

# The Law (abridged)

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## **The problem: Legal mumbo-jumbo is everywhere.**

I do NOT believe we are legally allowed to rent the movies out to non-residents. We do not benefit from the tax that interphase students pay so they HAVE NOT paid for the movies. Freshmen can be considered as paying since their tax goes into the pool that buys movies each year. Just because they didn't specifically help buy the movies we have should not ban them from seeing them....

People argue that public showings are not an issue and people won't get sued over it. Well MacGregor has already been sued over it, and Simmons is currently in a lawsuit over it. And I wouldn't be surprised if another dorm has gotten sued that I don't know about. So it does happen.

(Next House)

## **Legal mumbo-jumbo (cont.):**

I know you like to cover songs such as “I Will Survive” by Aretha Franklin and Sinatra’s “Strangers in the Night.” How do you feel about the Digital Millennium Copyright Act [which makes it illegal to cover songs by certain artists, such as the Beatles]?

(The Tech)

## **Legal mumbo-jumbo (cont.):**

What is fair use? Fair use is not a law. There's nothing in law.

(Jack Valenti)

## **Legal mumbo-jumbo (cont.):**

I wanted to know up front what license would be used because my employer has told me to not contribute code to GPL'ed projects. The lawyers believe doing so might inadvertently make the company liable for some sort of intellectual property problems.

(My Microsoft friend)

## **Legal mumbo-jumbo (cont.):**

Remember, kids, downloading itself isn't illegal, it's the sharing that people get busted for. I can download to my heart's content without violating a single law or risking becoming part of the Cartel's jihad.

(Alan Wexelblat, Copyfight)

## **Legal mumbo-jumbo (cont.):**

Accordingly, the Framers did not authorize Congress simply to confer patents and copyrights, as they could easily have done, but more precisely “to promote the [p]rogress of [s]cience and useful [a]rts.” This grant incorporates and enforces a specific vision of the sorts of exclusive rights that are permitted: rights limited not only in duration, see U.S. Const. art. I, § 8, cl. 8, but also in scope. These rights are not “property” rights — again, terminology which the Framers knew well and could easily have chosen, and which has powerful natural law antecedents — but limited monopolies to be prescribed by statute.

(46 famous law professors)

## PROGRAMMING

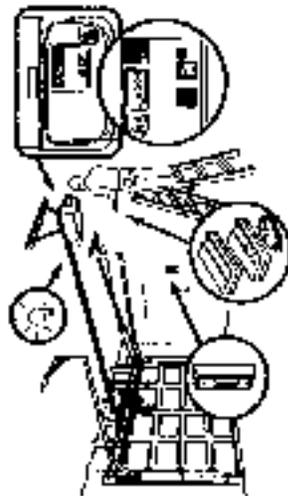
**NOTICE:** If the Security<sup>®</sup> garage door opener is operated with a non-coding code transmitter, the receiver is necessary to the receiver of the garage door opener, which provides security against counterfeit devices, with the exception. The owner of the copyright in the garage door opener does not authorize the purchaser or supplier of the non-coding code transmitter to circumvent the security measures.

If a garage door opener has already been programmed at the factory to operate with your hand-held remote control, the door will open and close when you press the large push button.

Below are instructions for programming your opener to operate with additional Security<sup>®</sup> remote controls.

### To Add or Reprogram a Hand-held Remote Control

#### USING THE "LEARN" BUTTON



1. Press and release the orange "Learn" button on the motor unit. The learn indicator light will glow steadily for 30 seconds.

2. Within 30 seconds press and hold the button on the hand-held remote that you wish to operate your garage door.

3. Release the button when the motor unit light is blue. It has learned the code. Light bulbs are not installed. Two clicks will be heard.



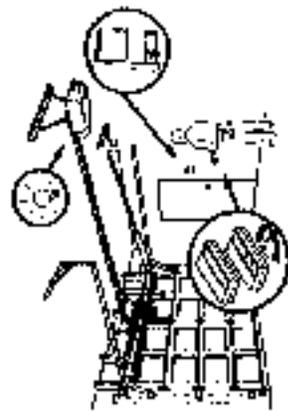
1. Press and hold the button on the hand-held remote that you wish to operate your garage door.

2. While holding the remote button, press and hold the LIGHT button on the Multi-Function Door Control.

3. Continue holding both buttons while you press the button on the Multi-Function Door Control and three beeps are heard.

4. Release buttons when the motor unit lights are on. It has learned the code. If light bulbs are not installed, one click will be heard.

#### USING THE MULTI-FUNCTION DOOR CONTROL



## **Legal mumbo-jumbo (cont.):**

*NOTICE: If this Security+ garage door opener is operated with a non-rolling code transmitter, the technical measure in the receiver of the garage door opener, which provides security against code-theft devices, will be circumvented. The owner of the copyright in the garage door opener does not authorize the purchaser or supplier of the non-rolling code transmitter to circumvent that technical measure.*

## **Legal mumbo-jumbo (cont.):**

[Media-company lawyers] know, too, that your chances of being heard on a small case are extremely unlikely. You must have a \$75,000 minimum claim amount to file, and most freelancers have not done enough work for a single publisher to reach that level. That alone argues for some kind of small-claims court.

(Columbia Journalism Review)

## **Legal mumbo-jumbo (cont.):**

<< URGENT RESEND >>

To Whom It May Concern:

... [I]t has come to our attention that the site <http://scripts.mit.edu/~voodoo/forum/> has breached Wilcom copyright and Intellectual Property (IP) ownership by publishing websites and resources to purchase illegally pirated (cracked) Wilcom software. More particularly, 17 U.S.C. § 1201 et seq., also known as the Digital Millennium Copyright Act (hereinafter "DMCA"), prohibits the circumvention of any technology used to prevent unauthorized access to a copyrighted work...

In compliance with the DMCA, we kindly request that this website be closed immediately, and the owner be suspended hosting any such site in the future

## **House Votes To Expand Hate-Crime Protection**

The House of Representatives voted on Thursday to extend hate-crime protection to people who are victimized because of their sexuality. But the most immediate effect may be to set up another veto showdown between Democrats and President Bush.

By 237 to 180, the House voted to cover crimes spurred by a victim's "gender, sexual orientation, gender identity" or disability under the hate-crime designation, which currently applies to people who are attacked because of their race, religion, color or national origin.

(The New York Times)

The law deserves the same respect you would give Lie algebras and termcap.

You can figure out legal questions!

The law has lots of uncertainty and complexity.

The law is very powerful.

## The body of law

- Bills ⇒ Laws ⇒ *United States Statutes at Large* ⇒ *United States Code*
- Litigation ⇒ Published opinions ⇒ Reporters
- *Federal Register* ⇒ *Code of Federal Regulations*
- State codes, cases, regulations
- Treaties (sometimes have domestic force of law)
- Other countries' laws and courts, United Nations, municipal ordinances
- Law review articles, treatises and legal encyclopedias

**The language of law isn't just citations, but I wish it were**

Communications Decency Act of 1996, S. 652, 104th Cong. tit. V (enacted)

Communications Decency Act of 1996, Pub. L. No. 104-104, tit. V, 110 Stat. 56, 133

Communications Decency Act of 1996 § 509, 47 U.S.C. § 230 (2000)

Reno v. ACLU, 521 U.S. 844 (1997)

Zeran v. Am. Online, Inc., 129 F.3d 327 (4th Cir. 1997)

Zeran v. Am. Online, Inc., 958 F. Supp. 1124 (E.D. Va.), *aff'd*, 129 F.3d 327 (4th Cir. 1997)

Recording Indus. Ass'n of Am. v. Mass. Inst. of Tech., No. 03-MS-265 (D.D.C. filed Aug. 1, 2003)

### **Just give me one good case!**

Has this happened to you? You plunk down a pretty penny for the latest and greatest software, speed back to your computer, tear open the box, shove the CD-ROM into the computer, click on “install” and, after scrolling past a license agreement which would take at least fifteen minutes to read, find yourself staring at the following dialog box: “I agree.” Do you click on the box? You probably do not agree in your heart of hearts, but you click anyway, not about to let some pesky legalese delay the moment for which you’ve been waiting. Is that “clickwrap” license agreement enforceable? Yes, at least in the case described below.

I. Lan Sys., Inc. v. Netscout Serv. Level Corp., 183 F. Supp. 2d 328, 329 (D. Mass. 2002).

## Let's drill down... “intellectual property”

- Copyright
  - Patent
  - Trade secret
  - Trademark
  - Right of publicity
  - Orphan drug
  - Geographic indications of source
- 
- FPGA cores (“IP”)

# DUMP YOUR PEN FRIEND



Are you with us or what?

FREE TEXT VIRGIN TO VIRGIN

Free Text: Free text from mobile to mobile. Text to 43486. ©2008 Virgin Mobile USA. All rights reserved. Virgin Mobile USA is a service mark of Virgin Mobile USA.

AUSHEL

## **The law is powerful**

[D]efendants have adopted, along with the rest of WLF's brief, the argument that plaintiffs have suffered insufficient injury because the more birds that the defendants kill, the more enjoyment Mr. Frew will get from seeing the ones that remain: "bird watchers get more enjoyment spotting a rare bird than they do spotting a common one." See Defs' Supp. Reply, Ex. A (WLF Amicus Brief) at 16-17. Suffice it to say, there is absolutely no support in the law for the view that environmentalists should get enjoyment out of the destruction of natural resources because that destruction makes the remaining resources more scarce and therefore valuable. The Court hopes that the federal government will refrain from making or adopting such frivolous arguments in the future.

Center for Biological Diversity v. Pirie, 191 F. Supp. 2d 161, 173 (D.D.C. 2002), dismissed as moot, No. 02-5163, 2003 U.S. App. LEXIS 1110 (D.C. Cir. Jan. 23, 2003).

## **The law is powerful**

On August 21, 1986, at approximately 1 A.M., Furtado and other police officers arrived at the plaintiff's apartment. The police officers had a warrant to search the apartment (this warrant is not in issue on this appeal) and a warrant to search the plaintiff's vagina for narcotics "to be conducted by a licensed physician at Morton Hospital." The officers knocked on the door and proceeded to force the door open. The plaintiff was in bed with her husband. Furtado entered the bedroom and told the plaintiff that he had a warrant to search her vagina.

Rodrigues v. Furtado, 575 N.E.2d 1124, 1126 (Mass. 1991).

## **The law is powerful**

“Hi, this is David Bossie, president of Citizens United, and I’m calling today to let you know about a new blockbuster movie: *Celsius 41.11*. It’s the answer to all the lies in Michael Moore’s *Fahrenheit 9/11*, as well as exposing John Kerry’s dismal record on the war on terror, and it will be playing in theaters near you starting Friday, October 22. If you care about defending America, if you don’t want the liberals anywhere near our national security, if you were as offended as I was by Michael Moore’s propaganda, then you need to go see *Celsius 41.11*. And I urge you to go see this movie, and take your friends and family with you, before they go to the polls on Election Day. Unlike *Fahrenheit 9/11*, we have the truth on our side, and this movie could change the course of history. For a list of theaters near you, or if you want more information, log on to our Web site, at [www.celsius4111.com](http://www.celsius4111.com). Thanks for listening, and see you at the movies.”

Hello Mr. Boos,

I received a telemarketing call from Citizens United on October 25, promoting the film "Celsius 41.11." I am planning to sue Citizens United in Massachusetts small claims court for violating an FCC regulation prescribed under the Telephone Consumer Protection Act of 1991. Attached is my draft Statement of Small Claim (not yet filed).

I would like to settle this claim out of court, to save us both the trouble of a lawsuit. Frankly, it also seemed uncivil to file a lawsuit without talking first.

Please let me know if you would like to talk this out. I can be reached at:

E-mail: [wdaher@mit.edu](mailto:wdaher@mit.edu) (preferred) Phone: 617-225-7682

Regards, Waseem Daher Student, Massachusetts Institute of Technology

Mr. Daher, Thank you for your e-mail. Citizens United is not interested in your extortion scheme. One wonders if MIT knows that you are using their e-mail for such purposes. In any event, to settle the matter short of litigation, Citizens United's best offer is one crushed peppercorn. If this is acceptable, let me know and I will arrange for delivery. —Michael Boos, Citizens United Vice President & General Counsel

Keith-

Also, think we should go ahead with this? The peppercorn was kind of intimidating :-). We'll talk tomorrow I guess.

- W

**STATEMENT OF SMALL CLAIM AND NOTICE OF TRIAL**

For Court Use Only.  SC 2222/2004

Trial Court of Massachusetts Small Claims Session

BOSTON MUNICIPAL COURT

DISTRICT COURT  
Cambridge

HOUSING COURT

Division

PLAINTIFF'S NAME, ADDRESS, ZIP CODE AND PHONE

**Hassem Daher**

476 Memorial Dr.

Cambridge, MA 02139

617-225-7682

PLAINTIFF'S ATTORNEY (if any)

Name:

Address:

PHONE NO:

DEFENDANT'S NAME, ADDRESS, ZIP CODE AND PHONE

**Citizens United, a Virginia corporation**

1006 Pennsylvania Ave., SE

Washington, DC 20003

PHONE NO:

ADDITIONAL DEFENDANT (if any)

Name:

Address:

PHONE NO: 202-547-5420

**PLAINTIFF'S CLAIM.** The defendant owes \$ 500

plus \$ 30 court costs for the following reasons:

Give the date of the event that is the basis of your claim.  
**SUMMARY OF THE CLAIM:** Defendant Citizens United produced the film "Celsius 41.11" and marketed it by calling Plaintiff on Oct. 25, 2004, and delivering a pre-recorded advertising message. All pre-recorded telephone messages must include a call-back telephone number. 47 C.F.R. sec. 64.1200(b)(2). Defendant did not include any telephone number.

Therefore, Plaintiff is entitled to \$500 in statutory damages by suit in this Court.

47 U.S.C. sec. 227(b)(3)(B).

PLEASE CONSIDER the attached 4-page "STATEMENT OF SMALL CLAIM" as the actual claim, or, in the alternate, as an amendment to the Claim under Uniform Small Claims Rule 5.

SIGNATURE OF PLAINTIFF X *Hassem Daher*

DATE 11/18/2004

MEDIATION: Mediation of this claim may be available prior to trial if both parties agree to discuss the matter with a mediator, or, if the parties mutually agree to terms. The plaintiff must notify the court if mediation is not used.



Commonwealth of Massachusetts  
District Court Department of the Trial Court  
Cambridge Division

Middlesex, ss.

P.O. BOX 338 FORTY THORNDIKE STREET, EAST CAMBRIDGE, MASSACHUSETTS 02141

617/444-4310-11

Plaintiff(s)

WASEEM DAHER

VS.

Defendant(s)

CITIZENS UNITED, A VIRGINIA CORPORATION

CERTIFICATE OF JUDGMENT

Judgment for: Plaintiff/~~Defendant~~: WASEEM DAHER

against ~~Plaintiff~~/Defendant : CITIZENS UNITED, A VIRGINIA CORPORATION

Damages:	\$ 500.00
Interest:	7.40
Costs:	\$ 30.00
<u>Total:</u>	<u>\$537.40</u>

Date of Judgment: 01/13/2005

Date of Judgment entered on the docket: S.C. 2222/2004

Date Execution issued:

Date Execution returned:

\_\_\_ Satisfied

\_\_\_ Unsatisfied

**COPILEVITZ & CANTER, LLC**

ATTORNEYS AT LAW

423 W. 8<sup>TH</sup> STREET, SUITE 400  
KANSAS CITY, MISSOURI 64105  
(816) 472-9000 \* FAX (816) 472-5000  
EMAIL: [braney@cckc-law.com](mailto:braney@cckc-law.com)

February 28, 2005

Waseem Daher  
476 Memorial Drive  
Cambridge, MA 02139

RE: Waseem Daher Lawsuit Docket No. 200452SC002222

Dear Mr. Daher:

I am counsel to the company which placed a prerecorded telephone call to you on behalf of the nonprofit organization. As you may know, nonprofit organizations are permitted to place recorded telephone calls pursuant to the Telephone Consumer Protection Act and FCC Regulations. 47 CFR 64.1200(a).

I regret that your suit was not responded to in a timely fashion and therefore attach payment in full satisfaction of your judgment.

In no way does this letter or payment represent an admission of wrongdoing by my client or any other entity.

Please do not hesitate to contact me if I can be of further assistance.



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# Smith Found Not Guilty Of Aug. Arrest Charges

By Kelley Rivoire  
ASSOCIATE NEWS EDITOR

Aimee L. Smith PhD '02 was found not guilty of the offenses of disorderly conduct and resisting arrest at a trial last week in Cambridge District Court.

Smith was arrested by police Aug. 25 after calling officers “fucking pigs,” asking them if they “knew anything about 1st amendment rights,” and then crossing her arms when told she was being arrested, according to an MIT Police report.

Judge Jonathan Brant ruled that although there was “no question the words used were inappropriate and impolite... the mere uttering of profanity in a public place” was not itself a crime.

## Language alone not a violation

Smith waived her right to a jury trial per advice from her lawyer David Beck, since “there was no way the case was even going to get to a jury... no reasonable jury or judge could have found her guilty,” he said.

Beck cited the 1975 case of *Commonwealth v. a Juvenile*, in which charges of disorderly conduct were dismissed against a inve-

just be speech,” he said.  
Smith said that she disputes the accounts given by police officers,

Trial, Page 11

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# Mystery Hunt Defeat Evil in

By Kelley Rivoire  
ASSOCIATE NEWS EDITOR

Hundreds of people greeted last weekend with no plans for sleeping as the annual Mystery Hunt **Feature** descended on MIT once again.

The hunt began on Friday at noon and continued until Random Hall’s team Physical Plant found the coin, winning the hunt. The concluding ceremony was held on Monday morning. As the winners, Physical Plant will write next year’s Hunt.

## Normalville theme for this year

According to the hunt’s Web site, the theme for this year’s hunt was Normalville, a town celebrating its centennial. Struck by meteorites,