



**DUBLIN INSTITUTE OF TECHNOLOGY**

---

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

**Year 2**

---

**SUMMER EXAMINATIONS 2014/2015**

---

**LEGAL & PROFESSIONAL ISSUES [CMPU2011]**

MR. PAUL BOURKE  
DR. DEIRDRE LILLIS  
MR. PAUL COLLINS

**TUESDAY 19<sup>TH</sup> MAY      4.00 P.M. – 6.00 P.M.**

**TWO HOURS**

**QUESTION 1 IS COMPULSORY.**

**ANSWER QUESTION 1 AND TWO OF THE REMAINING THREE QUESTIONS.**

**QUESTION 1 CARRIES 40 MARKS, ALL OTHER QUESTIONS CARRY 30 MARKS EACH.**

## 1. Compulsory question, answer all parts:

- (a) Explain the purpose of *professional bodies* and give FOUR examples of how they can contribute to professional practice within organisations. [ 8marks]
- (b) What is meant by the '*idea/expression dichotomy*' in copyright? [8 marks]
- (c) Explain the meaning of '*ratio decidendi*' and '*obiter dicta*' in relation to the doctrine of binding precedent. [8 marks]
- (d) Explain what is meant an '*invitation to treat*' in contract law. [8 marks]
- (e) In relation to Data Protection legislation, distinguish between '*personal*' and '*sensitive personal*' data. [8 marks]

## 2. (a) The following are legal mechanisms for protecting a company's Intellectual Property (IP). Describe how each of these mechanisms might be used to protect the IP of a software company.

- (i) copyright [7 marks]
- (ii) trade marks [6 marks]
- (iii) patents [7 marks]

- (b) Mobility, a mobile application developer, has developed a new 'app' for business travellers called *TripPlanner*. Mobility has decided to use Open Source Software components within *TripPlanner* to search the web for suitable hotel deals and plan the route between particular cities. Discuss how this may affect the intellectual property situation for Mobility. [10 marks]

3. (a) You have set up your own small e-commerce business and hold the personal details of all the customers who have used your website on a database. You use this data to e-mail your customers regarding up-coming special offers. Recently, someone has gained unauthorised access to your website and has altered the prices displayed and some of the customers' details. Discuss how the Data Protection Acts and the Criminal Damage Act relate to this scenario. **[10 marks]**

- (b) Explain the rules of data protection within Irish legislation. **[10 marks]**

- (c) Define and describe each of the following actors under Data Protection legislation: **[10 marks]**

- Data Subject
- Data Controller
- Data Processor
- Data Protection Commissioner

4. (a) Explain why it is necessary to display terms and conditions of purchase on an e-business website. **[10 marks]**

- (b) What are exemption clauses and how are they incorporated into a contract? In your answer explain how courts determine whether they are effective. **[10 marks]**

- (c) Susan works as a graphic designer. She agreed with Terry, her father, that for a sum of €500 she would prepare a series of promotional posters advertising Terry's business. Susan prepared the posters and they were duly used by Terry. However, he has now refused to pay for them, arguing that because of the close family relationship with Susan their agreement was not contractually binding.

Keith, a local hotelier, has also asked Susan to prepare the artwork for an advertising campaign he is conducting. He agreed a fee of €1,000 for the work. When Susan had completed the work Keith refused to pay the agreed price; he claimed that he could not afford to pay and he told Susan that unless she accepted €200 he would not pay her anything at all. Susan accepted the €200 very reluctantly.

- Outline your advice to Susan in relation to the above scenarios. **[10 marks]**