

SAMPLE ENTERTAINMENT LAW

MULTIPLE-CHOICE QUESTIONS

Dear Students:

This document contains some sample multiple-choice questions to look at ahead of the exam. These questions have been taken from prior exams or quizzes for Torts and Intellectual Property. The concern subject matter that overlaps with what we studied.

Note that these questions are intended primarily to give you models for how multiple-choice questions will likely be structured on your final. They should not be considered representative of the subject-matter scope of the upcoming exam.

Answers are on the last page (page 6).

Best,

EEJ

Typical Notes and Instructions

1. Assume that today's date is [today's date], unless indicated otherwise.
2. You may write anywhere on the exam materials – e.g., for use as scratch paper. Only answers and material recorded in the proper places, however, will be graded.
3. During the exam: You may not consult with anyone – necessary communications with the professor or proctor being the exception. You may not view, attempt to view, or use information obtained from viewing student answer sheets or from viewing any materials other than your own.
4. After the exam: You may discuss the exam with anyone, except that you may not discuss the exam, at all, with any enrolled member of the class who has not yet taken the exam.
5. All facts take place in the United States, unless otherwise noted. Except where a question (including the responses offered therefor) specifically identifies a real state (e.g., by mentioning "California," "Los Angeles," "New York," "Broadway," etc.), you must answer the questions based on the federal law, prevailing common law, and typical state statutory law in the United States, including all rules, procedures, and cases as presented in class, as well as, where appropriate, the theory and history discussed in class.
6. Each correct answer is worth one point. There is no penalty for incorrect answers.
7. This exam is "closed book." You may not use any materials at all, other than writing instruments and the materials provided as part of the exam.
8. Do not assume any additional facts not presented in the questions.
9. Choose the most correct answer based on the materials assigned and presented in class. Each question has only one most correct answer. For example, where choices (a) through (d) are correct and choice (e) is "All of the above," the last choice (e) would be the most correct answer and the only answer that will be accepted. Where two or more choices are correct, the most correct answer is the answer that refers to each and every one of the correct choices.
10. All exam materials, including this booklet, any scratch paper you use, and your answer sheet, must be turned in at the conclusion of the period for taking this exam.
11. Subsequent to the exam's administration, in the sole discretion of the instructor, if error or irregularity is discovered, any affected question may be thrown out, or alternative answers may be given credit.

NOTE THE FOLLOWING FACTS FOR QUESTION 2:

Wyatt never signed up for the Hexetron Tool-of-the-Month Club. But that didn't stop Hexetron from signing Wyatt up. The company sent Wyatt a set of hex wrenches via the U.S. Mail, along with a bill for \$25 and a letter welcoming him as a member. Wyatt called up Hexetron, explained that he never ordered the tools or enrolled in the club. He also explained that under 39 U.S.C. § 3009(b), he had the right to keep the merchandise without paying for it. (He's correct on that law, by the way.) The Hexetron representative on the phone agreed, and told Wyatt to go ahead and keep the hex wrenches. She assured Wyatt that the Hexetron database would be revised to reflect that Wyatt owed nothing and that he was not an enrolled member of the Hexetron Tool-of-the-Month Club. ...

[Later,] Wyatt received a bill from Hexetron Debt Collection Services for \$25 in past due amounts for tools, \$563 in interest charges and late fees, plus a \$300 early-termination fee for canceling membership in the Tool-of-the-Month Club before one year. The next day, Wyatt sent Hexetron a letter patiently explaining the error. The following week, he heard a loud knock on the door. He opened the door to find Hannah, a debt collector for Hexetron, dressed in a bright yellow radiation suit. Hannah raised an electronic bullhorn to her mouth and announced, "Wyatt is a deadbeat who doesn't pay his bills!" ...

2. If Wyatt sues for defamation, will his claim succeed?
- (a) Yes, because the conduct of Hannah and Hexetron was extreme and outrageous.
 - (b) Yes, if Hannah's remarks were overheard by at least one neighbor.
 - (c) No, unless Wyatt can prove special damages stemming from the reputational harm.
 - (d) No, because Wyatt would come to the court with unclean hands.
 - (e) No, because Hexetron has qualified immunity, and the scope of the privilege was not exceeded.



3. Hexetron Systems, Inc. has produced a training film that demonstrates safety procedures when dealing with radioactive materials.

Which of the following regimes offers the best prospects for intellectual-property protection for the film under these facts?

- (a) copyright
- (b) trademark
- (c) patent
- (d) right of publicity
- (e) trade secret

5. The name and a photograph of Wilford X. McStanley, the founder of Hexetron Systems, Inc., was featured in a full-page magazine advertisement for Glen Gàidhlig, a brand of scotch whisky. The ad claims that McStanley drinks Glen Gàidhlig scotch regularly. And, in fact, he does.

Which of the following intellectual-property regimes offers the best prospects for a cause of action brought by McStanley against Glen Gàidhlig?

- (a) copyright
 - (b) trademark
 - (c) patent
 - (d) right of publicity
 - (e) trade secret
10. If a work is written and published today by a natural person under that person's real name, how long will copyright protection last under current federal copyright law?
- (a) 20 years from the date of the application
 - (b) 28 years, plus a renewal term of an additional 28 years, for a total of 56 years
 - (c) the life of the author plus 70 years
 - (d) 295 years
 - (e) potentially forever, if there is continued commercial use

NOTE THE FOLLOWING FOR QUESTION 15:

Greta is a website designer based in North Dakota. She was hired by the California law firm of Luong & Lopez LLP to design a new firm website. After discussing L&L's needs with its managing partner – the one clear command was to not use music or sound effects – Greta designed several mock-ups with various colors and design themes for L&L to consider. Greta overnighted these mock-ups to Luong & Lopez on a CD-ROM. The law firm's partners, after several long and contentious executive-committee meetings, picked their favorite scheme and informed Greta. For 40 days, while the law firm waited anxiously, Greta coded and bug tested. When she was through, she uploaded the new website to the firm's server, and the response was overwhelmingly positive. Everybody loved it. Back when she was hired, and before she began consulting with the managing partner, Greta signed a letter agreement stating that she "agree[d] that all rights in the website will belong exclusively to Luong & Lopez LLP."

Harold is the recruiting coordinator at Luong & Lopez. It's a stressful position. Harold is expected to attract top students to become associates at the firm, despite the fact that not only does L&L pay some of the lowest wages in the market, but L&L also has the highest billable-hour requirements west of the Mississippi. Even worse, partners at L&L are famous for screaming at subordinates. Harold's situation is particularly bad, since his office is right next to the office of the managing partner. She has often screamed at Harold right through the wall. It's a miserable place, but it is Harold's job to make it look alluring to law students. One day, in a flash of genius, Harold realized he could try to attract law students by playing up the "prestige" of a career at L&L. This morning, he drafted a brochure along these lines and, just a few moments ago, he e-mailed it to the managing partner. He's not sure what she'll think – she often reacts badly when Harold does things on his own like this – that is, without acting on specific instructions that she's given him. At this very moment Harold is clutching his lucky bottle cap and taking his ninth antacid tablet of the day.

India is a first-year associate at Luong & Lopez. In her spare time, she has written a book about warm, cuddly kittens. It's called *Let's Think Happy Thoughts*.

15. Note the following:

- I. The website Greta designed and coded.
- II. The brochure Harold drafted.
- III. The book India wrote.

For which of the above numbered items is Luong & Lopez LLP the author under the "work made for hire" provisions of federal copyright law?

- (a) I only
- (b) II only
- (c) III only
- (d) I and II only
- (e) I, II, and III

18. Everstan Amusements, LLC operates a wild-west-themed amusement park called "Buckaroo Gulch." Under which of the following circumstances is Everstan Amusements, LLC ("EA") most likely to not have enforceable trademark rights to the term "Buckaroo Gulch"?
- (a) EA fails to register "Buckaroo Gulch" on either the Primary Register or the Secondary Register.
 - (b) A judge issues a decision finding that "Buckaroo Gulch" is a suggestive term that lacks secondary meaning.
 - (c) EA manufactures souvenir sheriff badges using a variety of designs and logotypes, and there is no consistent type-style or font used for the words "Buckaroo Gulch" on the merchandise.
 - (d) EA licenses a t-shirt manufacturer, T&E Enterprises, to manufacture up to 50,000 t-shirts bearing the name "Buckaroo Gulch" through September 15, 2012 on the condition that "T&E shall manufacture and sell such t-shirts only insofar as the t-shirts are, in the reasonable opinion of T&E, of a high quality, and only insofar as T&E pays EA a five-percent royalty on the wholesale price of all units sold."
 - (e) EA uses different sources for the faux leather material that goes into EA's "Buckaroo Gulch" logo-bearing cowboy vests.

**THIS IS THE END OF THE AMALGAMATED QUESTIONS
ANSWERS ARE ON THE NEXT PAGE**

ANSWERS:

2.	c
3.	a
5.	d
10	c
15	b
18	d