



The University of the South Pacific
Emalus Campus

Examinations
Semester 2 - 2005

SCHOOL OF LAW

COURSE NAME: Special Topic (Law & the Internet)

COURSE NO: LA 323

TIME ALLOWED: Three (3) Hours

READING TIME: Ten (10) Minutes

NUMBER OF PAGES: Three (3)

NUMBER OF QUESTIONS ON PAPER: Seven (7)

NUMBER OF QUESTIONS TO BE ANSWERED: Four (4)

MARK ALLOCATED FOR EACH QUESTION: Fifteen (15)

TOTAL MARKS: Sixty (60)

MATERIALS PERMITTED IN EXAMINATION ROOM:

This is a closed-book examination. **NO** Materials of any kind will be allowed into the examination hall.

SPECIAL INSTRUCTIONS

All answers are to be supported by relevant regional conventions, statutes and/or judicial authorities where applicable.

1. (a) Discuss five issues that your country need to address in order to introduce appropriate laws relating to electronic commerce. (7.5 marks) AND
(b) Would steps taken in (a) above, require substantial changes to your legal system? Give reasons. (7.5 marks)

2. Speech-Protect is an association of senior citizens in Z country in the region who want the content materials published on the Internet to be closely monitored by the government. As a non-governmental organisation, it has lodged a petition with the Attorney-General and has recently filed a suit in court to compel the government to pass a law prohibiting access by children under the age of 15 to the Internet. You have now been hired by Speech-Protect as legal counsel to present their arguments to the court.
 - (a) Discuss your submissions. (10 marks) AND
 - (b) How would your answer differ from (a) above, if Speech-Protect's argument centred on prohibiting access to children under 15 to pornographic materials on the Internet? (5 marks)

3. Write notes on ALL of the following:
 - (a) Algorithm (3 marks)
 - (b) Wassenaar Agreement (3 marks)
 - (c) Internet Protocol (3 marks)
 - (d) Domain Name (3 marks)
 - (e) Biometric Identification (3 marks)

4. Shop-Line Limited is a major Internet-based selling outfit. It maintains an elaborate website for advertising and processing orders. The server is based in X country while the depot supplying the goods is located in Y country. The Digital Certification Agency maintains a server in Z country. All countries are in the South Pacific. Tax authorities in the three countries have recently discovered that Shop-Line Limited sales are in excess of million dollars. Shop-Line is resisting any attempt to tax its operations arguing that it is an online trading outfit. As a legal officer with the tax department of X country, advise your CEO on the way to proceed. Discuss your advice. (15 marks)
5. (a) Discuss the basic principles upon which conflict of laws in online transactions is to be resolved. (8 marks) AND
(b) Should arbitration or alternative dispute resolution be pursued instead of court litigation? Why? (7 marks)
6. Techno-Soft Company Limited is a designer and supplier of computer programmes. It retails computer programmes online. Innovations Limited has been downloading recording and selling pirated copies of the computer programme on CD. Techno-Soft Company Limited was able to discover this activity with the help of a spy software installed in one of the computers it later sold to Innovations Limited. Advise Techno-Soft Limited on the best way to deal with this matter. (15 marks)
8. (a) Discuss the eight rules of digital data protection. (8 marks) AND
(b) How would you argue that these rules, even in the absence of a specific data protection legislation, can be accommodation in the existing laws of your country? (7 marks)

END OF PAPER