

Question I (amerypaper.com domain name (DN)-personal jur & trademark) (60 pts)  
Pers Jur –Gen'l-substantial, continuous, systematic CA activities-only 2 CA sales(3) \_\_\_\_\_  
PJ–Specific-long arm, min contacts (purposeful availmt), arise out of, reasonable(4) \_\_\_\_\_  
Argue no PJ–no CA ads/content, no express aimg/targetg CA, only 2 sales, fortuitous(4) \_\_\_\_\_  
No other business w/forum-no business visits-bricks & mortar business in MA---(2) \_\_\_\_\_  
Argue PJ-online sales to CA customers, interactive site, nationwide not local site(4) \_\_\_\_\_  
Effects test-apply to TM-tort outside-reason to know would harm CA? AF hdqter(4) \_\_\_\_\_  
Cause of action-arise out of contacts w/forum & be reasonable------(3) \_\_\_\_\_  
Dilution Act-elements-famous mark-comm'l use in commerce-dilution------(3) \_\_\_\_\_  
Application of elements-famous TM, comm'l use in commerce-to sell products---(4) \_\_\_\_\_  
Dilution-blurring (lost ability to be unique identifier-stat'y factors-similarity, distinctiveness, exclusive use, recognition, intended assoc w/mark, ) or tarnishment (inferior product, harmed by assoc)------(5) \_\_\_\_\_  
ACPA-elemnts- famous, bad faith intent to profit, DN confusingly similar to TM-(3) \_\_\_\_\_  
Confusingly similar?-averypaper.com vs. amerypaper.com----- (4) \_\_\_\_\_  
Bad faith factors-application to facts - intent to divert customers, etc------(4) \_\_\_\_\_  
Good faith factors-legal name, prior use in connection w/offering goods/services-(4) \_\_\_\_\_  
Safe Harbor-(B)(ii) - believed & reasonable grounds to believe use was lawful----(4) \_\_\_\_\_  
No F.A. defense - DN has no expressive content, not parody, satire, etc. -----(2) \_\_\_\_\_  
Miscellaneous \_\_\_\_\_ (3) \_\_\_\_\_

Question II (Section 230-King Chicken v. Chief Chicken) (36 pts)  
Elements-interactive comp service, treated as publisher, info provided by another(3) \_\_\_\_\_  
CC-provider or user of interactive computer service under § 230(f)(2) definition?(4) \_\_\_\_\_  
Is CC also Info Content Provider (f)(3) def-creation or dev in whole or part?------(2) \_\_\_\_\_  
Content Provider-CC args–No because didn't create or edit ads------(4) \_\_\_\_\_  
Content Provider-KC args-Yes had to include slogan, picked winners, CC prop'y(6) \_\_\_\_\_  
Claims Covered by Sec 230–liability as a publisher–product disparagement-libel(4) \_\_\_\_\_  
Intentional Interference w/ advantageous business relationship-publisher?------(6) \_\_\_\_\_  
Trademark claim–intellectual property not covered by Sec 230-excluded by (e)(2)(4) \_\_\_\_\_  
Miscellaneous \_\_\_\_\_ (3) \_\_\_\_\_

Question III (student speech-Send Them Home Club) (48 pts)  
Club Rule –STHC interp – meaning of facility – examples - ejusdem generis------(4) \_\_\_\_\_  
Club Rule–STHC–facilities available for communication while sch in session----(4) \_\_\_\_\_  
Club Rule – School interp –meaning of facility-examples – ejusdem generis------(4) \_\_\_\_\_  
Club Rule–School–facilities available for communication while sch in session---(4) \_\_\_\_\_  
Off Campus/Unrelated to School-political sp – content based– strict scrutiny test(5) \_\_\_\_\_  
Strict Scrutiny Test – STHC - comp'g int, least restrictive alt–apply to facts------(5) \_\_\_\_\_  
Strict Scrutiny Test – School - comp'g int, least restrictive alt–apply to facts------(5) \_\_\_\_\_  
Off Campus/School-Related/Reaches School-Tinker material disruption test------(4) \_\_\_\_\_  
Nexus Test – related to school's pedagogical interests-well-being of students------(2) \_\_\_\_\_  
Sub'l & Mat'l Disrup Test–STHC–apply facts-no names, no impact sch activity--(4) \_\_\_\_\_  
Sub'l & Mat'l Disrup Test–School–apply facts-parents complaints, psych impact-(4) \_\_\_\_\_  
Miscellaneous \_\_\_\_\_ (3) \_\_\_\_\_