

CPSC 457/557 // Exam 1 // October 13, 2011

Answer all of the questions. Please remember to write your name, the course number, and today's date on all blue books that you submit.

This is a closed-book exam; please do not refer to any books or notes, and please do not talk to any of the other students.

Question 1 (20 points)

- (a) (5 points) Recall that US copyright law grants to the copyright owner the exclusive right to make copies of the work. Why is this basic tenet of US copyright law more problematic in the context of digital works than in the context of analog works?
- (b) (5 points) Recall that, in US copyright law, Fair Use is not a right but rather a defense against a charge of infringement. Why is this fact more problematic in the context of digital works and Digital Rights Management (DRM) systems than in the context of analog works?
- (c) (5 points) What is the First Sale Rule of US copyright law, what social purpose does it serve, and why does it not apply naturally and straightforwardly to digital works such as MP3 files and e-books?
- (d) (5 points) Recall that the Digital Millennium Copyright Act (DMCA) generally prohibits distribution of circumvention tools but makes some exceptions to this prohibition. Give an example of such an exception, and briefly explain why this exception is hard to apply and enforce fairly.

Question 2 (10 points)

Are commercial DRM systems designed primarily to enforce copyright law and support users who wish to comply with it? If you answered "yes," briefly justify your answer. If you answered "no," whose interests are DRM systems designed to serve, and what are the main inherent conflicts in these design goals?

Question 3 (15 points)

- (a) (3 points) The first international copyright framework to emphasize anti-circumvention was
  - i. The Berne Convention
  - ii. The Agreement on Trade Related aspects of Intellectual Property rights (TRIPS Agreement)
  - iii. The World Intellectual Property Organization (WIPO) Treaties
  - iv. The Anti-Counterfeiting Trade Agreement (ACTA)
- (b) (3 points) Which major piece of legislation embodied the US implementation of this agreement (where "this agreement" means the one you selected in part (a))?
- (c) (9 points) What does ACTA require with respect to anti-circumvention, and why are its requirements potentially problematic?

Question 4 (10 points)

- (a) (5 points) What are First North American Serial Rights (FNASRs)?
- (b) (5 points) How has electronic production and distribution of books challenged authors' ability to protect their FNASRs?

Question 5 (20 points)

- (a) (6 points) How do robots.txt files work, and what sensitive-data problem do they (at least partially) solve?
- (b) (7 points) What does Zittrain mean by *contextualization*? How, in his view, would contextualization help solve the problems caused by proliferation of sensitive data online?
- (c) (7 points) What is Cass Sunstein's proposal for dealing with the proliferation of false or slanderous statements online, and in what way is it modeled on a provision of DMCA?

Question 6 (25 points)

- (a) (5 points) For one point each, what are the five core principles of Fair Information Practice? You need not explain these principles – just name them. If you remember the gist of a principle but have forgotten its name, then provide a one- or two-sentence statement of the gist.
- (b) (10 points) Identify at least two of these five principles that are problematic from the point of view of social networking (in the sense that operators of major social-networking sites may be violating these principles). Briefly state some evidence that social-networking sites violate these principles, and suggest solutions (*i.e.*, ways that the sites could be brought into compliance with these principles and still achieve their social-networking mission).
- (c) (10 points) Identify at least two of these five principles that are problematic from the point of view of academic records (in the sense that educational institutions covered by the Family Educational Rights and Privacy Act [FERPA] may be violating these principles). Briefly state some evidence that educational institutions violate these principles, and suggest solutions (*i.e.*, ways that the institutions could be brought into compliance with these principles and still achieve their educational missions).