

CIS150: Fundamentals of Information Systems

Fall Semester 2011

Test 2 - Possible Essay Questions

Listed below are 30 questions that are definitely being considered for use as Essay or perhaps Short Answer format on the upcoming Test 2. A handful of questions from each of the three sections noted below (*Intellectual Property*, *Consumer Privacy*, and *Workplace Privacy*, the latter of which includes the *Impact of IT on Employment* presentation material) will be selected. In addition, many 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 fine study guide for students.

Intellectual Property

Question 1

In class, we discussed how recent technological advances have magnified the threat to the owners of Intellectual Property (IP). Identify three of these technological advances and explain how each has magnified the threat to IP owners with digital material that is made available on the Internet.

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. Name a couple common examples of P2P networks.

Question 3

In class, we identified several factors that should be considered when comparing the 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 an entity 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 a trademark violation, including background, claim, defense, and final ruling by the judge.

Question 6

Course textbooks often include a short quotation from other author's work at the beginning of many chapters. Such quotes are almost always used without explicit permission. List the four factors of the fair use doctrine and indicate whether or not each of them is a fair use of the copyrighted material.

Question 7

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 the original Napster offering like a swap meet? Specifically note two similarities and two differences between how a swap meet operates and Napster.

Question 8

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 9

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

- 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 10

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

Question 11

Compare the following two statements. Are they equally valid (or invalid)? Does home burglary make 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 and then threaten anyone who circumvents them with subsequent 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 at least one example of each.

Question 14

- 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.

Question 15

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 16

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

Question 17

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

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

(Consumer Privacy) Imagine that you have been hired by a company to develop a privacy policy for its e-commerce Web site. In lecture material, we identified several elements of Fair Information Practices that a firm should include in their privacy policy. List three elements of Fair Information Practices and briefly describe each of them.

Question 20

Compare the approach used to protect consumer and workplace privacy in the United States with that of the European Union (EU). Which system do you believe works better? Why or not?

Question 21

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 then explain three problems associated with such legislation.

Question 22

Consider various examples (students, nurses, factory workers) of Smart ID cards and the associated digital records that monitor access to specific locations. Select just one such example and discuss the potential benefits as well as the possible misuse of such information.

Question 23

Describe the intended purpose for each of the following reactive and piecemeal U.S. legislative acts:

- Fair Credit Reporting Act - 1970
- Family Educational Rights and Privacy Act (FERPA) - 1974
- Right to Financial Privacy Act - 1978
- Cable Communications Policy Act - 1984
- Video Privacy Protection Act - 1988
- Driver Privacy Protection Act - 1994
- Children's Online Privacy Protection Act - 1998
- Gramm-Leach-Bliley Act - 1999
- Health Insurance Portability and Accountability Act (HIPAA) - 2001
- Sarbanes-Oxley (SOX) Act - 2002
- Genetic Information Nondiscrimination Act (GINA) - 2008

Question 24

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 requirements of the Directive's "Safe Harbor" Program.

Question 25

Briefly describe radio tomographic imaging (RTI) as well as its potential viable uses and risks as discussed in the *Courier-Journal* newspaper article from October 2009.

Workplace Privacy**Question 26**

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

Question 27

Provide two examples of technological advances that either significantly reduced or eliminated certain types of jobs in the United States. Then provide two examples of job categories where the number of job opportunities in the U.S. increased substantially as a direct result of technological advances.

Question 28

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

Question 29

Identify and explain three different arguments that favor electronic monitoring of employees by their respective employers. Accordingly, identify and explain three of the various criticisms of corporations who have elected to implement some electronic means to monitor their employees in the workplace.

Question 30

Identify and explain three guidelines that management should follow when establishing an electronic monitoring policy in the workplace to help address criticisms associated with electronic monitoring.