

Solutions to EEE222 Spring 2009

Q1

- a.
valid examples of expression and idea (e.g. plan for a book – idea, book itself – expression) [2]
expression is protected by copyright [1]
- b.
(i) copying, issuing copies to the public (including rental), making an adaptation [2]
(ii) the code will be copied to memory in order to execute it [1]
a licence authorising this form of copying [1]
- c.
literal copying is directly copying substantial parts
non-literal copying is copying the “look and feel” [2]
a discussion of Abstraction, Filtration, Comparison, relevant to non-literal copying [3]
- d.
(i) breach of law of confidence [1]
discussion of why this is a breach – quality of confidence, etc. [1]
Mr Hughes could sue for an injunction to prevent further use of customer list, or for any damages incurred through its use [2]
(ii) discussion of who owns the copyright – program written using a company computer, and (indirectly) in the course of Mr Davies’s duties – so almost certainly Mr Hughes is owner. [2]
Mr Davies is in breach of copyright [1]
Mr Hughes could sue for an injunction against Mr Davies’s further use of the program [1]

Q2

a.

- (i) According to the Act, from the EC Directive: the objective is ‘... to protect the fundamental rights and freedoms of natural persons, in particular their right to privacy with respect to the processing of personal data’ (exact definition not required) [2]
- (ii) It is implemented by establishing a register of persons holding personal data, which is regulated by the data commissioner (or Information Commissioner as it now is) [1]
- (iii) KitchenCredit must be registered with the Commissioner [1]
It must ensure that DBC Associates has adequate security measures in place [1]
It must comply with the data protection principles (some discussion of these is required) [1]
- (iv) DBC Associates must also be registered with the commissioner [1]
Both DBC Associates and KitchenCredit must indicate that data is being transferred between them [1]
If DBC Associates is holding manual records in such a way that an individual can be readily identified from them – then this manual data must be registered in addition to their computer data [1]
- (v) To know what is being held about him [1]
To know the purpose for which it is being held [1]
To know who it is being disclosed to [1]
To know the logic involved in the automatic credit assessment system [1]
To request to request that the assessment not be carried out purely by automatic means [1]

b.

Any two from: Political Opinions, Sex Life, Racial or Ethnic Origin, Religious Beliefs, Physical/Mental Health, whether he is a member of a trade union [2]
The main distinction in processing sensitive data is that the data subject must have given explicit consent (though exceptions do exist) [1]

c.

Compile and maintain a register of persons who hold personal data [1]
Serve notices to those who contravene the Act [1]
Ensure that requests for information from individuals to persons that hold data about them are honoured [1]

Q3

a.

Any six of:

- **represents** the profession of electrical, electronic, manufacturing and systems engineering and related sciences;
- acts as the **voice of the profession** in matters of public concern and assists Government to make the public aware of technological issues;
- sets standards of **qualifications** for professional electrical, electronics, software, systems and manufacturing engineers;
- **accredits degree courses** in subjects relevant to electrical, electronic, manufacturing and information engineering at universities and colleges around the world;
- **accredits professional development** schemes for engineering graduates;
- **awards** scholarships, grants and prizes;
- issues **regulations** for the safe installation of electrical and electronic equipment and takes a leading part in the formulation of national and international standards;
- provides an extensive range of lectures, **meetings**, conferences, seminars, residential vacation schools and publications;
- sets standards for the **professional conduct** of its members;
- assists Government to make the **public** aware of technological issues;
- offers guidance on **best practice** in professional development;
- operates a **Career Advisory Service** to give advice and assistance to members on various aspects of career development;
- operates a **Learning Resources Service** to provide details of potential professional development activities provided by both the IEE and other organisations;
- operates a computer-assisted information service, **Inspec**, which has the world's largest computerised database in the English language in physics, electrotechnology, computer science and control engineering;
- provides **business** and **technical information** on electrical, electronic, IT and manufacturing subjects

[6]

b.

Any two of (in equivalent words):

- Use a combination of general and specialist engineering knowledge and understanding to optimise an application of existing and emerging technology.
- Apply appropriate theoretical and practical methods to the analysis and solution of engineering problems.
- Provide technical and commercial leadership.
- Demonstrate effective interpersonal skills
- Demonstrate a personal commitment to professional standards, recognising obligations to society, the profession and the environment

[2]

c.

The following rules do not have to be reproduced verbatim, but the spirit of the rules should be made clear in the answer.

- (i)** Members shall accept personal responsibility for all work done by them or under their supervision or direction. Members shall also take all reasonable steps to ensure that persons working under their authority are both suitably equipped and competent to carry out the tasks assigned to them.

Members who are called upon to give an opinion in their professional capacity shall, to the best of their ability, give an opinion that is objective and based upon the best available knowledge and information. [5]

- (ii)** Members shall not, without their employer's consent, accept any payment or benefit in money or moneys worth from any person other than their employer in connection with professional services rendered to their employer. Neither shall they without such consent receive directly or indirectly any such payment or benefit in respect of any article or process used in or for the purpose of the work in respect of which they are employed.

Members shall not recklessly or maliciously injure or attempt to injure, whether directly or indirectly, the professional reputation, prospects or business of any other person. [5]

- (iii)** Members shall take all reasonable steps to maintain and develop their professional competence, and shall encourage persons working under their supervision to do the same. [2]

Q4

a.

Look for hazards [1]

Decide who might be harmed and how [1]

Evaluate risks and decide if more needs to be done. [1]

Record your findings [1]

Review your assessment and revise if necessary [1]

b.

(i) Definitions: Statements that clarify and assist in interpretation of later parts of the contract. [2]

(ii) Assignments: States whether the subject of the contract can be transferred or assigned (sold) to another party. [2]

(iii) Termination: Describes under what circumstance the contract can be terminated by either party, or in the event of a breach. Termination should allow a breaching party an opportunity to make amends. [2]

(iv) Confidentiality: States the supplier's duty not to divulge any confidential information concerning the client's business. [2]

c.

He will only be held responsible in the event of him being negligent in how he goes about designing and testing the circuit. As long as Mr Clarkson considers himself fully qualified in the matter in hand (Rule 5 of the Professional rules of conduct), and he does a competent job taking all reasonable precautions in view of the context of the use of the device (Rule 2 of Professional rules of conduct), he could be said to be doing a professional job and he should not be in danger of being sued for negligence. [3]

d.

The Unfair Contract Terms Act 1977 specifically prohibits exclusion of business liability for death or personal injury. The non-financial part of this clause would be deemed unenforceable and by attempting to limit liability illegally could make Mr Clarkson's position in fact much worse in the event of such an accident. [2]

e.

As an independent consultant, he should consider taking out professional liability insurance. [2]