

## **CIS150: Fundamentals of Information Systems**

### **Spring Semester 2010**

#### **Test 2 - Possible Test Questions**

Below are a number of questions that I am definitely considering for possible use as Essay (or Short Answer) formats on the upcoming Test 2. I plan to select a handful of questions from each of the three sections (Intellectual Property, Consumer Privacy, and Workplace Privacy, the latter of which includes the Impact of IT on Employment presentation material) below. In addition, several of the remaining questions will be adapted as True/False, Multiple Choice, or Multiple Answer formats for inclusion on Test 2. This list should not be misconstrued as all-inclusive, but rather a useful insight.

#### **Intellectual Property**

##### **Question 1**

In class, we discussed how recent technological advances have magnified the threat to owners of Intellectual Property (IP) on the Web. Identify three of these technological advances and explain how each has magnified the threat to IP owners on the Web.

##### **Question 2**

Explain what a peer-to-peer (P2P) network is and how it works. Specifically, explain how it differs from a more typical client-server architecture.

##### **Question 3**

In class, we identified six factors that should be considered when comparing legal protections for Intellectual Property. Use these factors to identify and explain three critical differences between copyright protection and patent protection.

##### **Question 4**

Define what a trade secret is and identify at least three actions that a firm should take to protect it.

##### **Question 5**

- a) Define what a trademark is and explain how trademark laws apply.
- b) Describe one of the significant court cases involving trademark violation, including background, claim, defense, and ruling.

##### **Question 6**

Course textbooks often include short quotations from other people's work at the beginning of many sections. Such quotes are almost always used without explicit permission. List the four factors of the fair use doctrine and use them to explain whether or not this is a fair use of copyrighted material.

##### **Question 7**

A search engine company copies millions of books in a university library, including books in the public domain and books still protected by copyright. It displays segments (e.g., a paragraph), in response to user search requests. List the four factors of the fair use doctrine and use them to explain whether or not this is a fair use of copyrighted material.

**Question 8**

A company sells a digital video recorder that can automatically skip commercials and transmit copies to other people with the same device. The entertainment industry has sued to prevent sale of the device.

- a) Compare and contrast this case to the Sony Betamax case [*Sony v. Universal Studios* (1984)].
- b) Are the differences significant enough that the decision should be different from the decision in the Sony Betamax case? Justify your answer.

**Question 9**

- a) Explain the two of the key anti-circumvention provisions of the Digital Millennium Copyright Act (DMCA), as discussed in class.
- b) Explain what the DMCA says about intermediary (e.g., ISPs and Web search engines) liability for contributory copyright infringement.

**Question 10**

Swap meets are gatherings of people, often at drive-ins and parking lots, where vendors sell baked goods, handicrafts, and other products. In a 1996 case, a swap-meet owner was sued because a vendor sold pirated CDs at the swap meet. The owner was found liable for contributory copyright infringement. Was Napster like a swap meet? Specifically, explain two similarities and three differences between a swap meet and Napster.

**Question 11**

Compare the following statements. Are they equally valid (or invalid)? Is home burglary a good analogy for disabling copy protection? Explain why or why not.

One side effect of the DMCA's anti-circumvention provision is to reduce incentive for the entertainment and publishing industries to develop truly strong protection schemes. The DMCA allows them to use weak schemes then threaten anyone who cracks them with legal action.

One side effect of laws against burglary is to reduce incentive for homeowners to use sturdy locks. The laws allow people to use weak locks then take legal action against anyone who breaks in.

**Question 12**

In the Sony Betamax case [*Sony v. Universal Studios* (1984)] the court addressed two critical issues:

- Is recording a movie for personal use a copyright infringement or fair use?
- Can manufacturers of technologies that enable copyright infringements be liable for contributory copyright infringement?

Identify how the court in the Sony Betamax case ruled on each of these two issues and summarize the reasons why the court ruled as it did on each issue.

**Question 13**

Identify and describe two technical means of protecting copyright of digital Intellectual Property on the Web. Provide examples.

**Question 14**

Describe two types of actions that the entertainment industry has undertaken to protect copyrights on its digital Intellectual Property (IP). For each action, explain how effective you believe the action has been in term of protecting the industry's digital IP.

**Question 15**

Which factor is or will be more important for protection of digital Intellectual Property: stricter copyright laws (and strict enforcement), technology-based protections, or neither? Explain your answer.

**Question 16**

Explain what Open Source Software (OSS) is and identify two benefits according to its supporters.

**Question 17**

- a) Explain why Intellectual Property protection is provided to the creators of innovative works and products.
- b) Many argue that the length of protection (for copyright, especially) is too long. Explain why you agree or disagree.

**Consumer Privacy****Question 18**

Some argue that advances in information technology are creating a panopticon in today's world. That is, we are moving towards the direction where everything we think, say, and do is collected and stored (often times without our knowledge) only to haunt us at a later time. Identify three privacy-invasive technologies and explain how each technology is helping to create a panopticon in today's world.

**Question 19**

Imagine that you have been hired by a company to develop a *privacy policy* for its e-commerce Web site. In class we presented and discussed six elements of the Fair Information Practices that a firm should include in a privacy policy. List three of the six elements of the Fair Information Practices and briefly describe each element.

**Question 20**

Compare and contrast the U.S. approach to protecting consumer and workplace privacy with the European approach to protecting consumer and workplace privacy.

**Question 21**

Explain what the European Data Protection Directive (Directive 95/46/EC) says. That is, explain what specifically the directive protects, what it requires of companies, and how the consumer protections are monitored. In your answer you should highlight at least four critical elements of the directive.

**Question 22**

Europeans view privacy as “data protection” and as a “basic human right”. As a result, in 1995, the European Union (EU) developed the Data Protection Directive (Directive 95/46/EC) which set forth Fair Information Principles that EU members must implement in their own laws. Identify and explain three problems associated with such comprehensive laws.

**Question 23**

One critical element of the Data Protection Directive (Directive 95/46/EC) is the concept of onward transfer - that is, the requirement that European firms cannot give customer information to any firm in any country that does not have the same level of protection as set under the directive. Related to this concept, explain the purpose and the requirements of the Data Protection Directive’s Safe Harbor Program.

**Question 24**

Consider various examples (students, nurses, factory workers) of Smart ID cards and the associated digital records that monitor access to specific locations. Discuss the potential benefits and possible misuses of such information.

**Workplace Privacy****Question 25**

Provide four examples of how Information technology (IT) has adversely impacted jobs in the past.

**Question 26**

- a) List two examples of IT advances that reduced or eliminated jobs in the U.S. Identify specifically what jobs were reduced or eliminated.
- b) List two job categories where the number of jobs increased drastically in the U.S. as a result of computerization and IT.

**Question 27**

Identify whether or not an employer has the right to read employee email. Explain your answer based on the Electronic Communications Privacy Act of 1986 (ECPA) and mention at least one relevant court case.

**Question 28**

Identify and explain three different arguments that favor electronic monitoring of employees by their respective employers.

**Question 29**

Identify and explain three different criticisms of employers who elect to implement electronic means of monitoring its employees.

**Question 30**

Identify and explain three guidelines management should follow when establishing a new electronic monitoring policy in the workplace to help address the criticisms of electronic monitoring.