

GHANA TECHNOLOGY UNIVERSITY COLLEGE



**FACULTY OF INFORMATICS
BIT (LEVEL 100)
END OF SEMESTER EXAMINATIONS, MAY 2015
INFORMATION TECHNOLOGY LAW**

Time Allowed: 2 hours

Total Marks: 70

INSTRUCTIONS:

ANSWER ALL QUESTIONS ON THE ANSWER SHEET.

FILL IN YOUR STUDENT NUMBER, COURSE, LEVEL AND SESSION ON THE FRONT OF THE ANSWER PAPER.

[SECTION A 40MARKS]

CIRCLE THE CORRECT OR WRONG ANSWER IN EACH QUESTION

- 1. ICT has permeated almost every professional, commercial and industrial activity which of this is wrong?**
 - a. Most organizations would find it difficult to function without relying heavily on these technologies.
 - b. As far as the law is concerned, computers and electronic communications networks have been a mixed blessing
 - c. They have become indispensable tools, allowing the use of massive information storage, processing, dissemination, searching and retrieval.
 - d. **ICT has not posed continuously complex social and legal problems.**
- 2. The phrase "Information Technology Law" means?**
 - a. Those parts of law in general which are often relevant to IT activities
 - b. Or which have specially serious implications for IT activities.
 - c. **The speed at which established legal procedures operate to allow police to persecute**
 - d. The law has always needed to adapt to new developments in society and technology
- 3. Some areas of particular importance to computer and IT professionals are all except?**
 - a. Intellectual property (which includes copyright, patents and trade marks)
 - b. **IT Construction contracts**
 - c. Electronic contracts and torts
 - d. Data protection law and professional, social and ethical aspects of ICT

4. Which statement is wrong about why computing students need to know IT law?

- a. Jobs for computing graduates in the 21st century involve using technical knowledge to help a business to flourish.
- b. IT Professionals will not get involve but will just sit back and allow hacking
- c. A crucial factor for successful business is an understanding of the broad legal framework within which business operates
- d. Computing graduates need to be aware in particular of how law impinges on information technology

5. Areas Intellectual Property includes the following except?

- a. Copyright b, Hacking c, Patents d, Trade Marks

6. The following statement are true of IT Law except

- a. One of the central things which students need to understand about law is how unclear it often is
- b. Quite often we shall find that even legal experts cannot say for certain what the legal implications are of some entirely realistic computing-related business scenario.
- c. The law is not often vague and it is not an important part of understanding the ICT
- d. Another way in which law contrasts with standard computing topics is that computing technicalities are the same everywhere, but law varies from country to country.

7. What is Cybercrime?

- a. A crime committed using computers and the internet.
- b. Also referred to as: (Electronic Crime) or e-Crime
- c. It's only a cybercrime if a computer or computers, and the internet play a central role in the crime, and not an incidental one
- d. It's a cybercrime if people and the internet play a central role in the crime

8. In the Categories of Cyber Crimes, Corporate Crime includes all except?

- a. Unauthorized Access, Computer Misused Identity Theft and Information Theft
- b. Drug Trafficking
- c. Intellectual Property Theft
- d. Fraud, DoS, Industrial Espionage and Embezzlement

9. In the Categories of Cyber Crimes, National Crime includes all except?

- a. Child Pornography b, Embezzlement c, Hacking, Fraud d, Computer Misused

10. In the Categories of Cyber Crimes, International Crime includes all except?

- a. Sabotage, b, Cyber Terrorism, c, Identity Theft d, Industrial Espionage and Intellectual Property Theft

11. The three types of threats that can be posed by a malicious attacker includes all except?

- a. **Method**: the skills, knowledge, tools, and other things with which to be able to pull off the attack
- b. **Opportunity**: the time and access to accomplish the attack
- c. **Move**: a reason to want to perform this attack against this system
- d. **Motive**: a reason to want to perform this attack against this system

12. Types of Cybercrime Threats that IT Law issues affect includes?

- a. Internal/Insider Threats
- b. External/Outside Threats

c. Computer threats

d. Types of Network Attacks

13. Types of Network Threats includes all the following except

- a. Interception
- b. Interruption
- c. Moderation**
- d. Fabrication

14. The following are types of Network Attacks except?

- a. Malware - Creating worms such as viruses and Trojans
- b. Computer worms are not malicious software applications designed to spread via computer networks.**
- c. Initiating Denial of Service (DoS) – attacking computer systems over a network, a malicious attempt to render a networked system unusable.
- d. Establishing Unauthorized Remote Access - connections to a device. Such as: Interruption, Interception, Modification and Fabrication

15. More recently, though, patent law has begun to seem more relevant. This is for three reasons:

- a. Copyright protection is proving inadequate
- b. The software industry is changing
- c. Patent law is expanding its scope
- d. Copy right protection is expanding its scope**

16. The following are correct about intellectual property except?

- a. Intellectual property is the name given to legal rights which protect creative works, inventions and commercial goodwill.
- b. Without such protection, there would be little incentive to invest in the development of new products.
- c. There should not be an incentive to invest in the development of new products.**
- d. Designed to provide remedies against those who steal the fruits of another person's ideas or work.

17. The following statement explains what copy right is except?

- a. Originally introduced to define ownership in "literary works", such as novels, poems, or non-fiction books
- b. Extended by analogy to things like musical compositions, films, and so forth.
- c. For corporate-owned works, copyright protection lasts for 65 years after their initial creation.**
- d. Copyright is a statutory grant that protects creators of intellectual property from having their work copied by others for any purpose during the life of the author plus an additional 70 years after the author's death.

18. The types of works protected by copyright includes the following apart?

- a. Literary works (including computer programs, preparatory design material for computer programs and databases)
- b. Dramatic, Musical and Artistic Works
- c. Cars, Vehicles and Planes**
- d. Typographical arrangements of published editions.

19, To be patentable, an invention must have all the following?

- a. Be genuinely new, so far as public knowledge is concerned;
- b. Must be obvious – there must be an “inventive step”;
- c. Be capable of industrial exploitation and application and
- d. It must fall within a class of things which the law explicitly excludes from the scope of patent

20. The following are correct about patent Laws apart from?

- a. Patent includes intellectual matters such as ideas or scientific discoveries, as opposed to industrial processes which exploit ideas or discoveries.
- b. Patents relate to newly-invented machines or industrial processes.
- c. A patent grants the owner an exclusive monopoly on the ideas behind an invention for 20 years.
- d. Most things which are protected directly by copyright law such as a literary work are excluded from patentability

21. The following explains Copyright vs. Patent except?

- a. Copyright is something that the author of a “literary work” acquires automatically in producing the work.
- b. It forbids anyone else to make a copy of the work (for a set number of years into the future) without the right-holder’s permission.
- c. A patent, on the other hand, is acquired automatically by the inventor (or anyone else).
- d. Patent forbids anyone (again, for a set future period) from exploiting the process or mechanism without the patent-holder’s permission

22. Copyright vs. Patent can be look at in the following ways except?

- a. The initial assumption was that software should be protected by copyright rather than patent law.
- b. Copyright law is only about copying.
- c. Copyright law is invoked when people or organizations are convicted of using pirate copies of valuable proprietary software, or of uploading such software
- d. Copyright is providing much defense against subtler ways of misappropriating programmers intellectual output.

23. Copyright Protection is proving inadequate in the following ways except

- a. The trend in software cases has been to interpret copyright as covering little more than character-by-character copying.
- b. Patent law cares whether anything has been copied or not.
- c. If A holds a patent on a mechanism or process X, then B is forbidden to use X (without A’s permission) even if B really did invent X independently.
- d. What matter for patent law, is which of A or B applied to the Patent Office first.

24. The nature of patent law includes all the following

- a. Someone who invents a novel sorting algorithm would never be allowed to patent it as it is an idea rather than an industrial process
- b. On the other hand, a machine which uses the algorithm to sort file cards could well be patentable.
- c. A machine which uses the algorithm to sort file cards should not be patentable.
- d. The Patent law glosses the ideas v. processes distinction by saying that the invention must be “technical”, in the sense that it involves some tangible end product.

25. Copyright goes beyond mere copying and this includes?

- a. Making an adaptation of the work in question
- b. Performing or showing the work in public
- c. Communicating the work to the public
- d. Dealing with patented copies of the work.

26. The Basic Principles of copyright are of the following

- a. The basic rule is that the first owner of a copyright is not the author of the work.
- b. A major exception applies in the case of a work made by an employee in the course of his employment.
- c. The employer will be the first owner of the copyright, unless otherwise agreed.
- d. The Copyright, Designs and Patents Act usually refers to the creator of a work as the 'author' of the work.

27. The following statement are correct except

- a. In many cases, ownership, as distinct from authorship, will not reside initially with an employer.
- b. A rough and ready rule of thumb is that copyright does not protect ideas, merely the expression of an idea.
- c. The copyright lasts for 70 years from the end of the calendar year during which the author dies.
- d. The duration of copyright in films is measured from the end of the calendar year during which the last of a number of persons, including the principal director, involved in the creation of the film, dies.

28. Acts restricted by copyright and only the owner can do or authorize others includes all except?

- a. To use the work;
- b. To issue copies of the work to the public;
- c. To rent or lend the work to the public;
- d. To perform, show or play the work in public;

29. A person infringes the copyright in a work if:

- a. He does not do one of these restricted acts
- b. Authorizes another to do one of the acts
- c. In relation to a substantial part of the work without the permission of the copyright owner
- d. Such a person may be sued by the copyright owner for the infringement.

30. The infringing act may be

- a. Direct (for example, making a photocopy to disk copy) or
- b. Direct (for example, making a disk to disk copy) or
- c. Indirect (for example, making a car model of a car from a photograph)
- d. Indirect (for example, making a clay model of a sculpture from a photograph of the sculpture)

31. To prove copyright infringement by copying, all the following four questions must be answered in the affirmative except

- a. Is the claimant's work protected by copyright?
- b. The claimant has no right to sue as the owner because he has not patented it?
- c. If so, has the defendant copied from the claimant's work?
- d. If so, does that part of the claimant's work copied represent a substantial part of the claimant's work?

32. Patent Procedure includes all the following except

- a. When someone applies for a copyright, an official called a copyright examiner sets out to check whether the requirements are met.
- b. This is not straightforward: the test of novelty (lack of prior art, in patent-law lingo) implies attempting to prove a negative.
- c. Since patent examiners cannot be omniscient, they sometimes make mistakes and issue patents that ought not to be granted.
- d. The grantee's competitors can challenge a patent, for instance as not genuinely new, and if they make their case the patent will be revoked.

33. The Permitted Act includes all the following statement besides?

- a. The Copyright, Designs and Patents Act also contains a large number of exceptions to copyright infringement called the permitted acts.
- b. They are only relevant if the activity complained of would otherwise infringe copyright.
- c. A person lends his paper copy of a novel to his friend to read. This does infringe copyright as lending a book to a friend is a restricted act.
- d. A student who copies a few pages from a journal article for the purposes of his own private study.

34. The concepts of copying under Copyright Law includes all the following except?

- a. Copying in relation to a literary, dramatic, musical or artistic work means, reproducing the work in any material form.
- b. It includes storage in any medium by electronic means: for example, by making a copy of a computer program on a magnetic disk.
- c. Copying includes making copies which are transient or incidental to some other use of the work.
- d. Copyright includes making copies which are transient or incidental to some other use of the work.

35. The Directive on the legal protection of computer programs states that:

- a. The copyright owner has no exclusive right to authorize copies.
- b. Has the permanent or temporary reproduction of a computer program by any means and in any form, in part or in whole.
- c. Insofar as loading, displaying, running, transmission or storage of the computer program necessitate such reproduction, such acts shall be subject to authorization by the rightholder.
- d. Copying in relation to a literary, dramatic, musical or artistic work means, reproducing the work in any material form.

36. The principle known as Exhaustion of Rights includes all the following besides?

- a. Issuing copies of a work to the public is a restricted act and will infringe copyright if done without the permission of the owner of the copyright.
- b. Once a particular copy of a computer program has been issued to the public, for example on a CD-ROM, by or with the consent of the copyright owner, he can no longer use that right to control subsequent dealings with that particular copy, apart from rental and lending to the public.
- c. The principle of exhaustion of rights does apply to works delivered electronically, for example, by online delivery.
- d. The principle of exhaustion of rights does not apply to works delivered electronically, for example, by online delivery.

37. Exhaustion of the right to issue copies to the public would apply where, for example,:

- a. Where a software company has sold copies of its programs on tangible media to one dealer in Ghana and, at a lower price, to another dealer in China.
- b. A third party might be able to buy copies in China and import them into Ghana in order to resell them, undercutting the Ghanaian dealer.
- c. The software company will be able to use its copyright to prevent this.
- d. The software company would not be able to use its copyright to prevent this.

38. Permitted Acts for Computer Programs includes all except?

- a. Decompiling an existing computer program for interoperability
- b. Not Making necessary back-up copies
- c. Copying and adapting for lawful use including error correction
- d. Observing, studying or testing a computer program to determine the underlying ideas and principles.

39. Copying and adapting for lawful use including error correction involves all besides?

- a. A license agreement may specifically prohibit error correction
- b. Disassembling a computer program in order to correct errors is necessary to the lawful use and there are no express terms prohibiting this, then it can be done without infringing copyright.
- c. Many software companies are willing to allow licensees or third parties to modify their computer programs.
- d. Software companies like to reserve for themselves the ongoing maintenance of the software including error correction.

40. The Copyright, Designs and Patents Act 1988 states all the following except?

- a. Permits a lawful user of a computer program to observe, study or test the functioning of a computer program to determine the underlying ideas and principles will
- b. There is a proviso that in doing so the lawful user may only perform acts of loading, displaying, running, transmitting or storing the program that he is entitled to do.
- c. These provisions reinforce the idea or expression dichotomy in copyright
- d. Ideas are protected, only the expression of ideas is capable of protection.

41. The Act 1988 states all the following regarding employee and course of employment as:

- a. If an employee, whose job description does not extend to writing computer programs, creates a computer program then he will be the first owner of the copyright unless he has already assigned the copyright.

- b. This is so even if he used his employer's computer to write the program and did so during normal working hours.
- c. The only possible exception could be where the employer knew about this and encouraged it.
- d. In these circumstances, it could be argued that the contract of employment was not modified by implied mutual consent.

42. The following statements are correct about terms of a Contract?

- a. When there is a contract, it is important to know precisely what the terms of the contract are.
- b. Where the contract is wholly in writing, things are not necessarily that straightforward and the law may insert additional terms (implied terms) into the contract or strike out some of the terms apparently agreed upon by the parties to the contract.
- c. Contact is a contract and whether the contract is not in writing or is only partly in writing.
- d. A problem can arise where the contract is not in writing or is only partly in writing.

43. The following statements explains correctly terms of a Contract apart from?

- a. Is where a signed note or memorandum indicates that a contract exists but clearly does not contain all the terms on the face of it.
- b. On its own such a note would be unenforceable because it lacks certainty.
- c. In relation to oral contracts and contracts partly in writing, it will be a matter of submitting evidence of the other terms to give the contract sufficient certainty.
- d. To overcome some of these difficulties, the law does not imply terms into the contract.

44. In Software Contracts which of the following is wrong about software acquisition?

- a. Contracts for the acquisition of software alone cannot be sale of goods contracts.
- b. The title to the copyright and other intellectual property rights is not normally transferred and, in any case, computer programs or databases are not 'goods'.
- c. The predominant nature of this contract is not the provision of a service,
- d. As far as paper manuals, optical or magnetic discs and packaging are concerned, we might have a collateral sale of goods contract.

45. The most common method of acquiring computer software is by way of:

- a. A license which is granted by the copyright owner to the person or company acquiring a copy of the software, giving permission to use the software in return for the license fee – the 'price'.
- b. The license may be for a fixed (perhaps renewable) period of time or there may be no mention of duration.
- c. The license has nothing to do with exclusive or non-exclusive
- d. Ownership of copyright could be transferred instead and this form of transaction is called an assignment

46. ICT Fraud impacts on criminal law in the following except?

- a. It facilitates the commission of existing crimes, such as fraud and theft
- b. It has also given birth to a new range of activities such as computer hacking and the development and distribution of computer viruses

- c. ICT fraud often does not make headline news but it is thought that the number of cases of fraud detected and prosecuted is just the tip of the iceberg.
- d. It does not help a bank's image of solid dependability to have employees prosecuted for computer fraud at regular intervals.

47. Elements of ICT Fraud in a criminal law can be looked in the following ways except?

- a. The elements of a particular offence can be broken down and analyzed in terms of the mental element
- b. It can be described by lawyers by the Latin name *mens rea* (roughly equating it to a guilty mind)
- c. It can be described by lawyers as purposive mind known as *Che Sasa* (whatever will be will be)
- d. It can be described as a prohibited acts or omissions, known as the *actus reus* of the offence.

48. Computer Misuse Act 1990, offence of unauthorized access to computer material states that, a person is guilty of an offence if:

- a. (a) he causes a computer to perform any function with intent to secure access to any program or data held in any computer;
- b. (b) the access he intends to secure is unauthorized
- c. (c) knows at the time when he causes the computer to perform the function that that is the case
- d. (d) he ask permission at the time when he causes the computer to perform the function

49. Under Computer Misuse Act 1990, offence of unauthorized access to includes all except:

- a. The *mens rea* of the offence is an intention to secure access to any program or data and concurrent knowledge that the access is unauthorized.
- b. The greatest threat of fraud does not comes from within an organization
- c. The *actus reus* is causing a computer to perform any function and the fact that the intended access is unauthorized.
- d. The Computer as an Unwitting Accomplice is where a computer system might be used to detect information which assists the criminal in the commission of his crime.

50. The Fraud Act 2006 states that a person is guilty of fraud if he is in breach of any of:

- a. Fraud by false representation
- b. Fraud by failing to disclose your name
- c. Fraud by failing to disclose information
- d. Fraud by abuse of position

51. Fraud by false representation occurs where a person dishonestly makes a false representation intending by making the representation:

- a. To make a gain for himself or another
- b. To expose someone or another
- c. To cause loss to another
- d. To expose another to a risk of loss

52. In ICT Fraud as Theft, a section in the Theft Act 1968 states that:

- a. A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it
- b. If a person carries out a fraud which results in that person obtaining property, including money or a bank credit, the offence of theft may have been committed.
- c. Property is deemed to 'belong to another' if that person has control of it or has any proprietary right of interest in it
- d. The 'thief' must not be intended to permanently deprive the other of the property; usually a mere 'borrowing' of an article cannot be equated to an intention to permanently deprive

53. Unauthorized access to computer material is sometimes known colloquially as computer hacking. It may be carried out remotely, such as:

- a. Where a person gains access to computer information from a computer connected to a telecommunications network,
- b. It may be that an employee has authorization to access his employer's programs or computer-held information but uses the programs or information for unauthorized purposes.
- c. By an employee who gains access to programs or information held on his employer's computer for which he does not have the authority to access.
- d. It may be that an employee has authorization to access his employer's programs or computer-held information but uses the programs or information for unauthorized purposes

54. With the Basic Unauthorized Access Offence, Section 1 of the Computer Misuse Act 1990 is aimed directly at:

- a. Hackers who gain access to computer programs or data without any further intention to carry out any other act.
- b. It says that a person is guilty of an offence if he causes a computer to perform any function with intent to secure access to any program or data held in any computer
- c. Criminals who gain access to computer programs or data with legal intent to carry out an act
- d. The access he intends to secure is unauthorized, and he knows at the time when he causes the computer to perform the function that this is the case.

55. With the Basic Unauthorized Access Offence, securing access is widely defined as:

- a. Causing a computer to perform any function with access
- b. Altering or erasing a program or data
- c. Copying or moving it to a different location in the storage medium in which it is held
- d. Using it or having it output from the computer in which it is held

56. Unauthorized access to computer material by employees may result in summary dismissal. The unauthorized access offence includes:

- a. Requires an intention to secure access
- b. Knowledge that the access is authorized
- c. Does not require more than one computer to be used
- d. Does not require access actually to be secured

57. There has been considerable legal wrangling over the issue of whether website owners have an unrestricted right to link into others' sites. Why do organizations and websites aim to control incoming links?

- a. To reside in respectable cyber-neighbourhoods
- b. To prevent visitors bypassing material the site owner wants them to see
- c. To avoid negative publicity
- d. To allow their materials on the web to be misappropriated

SECTION B:

THEORY QUESTION [30 MARKS TOTAL]

ANSWER ANY THREE QUESTIONS FOR 10 MARKS EACH.

1, In Relation to Information Technology Contracts, define TERMS OF THE CONTRACT and with examples, explain the concepts of implicit and explicit terms.

[5MARKS]

B, In relation to Computer Misuse Act 1990, briefly explain with examples the Latin name: *mens rea and actus reus* of the offences.

[5MARKS]

2. In IT Law, the following are areas of particular importance to computer and information technology professionals and an understanding of them will assist them manage well. Briefly explain them:

- Intellectual property
- Computer contracts
- Electronic contracts and Torts
- Computer Misuse Law (Criminal law)
- Data Protection Law
- Professional, social and ethical aspects of information and communications technologies.

[10 Marks]

3. Computer and Cybercrime is on the increase especially in Ghana. It has become important for IT professionals to understand the mindset of ICT criminals. Briefly explain what Cybercrime is?

[5MARKS]

B, with examples, explain the threats posed by malicious attacker in relation to their Method, Opportunity and Motive "MOM"

[5MARKS]

4. Define intellectual property rights and with examples explain the following terms?

- Copyright
- Patents and
- Trade marks
- The law of confidence
- Design rights
- Passing off

[10MARKS]

5. Define the Basic Unauthorized Access Offence under Section 1 of the Computer Misuse Act 1990 and who it is aimed directly at?

[5MARKS]

B, Under the Basic Unauthorized Access Offence Section 1 of the Computer Misuse Act 1990, list what securing access is?

[5MARKS]