

e-law, written test 'sample'

Type of test:

- On campus Remindo Exam
- Closed book
- essay questions (50% of grade)
- 20 multiple choice questions (50% of grade)

Allowed aids during the test:

- 'e-law legislation selection' as provided via Canvas
 - Digital version will be accessible during Remindo exam
- English dictionary

IMPORTANT – READ CAREFULLY:

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| <ul style="list-style-type: none">• Answer all questions according to <u>EU-law</u> (unless stated differently).• Answer the open questions as <u>succinctly</u> as you can• In case more than one multiple choice answer might be correct, choose the <u>most correct one</u>. |
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Sample essay questions

1. The (ab)use of ICTs challenges fundamental rights and principles of EU law. Mention three fundamental rights or principles and explain (by using an example) why legal protection is necessary to safeguard them.
2. In 1995 European rules were introduced on the processing of personal data. Nevertheless, there were major differences between the privacy rules that were in force among the European Member States. Please explain how this is possible and why most differences disappeared from May 25th, 2018.
3. Article 4 of the WIPO Copyright Treaty states that *“Computer programs are protected as literary works within the meaning of Article 2 of the Berne Convention. Such protection applies to computer programs, whatever may be the mode or form of their expression.”*. Please explain that the meaning of this clause has slightly changed because of the SAS Institute Inc. vs World Programming Ltd case (“C-406/10”).
4. Currently, robots do not have legal personality. Please explain why recognizing robots as ‘legal actors’ might solve some legal problems in (future) daily life.
5. In *Public Relations Consultants v Newspaper Licensing Agency (e.a.) (C-360/13)*, the court decided that the copies on the user’s computer screen and the copies in the internet ‘cache’ of that computer’s hard disk, made by an enduser in the course of viewing a website, may – under ‘certain conditions’ - be made without the authorization of the copyright holders. In which article of which directive / regulation can these ‘certain conditions’ be found?

Sample multiple choice questions

6. Which of the following statements concerning e-lawmaking is correct?
 - I. Traditionalists are cautious to introduce new e-law rules because of the qualitative changes caused by ICT developments
 - II. Renewers claim that new problems demand for new legal solutions
 - a) Only statement 1. is correct.
 - b) Only statement 2. is correct.
 - c) Both statements are correct.
 - d) Both statements are incorrect.

7. Which of the following is an advantage of techno-regulation in comparison with written (traditional) regulation
 - a) Legitimacy
 - b) Cross border application
 - c) Possibility of ex post enforcement
 - d) None of the above

8. In the *Lex informatica*, the framework of 'architecture standards' relates to the framework of 'law' in *Legal regulation*, just like 'configuration' in the *Lex informatica* compares to
 - a) Court expressions
 - b) Contracts
 - c) Courts
 - d) User choice

9. According to Leal (2014), the proposed EU rules on net neutrality
 - a) provide a clear definition of net neutrality
 - b) will increase legal certainty
 - c) confirm that some bits are 'more equal than others'
 - d) may lead to less choice for consumers

10. If a database gains legal database protection under directive 96/9/EC, the holder of such database right shall have
 - a) the non-exclusive right to reproduce substantial parts of a database
 - b) the exclusive right of alteration of the database
 - c) the non-exclusive right to reproduce the whole database
 - d) all rights mentioned above