



DUBLIN INSTITUTE OF TECHNOLOGY

DT228 BSc. (Honours) Degree in Computer Science

Year 2

**DT282 BSc. (Honours) Degree in Computer Science
(International)**

Year 2

SUMMER EXAMINATIONS 2016/2017

LEGAL AND PROFESSIONAL ISSUES [CMPU2011]

MR. P. BOURKE
DR. DEIRDRE LILLIS
MR. P. COLLINS
MR. KEVIN FOLEY

TUESDAY 16TH MAY

4.00 P.M. - 6.00 P.M.

TWO HOURS

INSTRUCTIONS TO CANDIDATES

Question 1 is **compulsory**.

Answer question 1 **and** two of the remaining three questions.

1. Compulsory question, answer all parts:

- (a) What are the main differences between *common law* and *statute law*? [8 marks]

- (b) The Charter of the BCS states that one of its objectives is to advance “the knowledge of computing”. Give three examples, with brief explanations, of how the BCS achieves this objective. [8 marks]

- (c) How does a *persuasive precedent* differ from a *binding precedent* and in your answer explain their impact on court judgements? [8 marks]

- (d) Briefly describe the scope of each of the following intellectual property rights: Copyright, Patent and Trademark. [8 marks]

- (e) Discuss how the use of cookies on an organisation’s website might potentially infringe the Data Protection Acts. [8 marks]

2. (a) Appelly Ltd., a mobile application developer, has developed a new ‘app’ for business travellers called TravelMate.

Discuss how the different intellectual property protections types might be used to protect Appelly’s commercial value in the ‘app’. [10 marks]

- (b) Appelly Ltd. has decided to use *Open Source Software* components within TravelMate to search the web for suitable hotel deals and plan the route between particular cities. Discuss how this decision affects the intellectual property situation. [10 marks]

- (c) Describe how the scope and characteristics of internet *Domain Names* differs from that of *Trademarks* and explain how this can lead to conflicts. [10 marks]

3. (a) Explain the ways in which an *exclusion clause* can be incorporated into a contract. [10 marks]

- (b) Explain the *parol evidence rule*. [10 marks]

- (c) Timothy gave his red sports car that he owned to Nigel, unaware that he was giving it away forever. Timothy is illiterate, has limited language comprehension, some intellectual impairment and limited business experience. Nigel has been a close friend of the family for many years and Timothy had relied on him for advice, comfort and friendship. When Timothy became aware that he had actually given away his car forever, he tried to recover it back from Nigel.

Do you think Timothy would be successful in getting his car returned? [10 marks]

4. (a) What are the principles which a data controller must comply with under the Data Protection Act 1988 and The Data Protection (Amendment) Act 2003? [10 marks]

- (b) Discuss the *Data Protection* issues and *Legal Implications* in relation to the following scenarios:

- (i) BigBiscuit Ltd. are a large company with many employees. Recently, there have been several complaints from staff that money and personal items have gone missing from staff lockers. In response, a hidden CCTV camera was installed by the company in the staff locker room, and images from this camera were used to bring a case for dismissal against Mary, an employee, for gross misconduct. [10 marks]

- (ii) Lisa, is a long standing customer of Lifeboat Insurance Ltd. and has many policies with them. Michael, a former representative of Lifeboat Insurance Ltd. with whom Lisa has previously dealt is now employed by OakLife Insurance Ltd.. Michael visited Lisa recently and asked if she would consider transferring her existing policies to Oaklife Insurance Ltd. Lisa told him that she did not have existing policy documents to hand, however, Michael accessed his laptop and displays all her previous policy details. Lisa was very unhappy that confidential personal data relating to her policies were still available to an ex-employee of her insurer. [10 marks]