |  | c. | counter the statements with its own posts. | |  | d. | post defamatory statements about NuView. | |

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| 68. Copious Bounty, LLC, and other companies operate social media Web sites, issue apps for mobile devices, obtain ad revenue from search engines, and sell directly to consumers from other sites. The privacy rights of the users of these products are frequently defined, not by the courts or legislatures, but by   |  |  |  | | --- | --- | --- | |  | a. | the companies that own the sites and the apps. | |  | b. | retailers who have had to change their procedures to compete. | |  | c. | spammers, cybersquatters, and typosquatters. | |  | d. | Internet service providers. | |

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| 69. Global Reach Corporation uses invisible files created on the computers, smartphones, and other mobile devices of visitors to its Web sites to track the users’ browsing activities. These files are   |  |  |  | | --- | --- | --- | |  | a. | licenses. | |  | b. | cookies. | |  | c. | cloud computing. | |  | d. | a violation of the law. | |

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| 70. Interactive Entertainment Corporation markets its products online. Through the use of cookies, Interactive Entertainment and other online marketers can   |  |  |  | | --- | --- | --- | |  | a. | track individuals’ Web browsing activities. | |  | b. | gain access to competitors’ servers. | |  | c. | “sweet talk” consumers into buying certain products. | |  | d. | attack competitors’ Web sites. | |

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| 71. “Dawn” is a song included in the sound track of “eDay,” a movie produced and distributed by FasTrac Corporation. The song features a digital sampling of a few seconds of the guitar solo of one of George Harrison’s copyrighted sound recordings without permission. Does this digital sampling constitute copyright infringement on the part of FasTrac? Explain.​ |

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| 72. Sonya and other employees of TransGlobal Inc. maintain a password-protected social media page on which they post comments on work-related issues. The posts range from positive to negative, supporting the page’s purpose to “vent about work.” When TransGlobal learns of the page, the company intimidates Sonya into revealing the password,and after reviewing the posts, fires her and the other participants. Which federal law discussed in this chapter most likely applies to this situation? Has this law been violated? Discuss. |

**Answer Key**

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| 1. True |

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| 2. False |

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| 3. False |

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| 71. Yes, the digital sampling described in this question most likely would be held to constitute copyright infringement.To transfer materially digitally, online or otherwise, it must be “copied.” So, generally, whenever a party downloads music or other software into a computer’s random access memory, or RAM, without authorization, a copyright is infringed. In other words, technology has vastly increased the potential for copyright infringement. Thus, digitally sampling a copyrighted sound recording of any length constitutes copyright infringement.  In this question, a few seconds of the guitar solo of one of George Harrison’s copyrighted sound recordings has been digitally sampled without permission in “Dawn.” This song is then included in the film “eDay,” which is produced and distributed by FasTrac. The sampling involved “copying” the solo digitally into a computer. This constitutes copyright infringement.  ​ |

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| 72. The federal law discussed in this chapter that most likely applies to the situation described in this question is the Stored Communications Act (SCA), which is part of the Electronic Communications Privacy Act (ECPA).And the SCA appears to have been violated here.  The SCA prohibits intentional and unauthorized access to stored electronic communications and sets forth criminal and civil sanctions for violators. A person can violate the SCA by intentionally accessing a stored electronic communication. The SCA also prevents “providers” of communication services, such as cell phone companies and social media networks, from divulging private communications to certain entities and individuals.  In this question, the employees of TransGlobal maintain a password-protected social media page on which they post comments on work-related issues. The company gains access by intimidating one of the employees, and after reviewing the posts, fires all of the participating employees. This appears to be a violation of the SCA because the company’s access was intentional and unauthorized—intimidation does not constitute authorization.  As a result, the employees should be allowed to retain their social media page, be reinstated to their jobs, be given back pay, and possibly obtain compensatory and other damages. |