Cyberspace Law (Law 793) Final Exam
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There are two questions, each worth 50% of the final score. You should allocate your time accordingly.

This is an "open book" exam, so you may use any written material you want. However, during the exam, you may not communicate about the exam or your answer with anyone (orally, electronically or otherwise).

Type your answer. Include page numbers and your 4 digit blind grade ID number on every page of your answer, but do not otherwise include any information that would identify yourself in the answer. At the beginning of each question's answer, tell me the number of words in your answer. I DO NOT INTEND TO GRADE AN ANSWER THAT EXCEEDS THE WORD LIMIT BY EVEN ONE WORD. OMITTING OR INACCURATELY REPORTING A WORD COUNT MAY LEAD TO SIGNIFICANT PENALTIES.

This is a take-home exam. Your answer must be turned into the Faculty Support Office (Bergin 214-A) no later than 4:30 pm Pacific, December 7, 2007 (as measured by the FSO time clock). IF YOUR ANSWER IS LATE, YOU WILL FAIL THE COURSE. **THERE IS NO GRACE PERIOD.** NO EXCUSES!

Some additional thoughts for you:

- All relevant parties are, and all relevant actions take place, in the United States.
- Spend adequate time reading the question and outlining a response.
- Prioritize your discussion. Extensive discussion of irrelevant issues may hurt your score.
- Read each question very carefully. Answer the questions actually asked. Do not answer questions that I did not ask.
- Some potential efficiency techniques:
    - Bullet points, short citation forms and unambiguous abbreviations are OK.
    - Please quote statutes or cases only as necessary to make your point.
    - If any additional information would be useful in your analysis, indicate what information would be helpful (and why it would help) and then state your assumptions in order to proceed with your analysis.
    - While generally your answer should be based on legal principles, you are also welcome to address other perspectives and concerns.
- The word count cap is a maximum, not a target!

GOOD LUCK AND HAPPY HOLIDAYS!

Question #1 (maximum of 1,500 words). On a timed exam, I would set a time limit of 90 minutes.

Critique the legal issues raised by the Ronald McHummer home page (operated by the Environmental Working Group, or EWG) located at http://www.ronaldmchummer.com (the domain auto-redirects to http://www.ewg.org/sites/mchummer//index.php). If you cannot access the home page directly, a PDF is posted in Claranet. In addition to the home page, you are welcome to discuss any other page that begins with the URL http://www.ewg.org/sites/mchummer/, but do not otherwise discuss other aspects of the EWG website. Please discuss everything you think is relevant, but make sure you address any possible liability for the home page's (1) criticism of McDonalds and Hummer, and (2) Sign-O-Matic. Please assume that users cannot submit copyrighted material through the Sign-O-Matic, so do not discuss EWG's potential copyright infringement liability for user-submitted slogans.

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Question #2 (maximum of 1,500 words). On a timed exam, I would set a time limit of 90 minutes.

Your client is Moosh, a consumer-oriented website. Moosh wants to obtain data published on 26 websites (the "Target Websites"). Moosh will not republish this data on its website.

Some of the Target Websites have either restricted Moosh's robots in their robots.txt file or say "Use of this Web site constitutes acceptance of our User Agreement," which hyperlinks to a web page that says "you may not use any automated means to access our website for any purpose." As a result, Moosh has decided not to collect the data from the Target Websites directly.

Vacuum Technologies is a commercial, for-profit archiving service (similar to archive.org) that periodically gathers a complete copy of the web. Because most websites generally do not object to archivers' robots, the Target Websites do not currently exclude Vacuum's robots via robots.txt. Vacuum and Moosh enter into a contract specifying that, at Moosh's request, Vacuum will get a complete new copy of each Target Website and provide that copy to Moosh.

What is Moosh's legal exposure to the Target Websites based on its arrangement with Vacuum? Do not discuss any claims that could be made by plaintiffs other than the Target Websites.

END OF EXAM