

Question I (Tradepost Stores) (75 points)

- 1) ACPA-elements-bad faith intent to profit, domain name(DN)confusingly similar to TM(3)____
intent to profit-no \$ benefit, but profit in public awareness, customer behavior, etc------(2)____
confusingly similar-tradepost vs. tradepostexploits.com-emails, disclaimer, search results(3)____
bad faith factors-application to facts - intent to divert, etc------(3)____
good faith-bona fide noncommercial/fair use (IV), reasonable grounds to believe(B(ii))--(3)____
remedies-forfeiture, cancellation or transfer of DN, damages (in personam action only)---(3)____
F.A. defense - DN has expressive content, rt to criticize def, parody------(3)____
2) pers jur(PJ) in AZ-min contacts w/AZ, claim arises out of and reasonable, PJ in PA---(2)____
personal availment-def has availed herself of benefits of doing business in the forum----(2)____
website-amt of interactivity-passive, active or betw-no comm'l activity, but send posts---(4)____
targeting or express aiming-did pl target def w/in forum, target website to the state------(3)____
effects test applied to TM infrgmt-like intentional tort, harm in AZ, def knew AZ harm--(2)____
in rem jur-only if no PJ (PJ at least in PA), registrar-PA, registry-VA, limited remedies--(3)____
3)UDRP-ICANN registrar, DN confusingly similar, bad faith use, no legit rights to name(3)____
tradepost vs. tradepostexploits, main pt of def's name is pl's, but sufficiently distinct----(3)____
bad faith - 4 factors - used to disrupt Tradepost's business?------(3)____
legit int-3 factors-legit noncommerc'l/fair use of DN (or illegit effort to divert/tarnish)---(3)____
UDRP advantages/disadvantages-cheap, fast, limited remedies(includes transfer),pro TM(3)____
4)pers jur for libel - AZ or PA- Calder effects test for intentional torts like libel------(3)____
intentional actions expressly aimed at forum-publication of libelous statements on web--(2)____
actions outside AZ causes brunt of harm in AZ-AZ corp experiences harm to rep in AZ?(3)____
def. knew pl harmed in AZ-def knows about pl, received posts from AZ ex-employees---(3)____
targeting or express aiming applied to facts-is material on website targeted at AZ------(3)____
5)is website operator protected by sec 230 (not liable as publisher) for posting views of Corp
Assassin (info content provider)?------(4)____
230 immunity for provider or user of interactive computer service- no limiting language-(3)____
Miscellaneous _____ (3)_____

Question II (SNOOPERS) (Social Networking Sites (SNS)) (75 points)

- First Am-not direct speech ban, but will chill use of SNS by under 17 and by adults------(6)____
strict scrutiny test - compelling interst/narrowly tailored (least restrictive means)------(2)____
compelling int-trying to prevent contact by abusers-directly ban such contact (only 13% at most
and less by adults so don't punish all for behavior of few); outlaw cyberbullying------(6)____
narrowly tailored?, less restrictive alts to SNOOPERS - educ campaign, filtering, etc-----(6)____
SNS dont know where members live-if ask, may not be place create/maintain or may lie(6)____
no way to track age, get age verificatn, may not have ID document if over 16 but young(6)____
no reliable/accurate way to get parent's permission & grant parents access to content-----(6)____
overbrd, vague, protected sp, pr restraint, like unblock'g, removal/selection?(not by gov)(3)____
Dormant Commerce-extraterritorial effect-impacts SNS, creators and users outside SE---(6)____
benefit vs. burden-burden on SNS operations vs. benefit in protecting minors------(6)____
risk of inconsistent regs (need for uniform regs)-if each state imposed separate regs on SNS as to
residents or location where user was-several states could regulate single user------(6)____
Section 230-SNOOPERS imposes liability as publisher and is inconsistent w/immunity--(6)____
only age verification, no content restriction, consistent w/purpose of 230 immunity------(6)____
Miscellaneous _____ (4)_____