# Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# CSE 262: Technology, Ethics, and Global Society

# Fall 2014 Quiz 4 - 09/25

**1. (2 pts)** What are the four factors that should be considered when a court or other arbitrator evaluates if something is fair use?

***½ pt for each Look for things in bold.***

* 1. *the* ***purpose*** *and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes*
  2. *the* ***nature of the copyrighted*** *work*
  3. *the* ***amount and substantiality of the portion used*** *in relation to the copyrighted work as a whole*
  4. *the effect of the use upon* ***the potential market*** *for or value of the copyrighted work or* ***financial impact*** *on the work.*

**2. (1.5 pt)** What did David LaMachia do and what law did he cause to be passed? Explain the purpose of the law.

*½ pt David LaMacchia charged with* ***criminal copyright infringement*** *for allegedly running a computer bulletin board that illegally* ***provided copyrighted software*** *(such as Microsoft Excel and SimCity 2000) for* ***download.***

*½ pt the No Electronic Theft Act (or NET Act). Okay if just said NET Act*

*½ pt Amended U.S. copyright law so that the* ***definition of the term “financial gain” includes receiving copyrighted works for free***

**3. (2 pt)**  List the four main rights that US copyright gives authors

*½ pt each Look for words in bold.*

* + ***reproduce*** *the copyrighted work*
  + *prepare* ***derivative works*** *based upon the copyrighted work*
  + ***distribute copies*** *of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending*
  + ***perform or display*** *the copyrighted work publicly*

**4. (1 pt)** What law was passed in 1998 to deal with modern copy right issues? Explain an important clause of this law.

*½ pt Digital Millennium Copyright Act (DMCA, okay if just put initials).*

*½ pt Anticircumvention clause: “No person shall circumvent a technological measure that effectively controls access to a work protected under this title.”*

**5. (1 pts)** What did NAPSTER develop that caused copyright infringement. Explain one kind of copyright infringement that NAPSTER was charged with.

½ pt peer-to-peer sharing

½ pt for eithr of the following:

**Contributory infringement:** occurs when an infringement committed by another person would not have happened without your help

**Vicarious infringement:** involves an infringement that occurs in an area under your supervision, and when you should have been policing and preventing such acts

**6. (1 pt**) Why is Eric Corley famous?

Give everyone ½ pt on this if they did not answer it correctly since it was late at night and I wrote “Foley” instead of “Corley” But I did say before the quiz that I knew a person named Eric Foley and I was tired and that I meant “Eric Corley”.

½ pt for mentioning **DeCSS program** and

½ pt that it trafficked in circumvention devices and was sent to prison for this. He basically made the DeCSS program downloadable from his website.

**7. (1.5 pts)** Clearly explain the differences between the following tree terms: trade mark, trade dress and brand.

½ pt Trademark: a legally registered word, phrase, symbol, or other item that identifies a particular product, service, or corporation.

½ pt “brand” is also used to describe the product’s identity as a whole, whereas a trademark is one specific element of that identity

½ pt Trade dress: involves the look and feel of a product or its packaging