

Internet Law- Fall 2010 Exam # _____ Raw Score _____ Final Grade _____

Question I (kimkworlddomination.com) (50 points)

- 1) UDRP – domain name is identical or confusingly similar to trademark (6)____
Respondent has no rights or legitimate interests in the domain name (5)____
Domain name is being used in bad faith (disrupting business?) (5)____
2) Not identical or confusingly similar to TM-K not full last name + world dom (6)____
Legitimate noncommercial fair use of domain name-both noncomm'l and parody(6)____
None of the bad faith factors are present (4)____
3) Dilution/ACPA similar to UDRP but ct may like 1stA/parody defenses more (4)____
Domain name- communicative content + TM; parody-contradictory messages (5)____
4) First Amendmt defense not applicable to UDRP, burdens of proof may differ (3)____
Parody defense specifically available under Trademark Dilution Act (3)____
Miscellaneous _____ (3)____

Question II – Part One (fake profile on meetup.com) (50 points)

- 1) Personal Jur–minimum contacts, arising out of, reasonable, purposeful availmt(4)____
Argue PJ-interactive website, Stone meetup.com users, Stone ads (7)____
Argue no PJ–no ads now, no express aiming, no targeting or \$ from Stone users (7)____
2) § 230–interactive computer service immune for content created by another (5)____
Is meetup a service provider or content provider: creates forms, but info by CC (6)____
Covered claim? Is br of contract liability as publisher?(refusal to remove content)(7)____
3) 1st A-is speech (photo/video) protected speech or unprotected obscenity (6)____
Is 1st A outweighed by privacy interest, ct ordered removal = gov't censorship? (5)____
Miscellaneous _____ (3)____

Question II – Part Two (notice and takedown letters under DMCA) (25 points)

- 1) Response-Must remove expeditiously after AA notice of claimed infringement(5)____
Statute requires notice to subscriber & subscriber can send counter notification (4)____
Who should be notified? CC? AA? Fake profile created by CC, attributed to AA (5)____
2) No-Belief copyright claim invalid–cannot refuse to remove if notice complies (5)____
If receive counter notice must notify copyrt holder that will replace w/in 10 days (3)____
Miscellaneous _____ (3)____

Question II – Part Three (harassment by stalking statute) (25 points)

- Subsection b–Is internet a public place w/in statute? Are picture/video obscene? (5)____
Subsection d-initiate communication w/a person-is person AA? Did CC initiate? (4)____
Is internet included in “by telephone or mail”? (3)____
Subsection g–did CC repeatedly communicate to another by posting content? (4)____
Is content likely to provoke a violent or disorderly response? (3)____
Gen'l rules of stat interp–crim'l stat–rule of lenity, enacted in 1987 (3)____
Miscellaneous _____ (3)____